



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)**



ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

08/2013

Section I. Requestor Information				
NAME Silence Dogood LLC				
ADDRESS 211 Franklin Street				
CITY/TOWN Olean		ZIP CODE 14760		
PHONE 716-913-7878	FAX 716-372-6864	E-MAIL jeff.belt@solepoxy.com		
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <u>NYS Department of State's Corporation & Business Entity Database</u>. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</p> <p>-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <u>DER-10: Technical Guidance for Site Investigation and Remediation</u> and New York State Education Law. Documents that are not properly certified will not be approved under the BCP.</p> <p align="right"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>				
NAME OF REQUESTOR'S REPRESENTATIVE Jeff Belt				
ADDRESS 35 Newman Place				
CITY/TOWN Buffalo		ZIP CODE 14210		
PHONE 716-913-7878	FAX 716-372-6864	E-MAIL jeff.belt@solepoxy.com		
NAME OF REQUESTOR'S CONSULTANT Day Environmental, Inc ATTN: Ray Kampff				
ADDRESS 1563 Lyell Avenue				
CITY/TOWN Rochester		ZIP CODE 14052		
PHONE 585-454-0210	FAX 585-454-0825	E-MAIL rkampff@daymail.net		
NAME OF REQUESTOR'S ATTORNEY Phillips Lytle LLP ATTN: Adam Walters, Esq.				
ADDRESS One Canalside, 125 Main Street				
CITY/TOWN Buffalo		ZIP CODE 14203		
PHONE 716-847-8400	FAX 716-852-6100	E-MAIL awalters@phillipslytle.com		
<p>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:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> <input type="checkbox"/> 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. </td> <td style="width:50%; vertical-align: top;"> <input checked="" type="checkbox"/> 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. </td> </tr> </table>			<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> 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.
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Requestor Relationship to Property (check one):				
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____				
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input type="checkbox"/> Yes <input type="checkbox"/> No -Proof of site access must be submitted for non-owners				

Section II. Property Information

Check here if this application is to request significant changes to property set forth in an existing BCA:
 Existing BCP site number: _____

PROPERTY NAME 202 Franklin Street (Property or Site)

ADDRESS/LOCATION 202 Franklin Street CITY/TOWN Olean ZIP CODE 14760

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):
 City of Olean

COUNTY Cattaragus SITE SIZE (ACRES) 5.159

LATITUDE (degrees/minutes/seconds) 42 ° 5 ' + 44.7 " LONGITUDE (degrees/minutes/seconds) 78 ° 26 ' ± 27.5 "

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM:

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address Parcel No. Section No. Block No. Lot No. Acreage

202 Franklin Street, Olean, New York	94	40	1	3	5.159

- Do the property boundaries correspond to tax map metes and bounds? Yes No
 If no, please attach a metes and bounds description of the property.
- Is the required property map attached to the application? (application will not be processed without map) Yes No
- Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No
 For more information please see Empire State Development's [website](#).
 If yes, identify area (name) _____
 Percentage of property in En-zone (check one): 0-49% 50-99% 100%
- Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____ Yes No

5. Property Description Narrative:
 See attached.

6. List of Existing Easements (type here or attach information)

Easement Holder	Description
Columbia Gas of New York	Right of Way

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description
None		

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: *JS* _____

Section III. Current Property Owner/Operator Information		
OWNER'S NAME Silence Dogood LLC		
ADDRESS 211 Franklin Street		
CITY/TOWN Olean		ZIP CODE 14760
PHONE 719-913-7878	FAX 716-372-6864	E-MAIL jeff.belt@solepoxy.com
OPERATOR'S NAME Parking lot operated by: SolEpoxy, Inc.		
ADDRESS 211 Franklin Street		
CITY/TOWN Olean		ZIP CODE 14760
PHONE 716-372-6300	FAX 716-372-6864	E-MAIL jeff.belt@solepoxy.com
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the requestor subject to an existing order relating to contamination at the site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Section V. Property Eligibility Information (Please refer to ECL § 27-1405)		
1. Is the property, or was any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? If yes, please provide: Site # _____ Class # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit type: _____ EPA ID Number: _____ Date permit issued: _____ Permit expiration date: _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide explanation as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Section VI. Project Description		
What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation	<input type="checkbox"/> Remediation
Please attach a description of the project which includes the following components:		
<ul style="list-style-type: none"> • 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

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. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

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

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

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

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- Above Ground Pipeline or Tank
 Lagoons or Ponds
 Underground Pipeline or Tank
 Surface Spill or Discharge
 Routine Industrial Operations
 Dumping or Burial of Wastes
 Septic tank/lateral field
 Adjacent Property
 Drums or Storage Containers
 Seepage Pit or Dry Well
 Foundry Sand
 Electroplating
 Coal Gas Manufacture
 Industrial Accident
 Unknown

Other: _____

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- Coal Gas Manufacturing
 Manufacturing
 Agricultural Co-op
 Dry Cleaner
 Salvage Yard
 Bulk Plant
 Pipeline
 Service Station
 Landfill
 Tannery
 Electroplating
 Unknown

Other: _____

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson 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. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. 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.

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

1. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: Unrestricted Residential Commercial Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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4. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

5. 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"/> Yes <input type="checkbox"/> No
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6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

11. 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

12. Are there floodplains within ½ mile?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.

16. Describe the geography and geology of the site in an attachment.

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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 _____ (title) of _____ (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. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: 11/18/14 Signature:  Print Name: Jeffrey Belt

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, 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.

FOR DEPARTMENT USE ONLY

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

202 Franklin Street
Brownfield Cleanup Program Application Supplement

The following exhibits and supplemental information is attached hereto in support of the 202 Franklin Street (Property or Site) Brownfield Cleanup Program (BCP) Application.

Attachment A	Corporate Entity Information
Attachment B	USGS Quadrangle Map Property Base Map Survey Tax Map
Attachment C	Document Repository Letter
Attachment D	Current Zoning Map
Attachment E	Brownfield Opportunity Area Map
Attachment F	Water Bodies, Flood Plans, and Wetlands Map
Attachment G	Regional Aquifer Map
Attachment H	2012 Annual Drinking Water Quality Report
Attachment I	Resolution of Silence Dogood LLC

The following information supplements specific Sections, as noted:

Section I: Requestor Information

1. Corporation Entity Information included as Attachment A.

Section II: Property Information

Tax Parcels

Address	Parcel No.	Acreage
202 Franklin Street	94.040-1-3	Approximate 5.159 acre portion

See attached tax map, survey and legal description (Attachment B).

Property Description Narrative:

The Property is located at 202 Franklin Street. (Note: The eastern third of the Property is leased to the City of Olean as a baseball diamond and will not be part of the Brownfield Cleanup Program (“BCP”) application.) The remaining two-thirds of the parcel, which encompasses 5.159 acres contains a parking lot and vacant unused land. The parking lot is used by Sol Epoxy Inc. employees. The parcel borders on Franklin Street and the parking lot is accessed by Franklin Street. The vacant portion of the property is covered by field grass-type vegetation and clumps of trees/brush. The Interstate I-86 corridor is located adjacent to the north of the property, and the Southern Tier Railroad Authority railroad right-of-way is located adjacent to the west and northwest of the property.

Section VI: Project Description

- **Purpose and Scope of the Project:** The purpose of this project is to initially complete a Remedial Investigation (RI) to evaluate environmental conditions in sufficient detail to complete a Remedial Alternatives Analysis (RAA) of potential remedial actions (RA) required to allow the future use of the Site for commercial operations (specific uses to be determined). Upon the selection of the preferred remedy by the New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH), and input from the public, appropriate RA will be implemented. The work will be done in accordance with NYSDEC DER-10 guidelines.

As outlined in the RI/RAA Work Plan that was prepared for the Site, the proposed scope of work to complete the RI includes:

- A geophysical survey to identify possible buried structures, vessels, etc.;
- Assessment of active and former utility infrastructure to identify possible preferred contamination pathways;
- Collection and analytical laboratory testing of surface soil samples to characterize the exposed soil/fill;
- Advancement of test pits and soil borings, collection and screening of subsurface soil samples, and analytical laboratory testing of select subsurface soil samples to characterize subsurface conditions;
- Monitoring well installation, development, collection of groundwater samples, and in-situ/analytical laboratory testing to characterize groundwater conditions;
- Physical testing of monitoring wells to determine hydraulic conductivity and groundwater flow patterns;
- Completion of an elevation and location survey of test/sample locations for reporting purposes;
- Collection of subsequent quarterly groundwater samples for in-situ and analytical laboratory testing to assess seasonal variations;
- Data usability summary report (DUSR) preparation for samples tested by an analytical laboratory to validate the samples tested; and
- Preparation of the RI/RAA report describing the studies completed and presenting an evaluation of potential RA.

The scope of work to develop and implement the remedial actions will depend on the findings of the RI.

- **Estimated Project Schedule:** Work will be initiated subsequent to acceptance into the BCP and approval of the final RI/RAA Work Plan by the NYSDEC, and the estimated project schedule is presented below:
 - Begin Remedial Investigation (RI)
Projected start date: March 17, 2014

- Fieldwork and Analytical Laboratory Testing for RI
Projected timeframe:
 - *March 17, 2014 through June 30, 2014*
(through receipt of initial round of groundwater sample results)
 - *August 1, 2014 through September 12, 2014*
(includes sampling and receipt of analytical laboratory results for second quarterly round of groundwater sample results)

- Submit Draft combined RI/RAA Report
Projected submittal date: August 7, 2014

- NYSDEC and NYSDOH Review, Finalization of RI/RAA Report, Remedy Selection and Issuance of a Decision Document by the NYSDEC
Projected date of Decision Document October 16, 2014

- Remedial Action Work Plan (RAWP)
Projected submittal date: December 11, 2014

- Construction/Implementation of Remedy
Projected date of completion: May 29, 2015

- Draft Final Engineering Report (FER) and Create/Record Institutional Controls and Engineering Controls (ICs/ECs)
Projected date of completion: June 30, 2015

- NYSDEC and NYSDOH Review and Finalization of the FER and ICs/ECs
Projected date of completion: September 30, 2015

- Issuance of Certificate of Completion (COC)
Projected date of receipt: October 15, 2015

Section VII: Property's Environmental History

1. Environmental Reports

Copies of a Phase I Environmental Site Assessment (Phase I ESA) report, dated November 1, 2013 prepared in accordance with *ASTM E 1527 Standard Practice for Environmental Site Assessments Phase I Environmental Site Assessment Process*, and a Preliminary Phase II Environmental Site Assessment (Phase II ESA), dated October 17, 2013 are enclosed. A final investigation report has not been prepared.

2. Sampling Data

Copies of analytical laboratory reports are included as Appendix B of the October 17, 2013 Preliminary Phase II ESA.

3. Suspected Contaminants

Refer to the RECs listed in Section 9.1 of the Phase I ESA report dated November 1, 2013. As described in the report, some of the chemicals, hazardous substances and waste products used/generated during the manufacturing operations that were formerly conducted at the Site by United Wood Alcohol Company, Arvey Ware Corporation, and/or Fibre Forming Corporation since at least 1909 through about 1956 included:

- Materials and waste products associated with the manufacture of wood alcohol;
- chemicals and waste products associated with waste paper pulp product manufacturing including paints, enamels and asphalt; and
- petroleum products, coal, and ash associated with power plants/boilers fueling operations at these facilities.

Additional suspected contaminants could be found near the railroad spurs on the Site. Railroad ballast material was observed on a portion of the Site. The railroad ballast may contain elevated concentrations of SVOCs (i.e., PAHs), and potentially other contaminants discharged onto the railroad tracks. The fill materials associated with railroad ballast and/or building debris associated with the structures formerly present on the Site, and previous manufacturing operations may contain elevated concentrations of metals.

Additional suspected contaminants could be related to potential releases of gasoline, No. 2 fuel oil, and/or diesel fuel that may have been used to power former boilers at the Site.

Since historic disposal practices of the above materials are unknown, although not confirmed by testing completed to date, it is possible that soil may also be impacted by other VOCs and SVOCs. Finally, since soil gas has not been evaluated and petroleum impact is present at the Site, impacts to the soil gas are also possible.

The historical use of the adjoining and nearby properties revealed a long history of industrial use of the area. Specifically:

- an oil refinery, which extended to the northeast, north, northwest, west and southwest of the Site, contained numerous oil storage tanks, processing equipment and pipelines;
- other industries, which were located in the vicinity of the Site, and may have used, stored and disposed of hazardous/petroleum products/wastes included: Acme Glass, Seaman Container Manufacturing, Wheeling Corrugating Co, and Empire Mills; and
- the NYSDEC spills database identified four spills at off-site properties, including: four spills were attributed to the historic presence of an oil refinery operated by a predecessor to ExxonMobil, and contamination from these spills has the potential to migrate toward the Site.

4. Suspected sources of contaminants are most likely linked to the historic industrial uses at the Site described in item 3.
5. Past land uses are based on the information identified in the November 1, 2013 Phase I ESA report.

6. Previous Owner/Operators at the Site, as identified in the November 1, 2013 Phase I ESA include:
- a. Owner/Operator from approximately 1909-1915: United Wood Alcohol Company; Current Address and Phone: – Unknown; Relationship to Requestor: None.
 - b. Owner/Operator in the 1920's: Olean Bag Co./Seaman Container Mfg. Corp'n; Current Address and Phone-Unknown: Relationship to Requestor : None.
 - c. Owner/Operator in the 1930's-1940's: Arvey Ware Corporation; Current Address and Phone: – Unknown; Relationship to Requestor: None.
 - d. Owner/Operator in the 1940's-1960's: Fibre Forming Corporation; Current Address and Phone: – Unknown; Relationship to Requestor: None.
 - e. Owner in 1970's through 1990: Hysol Corporation; Current Address and Phone: Unknown; Relationship to Requestor: None
 - f. Owner 1991 through 2006: Dexter Corporation; Dexter Corporation's license with the New York State Division of Corporations was terminated on February 5, 2002. The address given for service is CT Corporation System 111 Eighth Avenue New York, New York 100011; No available telephone number; Relationship to Requestor: None
 - g. Owner 2006 through 2010 Henkel Corporation; Current address and phone: One Henkel Way, Rocky Hill, Connecticut 06067, telephone number not available; Relationship to Requestor: Goodban Belt LLC purchased the Site from Henkel Corporation in 2010
 - h. Owner 2010 through 2013 Goodban Belt LLC; Current Address and Telephone: 35 Newman Place, Buffalo, New York 14210, 716-913-7878; Relationship to Requestor: There is no direct relationship between Goodban Belt LLC and Silence Dogood LLC, other than as seller and buyer. Goodban Belt purchased the property in 2010 for use as a parking lot, for 211 Franklin Street. Goodban Belt LLC is a sole purpose LLC, which is owned by Jeff Belt. Jeff Belt is also the manager of Silence Dogood LLC.
 - i. Current Owner: Silence Dogood LLC; Current Address and Telephone: 211 Franklin Street, Olean, New York, 14760, 716-913-7878. Relationship to Requestor: Silence Dogood LLC is the requestor and it was created to internally facilitate the Brownfield Cleanup Program process. The Phase I and II indicate that Goodban Belt LLC purchased the property well after the potential historic contamination existed and either Goodban Belt LLC or Silence Dogood LLC could apply as a volunteer to the Brownfield Cleanup Program.

Section VIII. Contact List Information

John R. Searles, Cattaraugus County Administrator
303 Court Street
Little Valley, New York 14755

William J. Aiello, Mayor
City of Olean
101 East State Street
P.O. Box 668
Olean, New York 14760

Thomas Barnes, Chairperson
City of Olean Planning Board
101 East State Street
P.O. Box 668
Olean, New York 14760

Olean Times Herald
639 Norton Drive
Olean, New York 14760

Tom Windus, Director of Public Works
101 East State Street
P.O. Box 668
Olean, New York 14760

Adjacent Properties

Southern Tier Railroad Authority
4039 Route 219
Salamanca, New York 14779

Daniel J. Jedrosko
4039 Route 219
Salamanca, New York 14779

Mary I. Neff & Diana Piccioli
1705 Union Street N.
Olean, New York 14760

Quentin & Debra A. Sexton
1623 Union Street N.
Olean, New York 14760

Shawn M. & Sabrina Gibbons
1621 Union Street N.
Olean, New York 14760

Shirley Fries
1619 Union Street N.
Olean, New York 14760

Johnnie A. & Betty Johnston
1617 Union Street N.
Olean, New York 14760

Thomas & Rose Newton
1611 Union Street N.
Olean, New York 14760

Kevin & Kathleen Kimball
1607 Union Street N.
Olean, New York 14760

Emily Giermak
1603 Union Street N.
Olean, New York 14760

Schools and Daycare Facilities

New Life Christian School (located at 102 West Forest Avenue)
P.O. Box 102
Olean, New York 14760
Dwight Coords, School Administrator

St. John's Roman Catholic
Church/Religious Education Facility
921 North Union Street
Olean, New York 14760
Ann Sorokes, Director of Religious Education

Olean Head Start Childcare Facility (located at 210 East Elm St)
Administrative Office Mailing Address:
101 South 19th Street
Olean New York, 14760
Roberta Veno - Administrator

Document Repository

Olean Public Library
134 North 2nd Street
Olean, New York 14760

The document repository letter is Attachment C.

Section IX: Land Use Factors

1. An approximate 1.9-acre portion of the Site is currently developed with an asphalt-paved parking lot that services the adjacent 211 Franklin Street parcel to the south, the remainder is open space/vacant land. The Site is currently zoned for Industrial Use.
2. The Site will be developed for industrial and/or commercial use, post remediation.
3. Current and historical uses support the proposed use. See the current zoning map (Attachment D) and New York State Department of State (NYS DOS) Brownfield Opportunity Area (BOA) Map (Attachment E). The Site is within the City of Olean, Northwest BOA.
4. The proposed use is consistent with applicable zoning laws. See Attachment D.
5. The NYSDOS BOA Community Projects Website states: "*City of Olean, Northwest - Step 2. The City of Olean and the Cattaraugus Empire Zone Corporation will complete a Nomination for a 457-acre area that is located in the northwest portion of the City. The primary community revitalization objectives include fostering economic growth in terms of new business, jobs and an expanded tax base and enhancing a gateway link between the Interstate 86 corridor and the City's central business district.*"
6. There are no known environmental justice concerns.
7. There are no known federal or state land use designations.

8. According to the BOA primary community revitalization objectives, population growth patterns and projection support the proposed use.
9. The Project is accessible to utilities, roads, city services, etc.
10. There are no known cultural resources within ½ mile. Resources checked include: National register of Historical Places; NYS Office of Parks, Rec. & Historic Preservation; Seneca Nation Website; general search for Native American religious sites in Olean NY.
11. Refer to water bodies, floodplain and wetland map from Cattaraugus County GIS website (copy included as an Attachment F). Olean Creek (Urban portion NYSDEC listed as a Class C water body) less than ½ mile to the east. Two Mile Creek/unnamed creek (NYSDEC listed as Class D water body) less than ½ mile to the WNW. No NYSDEC or Federal wetlands within ½ mile of the Site.
12. There are flood plains within ½ mile of the Property. See the water bodies, floodplain and wetland maps from Cattaraugus County GIS website in Attachment F.
13. No Federal or State Institutional Controls identified for the Site in the November 1, 2013 Phase I ESA report.
14. The Site is located in an urban area within the City of Olean. A recreation area (i.e., baseball/softball field) is located adjacent to the east and northeast of the Site. Real property currently used for residential use is located within about 150 feet to the east and 300 feet northeast (i.e., beyond the recreational area) of the Site. A railroad corridor is located adjacent to the west and northwest of the Site. The I-86 interstate corridor is located adjacent to the north of the Site. Industrial properties are located to the adjacent to the south of the Site, and to the west and southwest of the Site, adjacent to the railroad corridor. The nearest commercial area is located within a residential area located southeast of the Site, and commences approximately 800 feet from the southeastern edge of the Site. Agricultural areas are not within the vicinity of the Site.
15. As described in the Attachment G, the Site is located within the area designated by the USGS as a primary water supply aquifer (Olean). One source of potable water for the City of Olean is Olean Creek, and, according to the City of Olean 2012 Annual Drinking Water Quality Report (included in Attachment H) the water intake is located at the River Street water treatment plant, located approximately 2,000 feet to the east of the Site. Based on groundwater flow determined during the 2013 Preliminary Phase II ESA, the treatment plant is located in a hydraulically upgradient position relative to the Site.
16. The Site is located within the river valley of Olean Creek, near the confluence Olean Creek and the Allegheny River. The ground surface across the Site and in the vicinity is relatively flat. However, the edge of the Olean Creek/Allegheny river valley is located approximately 1,500 feet to the northwest of the Site, past which point wooded hills rise to elevations approximately 550 feet above the valley floor. Two mile creek flows toward the southwest along this edge of the valley. Olean Creek is located approximately 2,700 feet to the east of the Site, and flows to the south towards the Allegheny River.

Based on the two test borings advanced on the Site as part of the 2013 Preliminary Phase II ESA, fill material extends from the surface to depths between approximately 0.5 feet, on the eastern portion of the site, to approximately 1 foot, near the western edge of the Site. This fill generally consists of reworked native soil (sand and gravel), and contains some brick. [Note: Test

borings/subsurface explorations have not been completed in the portion of the Site where manufacturing operations were previously conducted. It is likely that the fill is thicker in this portion of the Site, and this fill may contain railroad ballast, construction and demolition debris and potentially waste materials associated with previous manufacturing operations] Native soil beneath the fill consists of varying proportions of fine to coarse sand and gravel (with larger aggregate suspected to be present) to depths of at least 27 feet below ground surface. The uppermost water-bearing unit is within an unconfined sand and gravel layer. The depth to groundwater, from ground surface, is about 18 feet. Groundwater in the uppermost water-bearing unit generally flows toward the east –southeast, towards Olean Creek. Bedrock underlying the vicinity of the Site consists of inter-bedded soft gray shale and siltstone (i.e., the Ellicott member of the Chadakoin Formation) and is located at depths greater than 27 feet below the ground surface.

Doc #01-2746461

EXHIBIT A

Corporate Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 29, 2013.

Selected Entity Name: SILENCE DOGOOD LLC

Selected Entity Status Information

Current Entity Name: SILENCE DOGOOD LLC

DOS ID #: 4483399

Initial DOS Filing Date: NOVEMBER 06, 2013

County: CATTARAUGUS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

SILENCE DOGOOD LLC
211 FRANKLIN STREET
OLEAN, NEW YORK, 14760

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
NOV 06, 2013	Actual	SILENCE DOGOOD LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

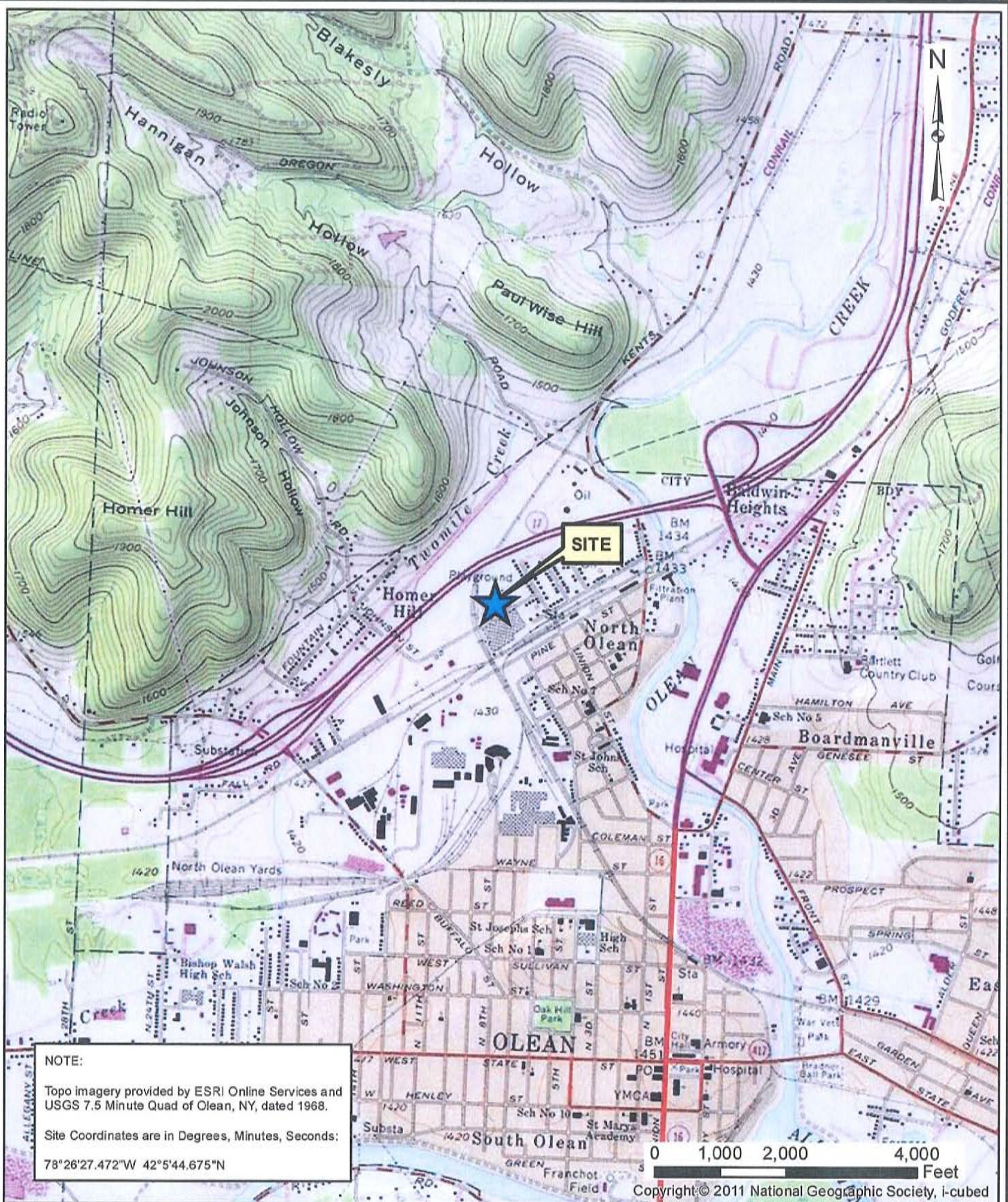
[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

EXHIBIT B

USGS Quadrangle Map

Document Path: E:\GIS Mapping\4884S-13\olepo121\Franklin4884S-BCP-6_Locus_202_Franklin.mxd



NOTE:
 Topo imagery provided by ESRI Online Services and USGS 7.5 Minute Quad of Olean, NY, dated 1968.
 Site Coordinates are in Degrees, Minutes, Seconds:
 78°26'27.472"W 42°5'44.675"N

Date	1-2-2014
Drawn By	CAH
Scale	AS NOTED

day
DAY ENVIRONMENTAL, INC.
 Environmental Consultants
 Rochester, New York 14606
 New York, New York 10170

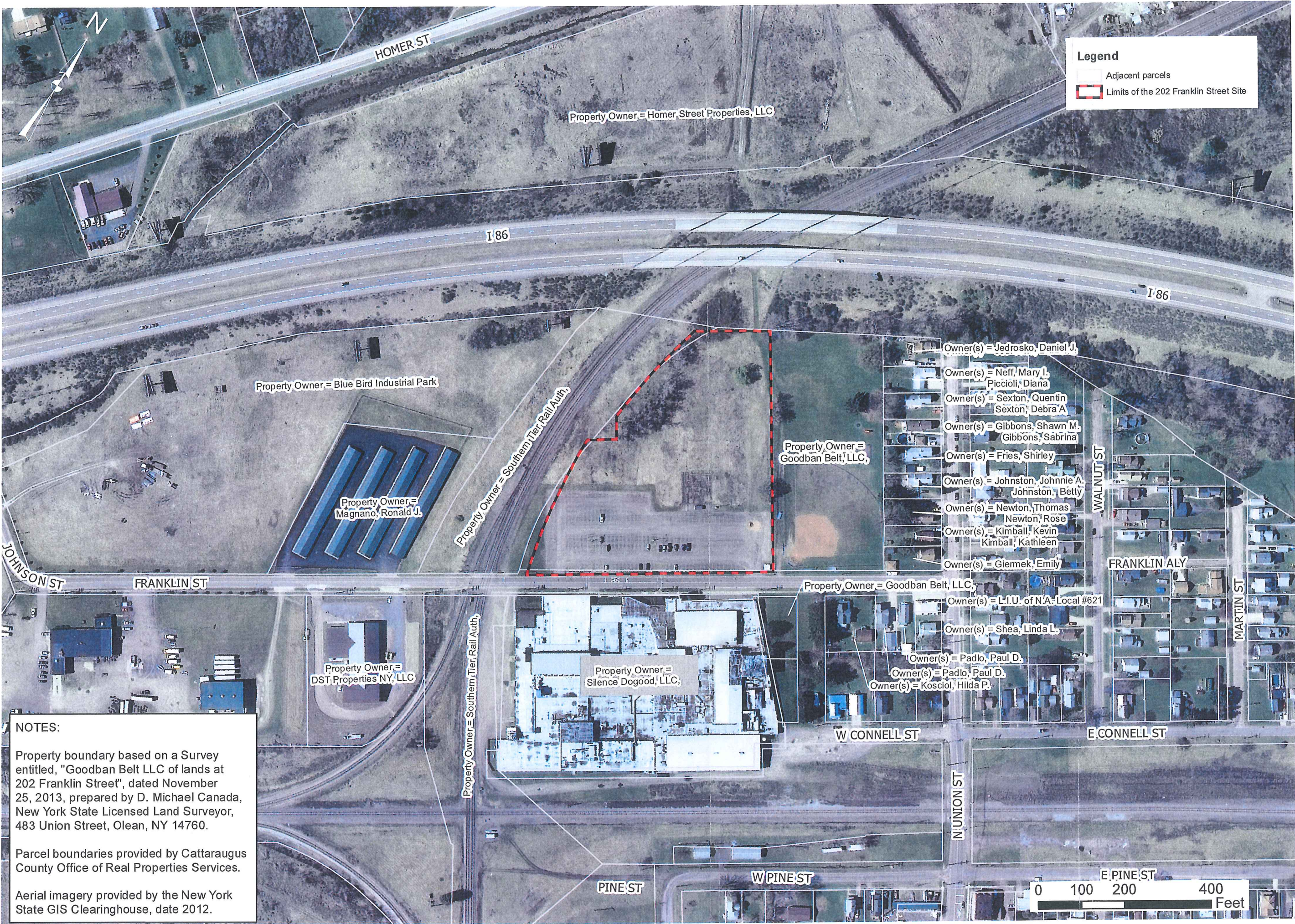
Project Title	202 FRANKLIN STREET OLEAN, NEW YORK
BCP APPLICATION	
Drawing Title	Project Locus Map

Project No.	4884S-13
-------------	----------

Last Date Saved: 03 Jan 2014

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Property Base Map



Legend

- Adjacent parcels
- Limits of the 202 Franklin Street Site

DESIGNED BY	RLK	DATE	1-2014
DRAWN BY	CAH	DATE DRAWN	1-2014
SCALE	AS NOTED	DATE ISSUED	1-2-2014

day
DAY ENVIRONMENTAL, INC.
 Environmental Consultants
 Rochester, New York 14606
 New York, New York 10170

NOTES:

Property boundary based on a Survey entitled, "Goodban Belt LLC of lands at 202 Franklin Street", dated November 25, 2013, prepared by D. Michael Canada, New York State Licensed Land Surveyor, 483 Union Street, Olean, NY 14760.

Parcel boundaries provided by Cattaraugus County Office of Real Properties Services.

Aerial imagery provided by the New York State GIS Clearinghouse, date 2012.

Project Title
 202 FRANKLIN STREET
 OLEAN, NEW YORK

BCP APPLICATION
 Drawing Title

Property Base Map

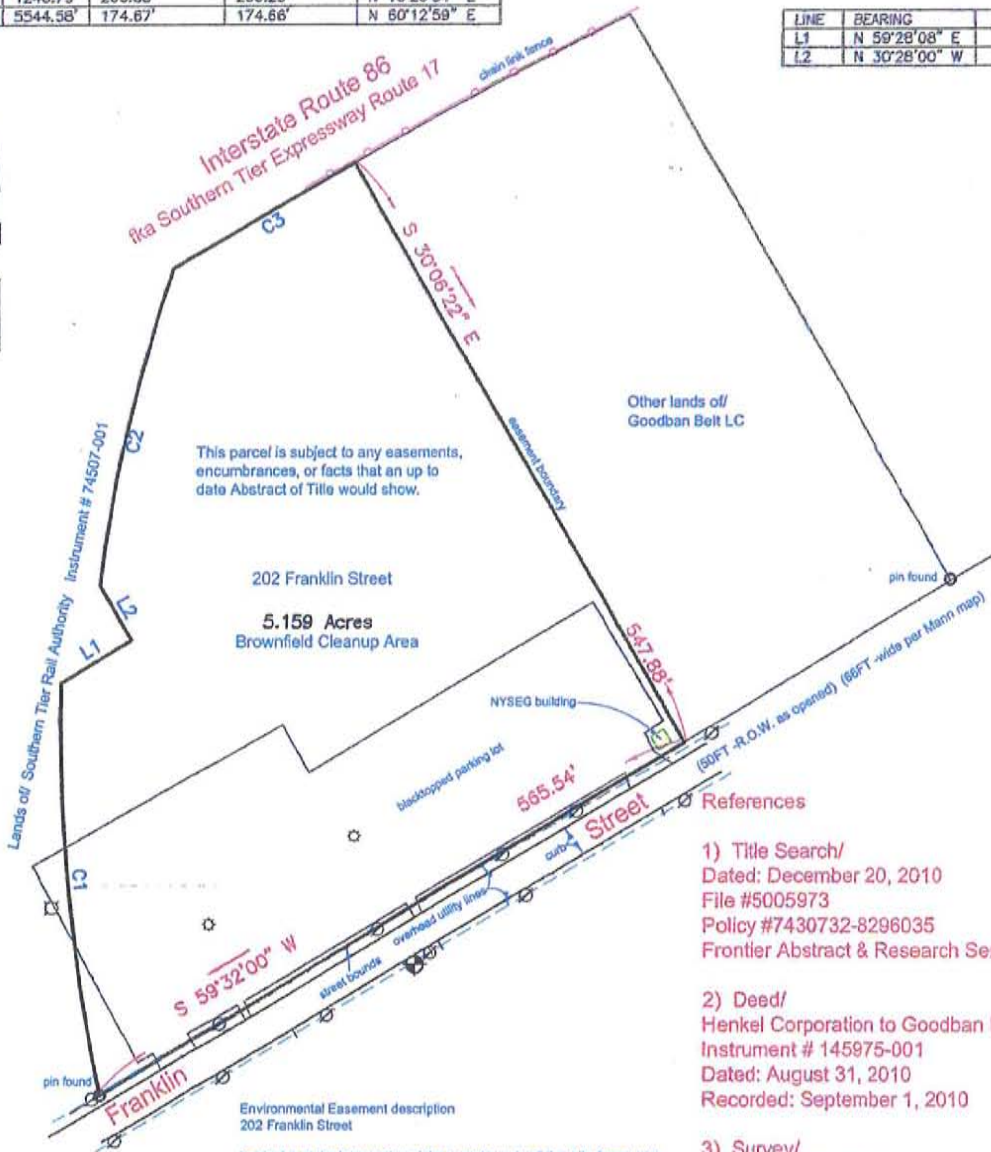
Project No.
 4884S-13

Last Date S...: 03 Jan 2014 Document Path: E:\GIS Mapping\4884S-13\010211Franklin4884S-BC..._BaseMap_202_Franklin.mxd

Survey

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1432.89'	338.04'	337.26'	N 05°34'22" W
C2	1240.79'	266.80'	266.29'	N 13°20'34" E
C3	5544.58'	174.67'	174.66'	N 80°12'59" E

LINE	BEARING	DISTANCE
L1	N 59°28'08" E	68.03'
L2	N 30°28'00" W	51.78'



This parcel is subject to any easements, encumbrances, or facts that an up to date Abstract of Title would show.

202 Franklin Street
5.159 Acres
Brownfield Cleanup Area

Other lands of/
Goodban Belt LC

References

1) Title Search/
Dated: December 20, 2010
File #5005973
Policy #7430732-8296035
Frontier Abstract & Research Services, Inc.

2) Deed/
Henkel Corporation to Goodban Belt LLC
Instrument # 145975-001
Dated: August 31, 2010
Recorded: September 1, 2010

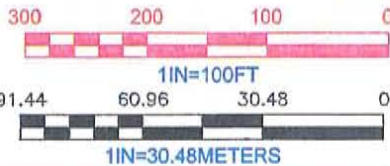
3) Survey/
for Dexter Corporation
Dated: August 2, 1979
by M.C. Ackerman, LS 23028

Environmental Easement description
202 Franklin Street

Beginning at the intersection of the north bounds of Franklin Street with the east bounds of lands of Southern Tier Rail Authority LLC, thence along the east bounds of lands of Southern Tier Rail Authority:

- 1) along a curve to the right, with a radius of 1432.69', a arc length of 338.04' which is subtended by a chord of N 5-34-22 W, a distance of 337.26' to a point
- 2) N 59-28-08 E, a distance of 68.03' to a point
- 3) N 30-28-00 W, a distance of 51.78' to a point
- 4) along a curve to the right, with a radius of 1240.79', a arc length of 266.80' which is subtended by a chord of N 13-20-34 E, a distance of 266.29' to a point, thence along the south bounds of Interstate Route 88: along a curve to the right, with a radius of 5544.58', a arc length of 174.67' which is subtended by a chord of N 80-12-59 E, a distance of 174.66' to a point thence S 30-08-22 E, through the lands of Goodban Belt LLC, a distance of 547.88' to a point, thence S 59-32-00 W along the north bounds of Franklin Street, a distance of 565.54' to the point of beginning

Contains 5.159 acres +/-



Typical Symbols

- hydrant
- utility pole
- light pole
- monitor well
- d, -deed distance
- m, measured distance

This survey is certified to the following/

- 1) New York State Department of Environmental Conservation

Map and Survey for:
Goodban Belt LLC
of lands at
202 Franklin Street

Copies Invald Unless Embossed

Alteration of This Document is Illegal Under Sec. 7209 Subdivision 2 of The New York State Education Law.

Part of Lots 4 & 6, Section 5, Twp.# 2, Range # 4 of the Holland Land Co.'s Survey
Blocks 64 and 74 and part of Blocks 63, 65, 73, 75, 80, 91, and 82
Part of Franklin, Washington, Vine, and Spruce streets, and other lands
according to the "Mann Map of Olean Depot"
City of Olean
Cattaraugus County, New York
Date: November 25, 2013
Scale: 1IN = 100FT

Prepared By:
D. Michael Canada
New York State
Licensed Land Surveyor
483 North Union Street
Olean, NY 14760
N.Y.S. Lic. No.49215
716-379-7918

Job Number: 7526

D. Michael Canada

Tax Map

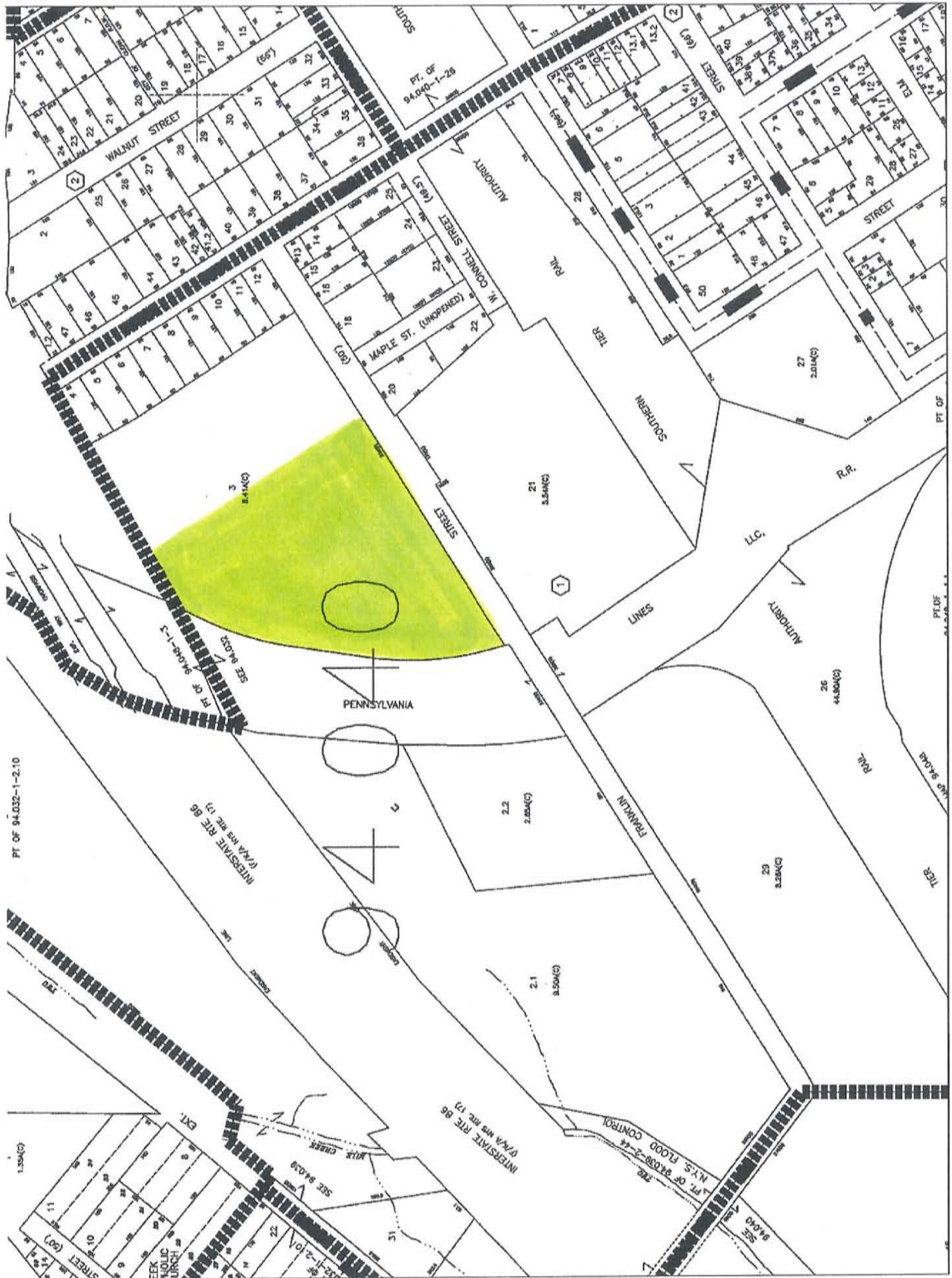
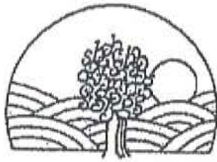


EXHIBIT C

Document Repository Letter



Fax

from the **Olean Public Library** 134 N. 2nd St. Olean NY 14760
ph (716) 372-0200 fax (716) 372-8651

To: Jennifer Dougherty

From: Lance Chaffee

Company: Phillips Lytle LLP

Pages: 2 includes cover

Address:

Date: 12/9/13

Phone: FAX 716 852 6100

Re: Silence Dogood LTD - document repository

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

● Comments:



Phillips Lytle LLP

Via Fax (716-372-8651)
Olean Public Library
134 North 2nd Street
Olean, New York 14760

December 6, 2013

Re: Public Document Repository

Dear Sir or Madam:

We represent Silence Dogood LLC, which owns property located at 211 and 202 Franklin Street in Olean, NY. Silence Dogood LLC is applying for entrance into a New York State program. As part of its application, they will be creating a set of documents, which are to be available for public review. We are writing to request permission to place these documents for public review at the Olean Public Library.

As part of the application, Silence Dogood LLC is required to submit proof that the documents are on file at a specific facility. If the Olean Public Library will accept the documents, please sign the acknowledgment below and fax it to my attention at 716-852-6100.

Thank you in advance for your consideration.

Very truly yours,
Phillips Lytle LLP
By

Jennifer Dougherty
Doc #01-2736251.1

The Olean Public Library will allow Standard Portable to create and place a document repository at the Olean Public Library located at 134 North 2nd Street, Olean, New York 14760.

Approved by:

Date:

Lance Chaffer
12/9/13

Jennifer Dougherty
Direct 716 504 5789 jdougherty@phillipslytle.com

ATTORNEYS AT LAW

hp LaserJet 4345mfp series



Fax Call Report

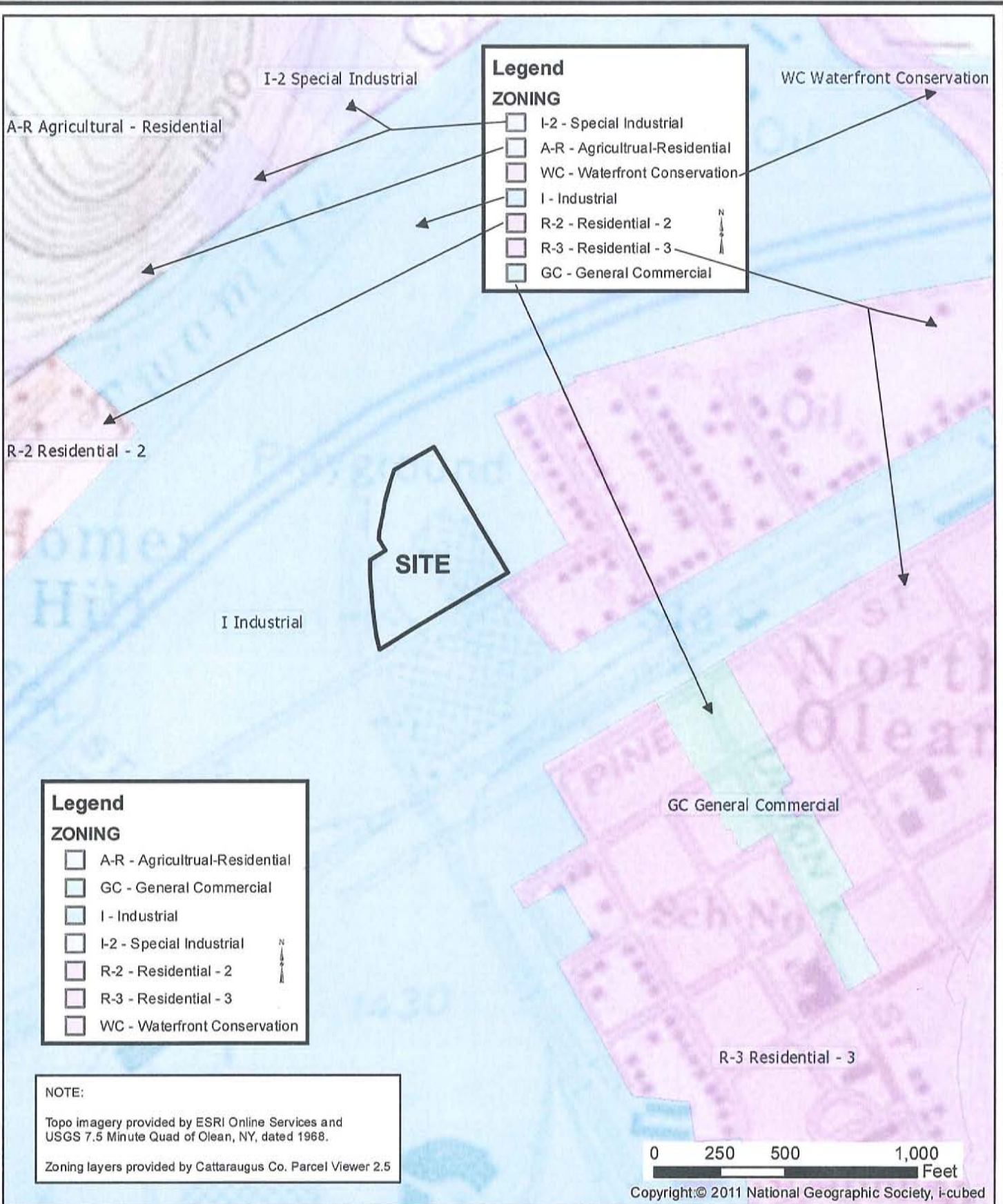
1

Phillips Lytle
716-852-6100
Dec-09-2013 09:43 AM

Job	Date/Time	Type	Identification	Duration	Pages	Result
24697	Dec-09-2013 09:42 AM	Receive	7163728651	0:35	2	Success

EXHIBIT D

Current Zoning Map



Date	12-31-2013
Drawn By	CAH
Scale	AS NOTED

day
DAY ENVIRONMENTAL, INC.
 Environmental Consultants
 Rochester, New York 14606
 New York, New York 10170

Project Title	202 FRANKLIN STREET OLEAN, NEW YORK
Drawing Title	BCP APPLICATION Current Zoning Map



Project No.	4884S-13
	Attachment D

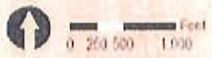
EXHIBIT E

Brownfield Opportunity Area Map

Nw Quadrant REVITALIZATION PLAN

LEGEND

-  Current BOA Boundary
-  Pre-Nomination Study Area



Map 2: Project Boundary

This information is available with the public as part of our commitment to making the process as transparent as possible. For more information, please visit www.olmstedmn.gov.

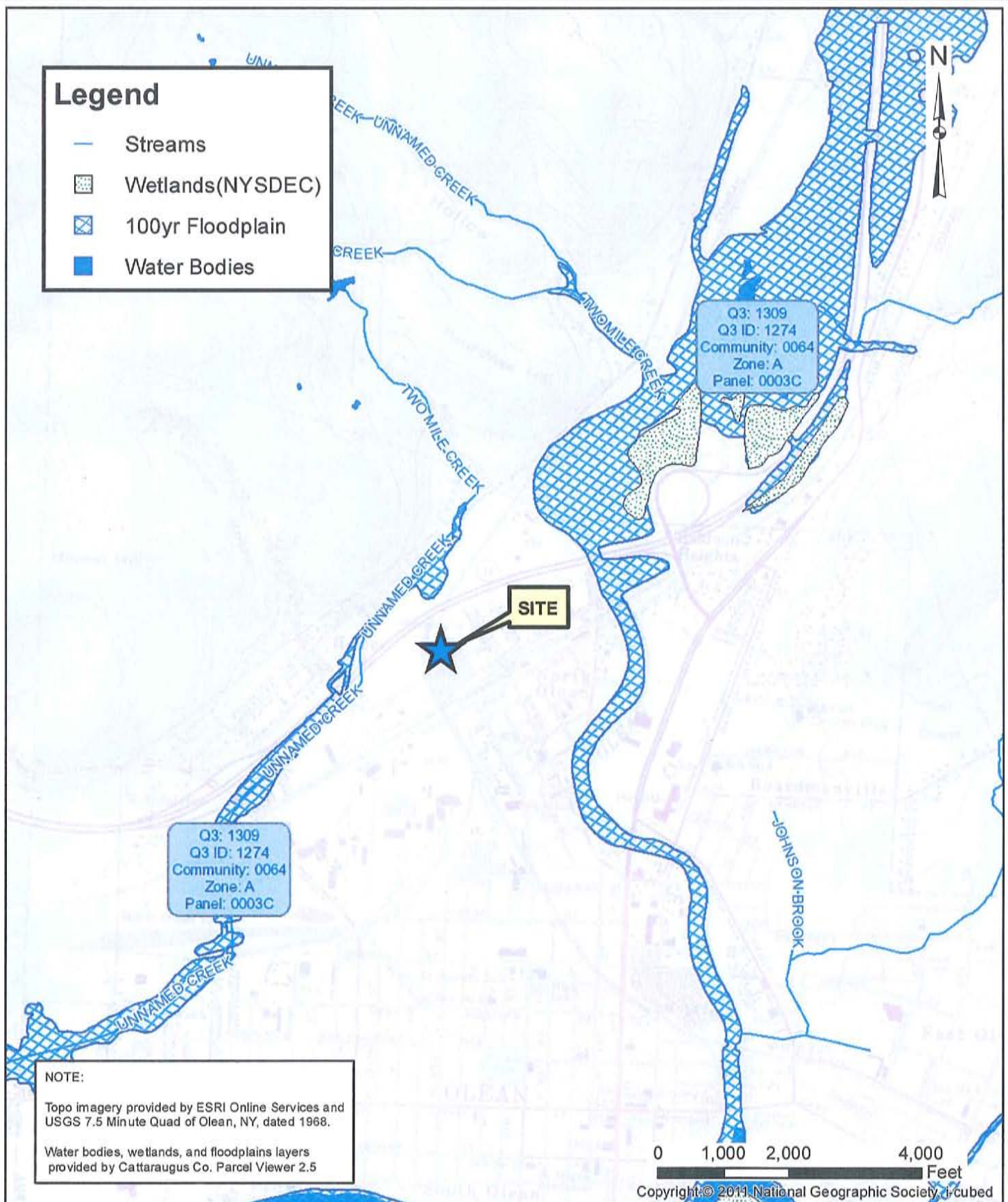


EXHIBIT F

Water Bodies, Flood Plans, and Wetlands Map

Legend

-  Streams
-  Wetlands(NYSDEC)
-  100yr Floodplain
-  Water Bodies



NOTE:
 Topo imagery provided by ESRI Online Services and USGS 7.5 Minute Quad of Olean, NY, dated 1968.
 Water bodies, wetlands, and floodplains layers provided by Cattaraugus Co. Parcel Viewer 2.5



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Date	12-31-2013
Drawn By	CAH
Scale	AS NOTED

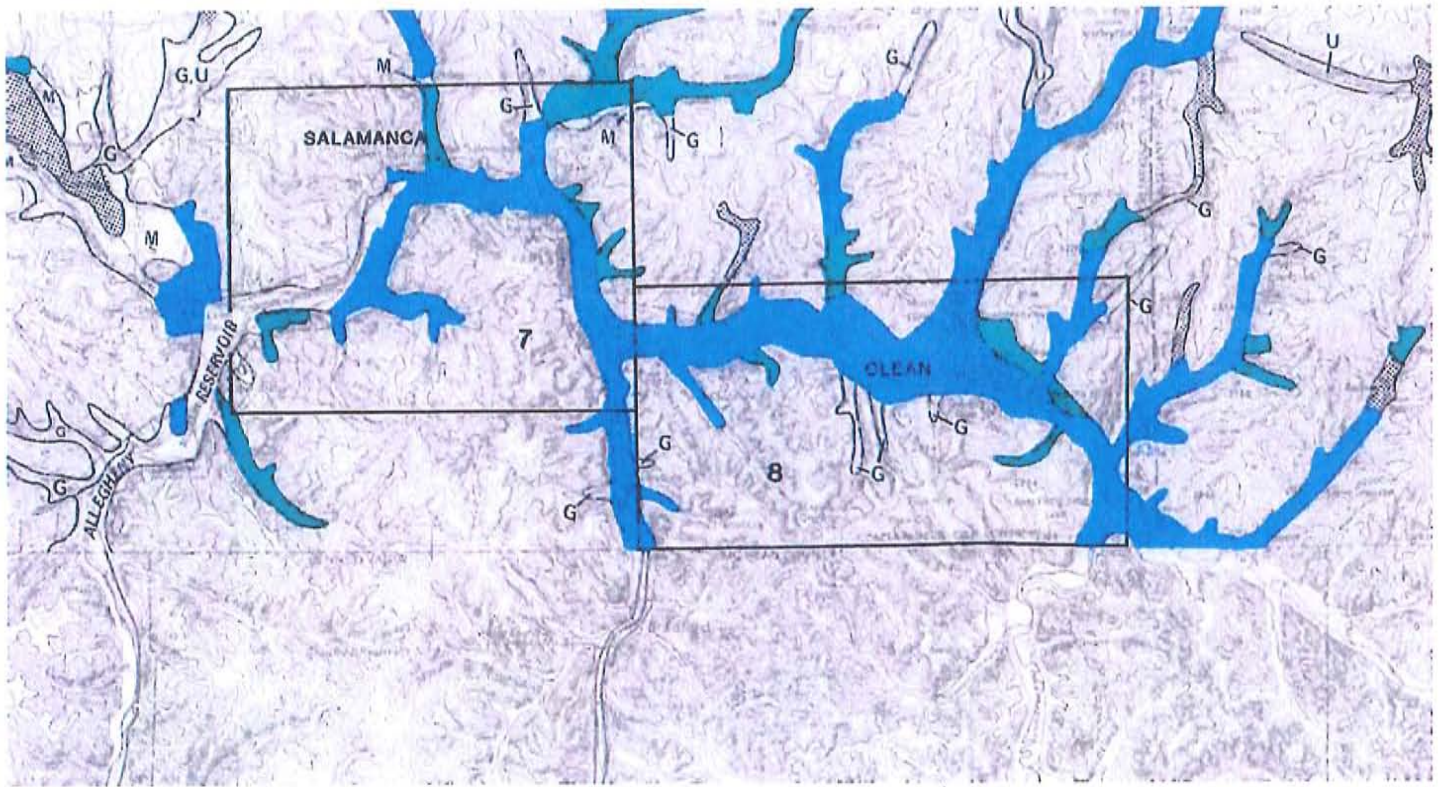
day
DAY ENVIRONMENTAL, INC.
 Environmental Consultants
 Rochester, New York 14606
 New York, New York 10170

Project Title	202 FRANKLIN STREET OLEAN, NEW YORK
Drawing Title	BCP APPLICATION Water Bodies, Floodplains and Wetlands Map

Project No.	4884S-13
	Attachment F

EXHIBIT G

Regional Aquifer Map



EXPLANATION

POTENTIAL YIELD OF WATER FROM WELLS THAT TAP UNCONSOLIDATED AQUIFERS

UNCONFINED AQUIFERS, 10 TO 100 GALLONS PER MINUTE -- Sand and gravel with saturated zone generally less than 10 ft thick or thicker but with less permeable silty sand and gravel. Yields in area adjacent to streams may exceed 100 gal/min (gallons per minute) through pumping-induced infiltration, but these areas are too small to show at this scale.

UNCONFINED AQUIFERS, MORE THAN 100 GALLONS PER MINUTE -- Sand and gravel of high transmissivity and with saturated thickness greater than 10 ft. Many such areas are associated with a surface-water source that can provide additional water through pumping-induced recharge.

CONFINED AQUIFER UNDERLYING UNCONFINED AQUIFER, 5 TO MORE THAN 500 GALLONS PER MINUTE (from confined aquifer) -- Areas where a relatively impermeable till or lacustrine, very fine sand, silt, or clay layer separates the buried sand and gravel aquifer from an overlying surficial aquifer.

CONFINED AQUIFER, 5 TO MORE THAN 500 GALLONS PER MINUTE -- Sand and gravel overlain by till, very fine sand, silt, or clay, but without a surficial aquifer.

AQUIFERS OF UNKNOWN POTENTIAL -- Areas of sand and (or) sand and gravel for which little or no well data are on file to determine yield potential. Letter symbols, explained below, indicate the type of deposit .

Lacustrine or eolian deposits -- Fine to medium sand that probably yields less than 10 gal/min

Kame, kame terrace, kame moraine, outwash, or alluvium -- Sand and gravel of unknown thickness or saturation. Yield potential is greater where streams are present.

Moraine -- Mostly till and lacustrine deposits (very fine sand, silt, clay) capped in some places with unsaturated sand and gravel. Thin, scattered confined aquifers of sand and gravel in some places.

Confined aquifer -- Areas of lacustrine deposits or till possibly underlain by sand and gravel aquifers. Depth and saturation thickness of aquifer not investigated.

PRIMARY WATER-SUPPLY AQUIFER -- A highly productive aquifer that is being used as a source of water supply in major public-supply systems. Number

indicates name of aquifer area (see key below) and report number in list of related publications. Reports and maps cited describe these aquifers in detail.

Primary aquifer		
	<u>Number</u>	<u>Aquifer area</u>
	6	Batavia
	1	Jamestown
	8	Olean
	7	Salamanca

POTENTIAL YIELDS OF WELLS IN UNCONSOLIDATED AQUIFERS IN UPSTATE NEW YORK

INTRODUCTION

Development of ground-water-protection and management policies by Federal, State and local agencies requires information at the location and extent of unconsolidated aquifers. (Bedrock aquifers, although a source of water in many areas, are not addressed here.) A review of ground-water- resource maps of many New York State counties and river basins that were prepared by the U.S. Geological survey in cooperation with New York State Department of Environmental Conservation during the 1950's and the 1960's revealed that the maps are inconsistent in scale, format, and amount of detail. Statewide maps that show aquifers at scales of 1:1,000,000 (Heath, 1964) and 1:750,000 (Kantrowitz and Snavelly, 1982) have insufficient detail for development of most aquifer protection plans.

In 1986, the U.S. Geological survey, in cooperation with the New York State Department of Environmental conservation, began a study to compile and publish a set of five maps at scale 1:250,000 showing the location and potential well yield of the unconsolidated aquifers in upstate New York (excluding New York City and Long Island). The maps also indicate the parts of those aquifers that are heavily used for public-water supplies and that have been designated as "Primary Water Supply Aquifers" by the State (New York State Department of Environmental Conservation, 1985).

This map is one in that series of five that together shows the distribution of unconsolidated aquifers in upstate New York. TO meet the needs of State and local water resource managers and policymakers, the maps have a uniform scale of 1:250,000, are based on the most recent information publicly available, and use the same symbols to identify the unconsolidated aquifers and potential well yields.

The "primary" aquifers, which were mapped in detail during a study in the early 1980's in cooperation with New York State Department of Health and published at 1:24,000 scale,

are outlined and are keyed by number to the corresponding published references. The small map (at right) shows the major river basins and indicates other areas covered in the ground-water reports used in this data compilation.

The scale of 1:250,000 was selected for this map series because it is the scale of the surficial and bedrock geology maps prepared by the New York State Geological Survey (Muller, 1977, Muller and Cadwell, 1986, and Fisher and others, 1970). Together these maps present a consistent set of geologic and hydrologic information for use in regional management of the ground-water resources of the State.

These maps show the general extent of the unconsolidated aquifers but are not intended to replace detailed site evaluations. Additional information for use in site-specific evaluations is given in the list of related references above, but to determine the precise location and well yield from a given aquifer may require onsite investigations. Ground water also may be obtained from unconsolidated aquifers that are too small to be shown at this scale and from till, from buried unconsolidated aquifers not yet identified, and from the underlying bedrock. Construction of wells that have an adequate yield for domestic use (3 to 5 gallons per minute) may be developed in any of these geologic settings. In some areas, bedrock aquifers are important and warrant consideration in the appraisal of ground-water resources. Several reports cited in the list of related publications include information on bedrock aquifers.

WELL YIELDS

The U.S. Geological Survey, in cooperation with many State and local government agencies, has mapped and appraised several aquifer systems in New York since the mid-1940's. The aquifer boundaries shown here were determined from published hydrogeologic and surficial geology maps, numerous well records, and interpretation of topographic maps. Potential well yields were estimated from information presented in eight published reports and from pumpage data on file with the U.S. Geological Survey.

Well yields represent the range of potential yields from individual wells properly screened and developed in the aquifer. Yields may not represent sustained withdrawals from the aquifer but, rather, the potential short-term withdrawal yields in many areas are based on aquifer and well-capacity-test data and on reported yields from drillers and homeowners. Yields in some areas are estimates based on geologic logs, saturated thickness, and relation between grain size and hydraulic conductivity. Actual yields may differ from those indicated.

Aquifers to which no range of yield is assigned are in areas from which data on wells or hydrogeologic properties were insufficient to estimate the yield. These areas are underlain by coarse granular material, however, (Muller, 1977) and should be considered aquifers of unknown potential.

The colored areas represent unconfined aquifers of sand and gravel. Dark blue indicates aquifers with high potential well yields; green indicates aquifers with moderate potential well yields. High well yields are defined here as greater than 100 gallons per minute (gal/min), and moderate as 10 to 100 gal/min. These aquifers are recharged rapidly by water that infiltrates through the permeable overlying material to the zone of saturation. The stippled pattern indicates the location of confined aquifers of sand and gravel, these aquifers are confined beneath a relatively impermeable layer of till or lacustrine very fine sand, silt, and clay that minimizes direct recharge from land surface. A stippled pattern within a colored area indicates the presence of both an unconfined and confined aquifer. Uncolored areas with a letter designation represent sand and gravel deposits (Muller, 1977) that may be aquifers but have insufficient data to provide estimates of yield. The letters designate the type of material, as indicated in the explanation. Uncolored areas without letter designations are underlain by till, or by lacustrine very fine sand, silt, and clay, or by bedrock. Small patches of unconsolidated aquifers (0.5 square mile or less) may underlie the area but are too small to plot at this scale. Dug wells in till or lacustrine deposits may be capable of yielding 1 to 5 gal/min.

REFERENCES CITED

Fisher, D. W., Isachsen, Y. W., and Rickard, L. V., 1970, Geologic map of New York: New York State Museum and Science Service Map and Chart Series no. 15, 6 Sheets, scale 1:250,000.

Heath, R. C., 1964, Ground water in New York: New York State Water Resources Commission Bulletin GW-51, 1 Sheet, scale 1: 1,000,000.

Kantrowitz, I. H., and Snavely, D. S., 1982, Availability of ground water from aquifers in upstate New York: U.S. Geological survey Open-File Report 82-437, 2 sheets, scale 1:750,000.

Muller, E. H., 1977, Quaternary geology of New York, western New York Sheet: New York State Museum and Science Map and Chart Series no. 28, scale 1:250,000.

Muller, E. H., and Cadwell, D. H., 1986, Surficial geologic map of New York, Finger Lakes Sheet: New York State Museum - Geological survey Map and Chart Series No. 40, scale 1:250,000.

New York State Department of Environmental Conservation, 1985, Draft-Upstate New York groundwater management program: New York State Department of Environmental Conservation, 237 p.

EXHIBIT H

2012 Annual Drinking Water Quality Report

2012 Annual Drinking Water Quality Report

City of Olean Water Filtration Plant

**1332 River Street
Olean, NY 14760**



**City of Olean Water Division; Public Water Supply #0400345
Town of Olean Water District; Public Water Supply #0422400
Town of Portville Water District; Public Water Supply #0430089**

CONTACT INFORMATION:

Mark Whiteman
City of Olean Water Superintendent
OR

Dale Walker
Senior Water Plant Operator
Olean Water Plant
1332 River Street
Olean, NY 14760

716-376-5697 or 716-376-5699
mwhiteman@cityofolean.org
dwalker@cityofolean.org

Proud Member of:



Dear Water Customer,

To comply with New York State regulations, the City of Olean publishes an annual report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. We are proud to report that our system did not violate any maximum contaminant level for any of the samples collected and analyzed. This report provides an overview of last year's water quality. We have included details about where your water comes from, what it contains, and how it compares to New York State standards.

If you have any questions about this report or the water system in general, please feel free to contact one of the individuals listed above. We want you to be informed about your drinking water and are willing to help with any questions or concerns you may have. Another way you can learn more is to attend any of the City of Olean Common Council meetings in the City of Olean Municipal Building. They are held at 7:30pm on the second and fourth Tuesday of the month with the exception of holidays.

WHERE DOES OUR WATER COME FROM?

In general, the sources of drinking water (both tap and bottled) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive materials, and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The State Health Department's and the FDA's regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

The City of Olean utilizes four water sources: Well site M18 on Richmond Ave; Well sites M37 and M38 on the East River Road; and the water treatment plant on River Street, which draws water from the Olean Creek. During 2012 we had no water restrictions at any time.

The water from the well sites is pumped through air-stripper towers to remove volatile contaminants from the water. Chlorine and fluoride are added before the water is pumped out to the distribution system. Process monitoring equipment relay the information to the operators at the water plant.

The water plant treats the water from the Olean Creek. Chemicals are added to help settle particles out of the water. After the larger particles have settled out, the water is chlorinated and filtered through anthracite (removes taste and odor) and sand. After filtering, fluoride (for dental health), caustic soda (pH adjustment for corrosion control), and chlorine are added to the filtered water. The water then travels through a large clearwell in the plant (allowing the chlorine proper time to disinfect the water) and is pumped out to the distribution system.

SOURCE WATER ASSESSMENT SUMMARY

The State of New York maintains a program called the Source Water Assessment Program, in which the State evaluates each source of drinking water used for public drinking water for possible and actual threats to its quality. The summary chart below shows the potential sources of contamination for each source, the likelihood that the contaminants will reach the treatment facility, and an overall susceptibility rating for each contaminant. A detailed copy of the report is available from the contacts listed at the beginning of this document.

Contaminant Category	City of Olean Wells M18, M37, M38		City of Olean – Olean Creek	
	Sensitivity	Susceptibility	Sensitivity	Susceptibility
Halogenated Solvents	High	Very High	Medium	Medium
Petroleum Products	High	High	Medium	Medium
Herbicides/Pesticides	High	High	Medium	Medium
Other Industrial Organics	High	High	Medium	Medium
Metals	High	High	Medium	Medium
Nitrates	High	High	Medium	Medium
Protozoa	Medium	Medium	High	High
Enteric Bacteria	Medium	Medium	High	Medium – High
Enteric Viruses	Medium	Medium	High	Medium – High
Cations/Anions (Salts, Sulfate)	High	High	Medium	Medium
Sediments/Turbidity	N/A	N/A	High	Very High
DBP Precursors	N/A	N/A	Medium	Medium

Adapted from New York State Source Water Assessment Report for System #NY0400345, May 8, 2003

ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your water for numerous contaminants. The contaminants include, but are not limited to: total coliform, turbidity, inorganic compounds, nitrate, lead and copper, volatile organic compounds, total trihalomethanes, haloacetic acids, radiological; and synthetic organic compounds. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The table included with this document lists only the contaminants that we have detected. All others that are NOT detected are NOT listed. More information is available from the contacts listed in this document.

It should be noted that all drinking water, including bottled water, may be reasonably expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA’s Safe Drinking Water Hotline at 1-800-426-4791 or the Cattaraugus County Department of Health at 716-373-8050.

DO I NEED TO TAKE SPECIAL PRECAUTIONS?

Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from

infections. These people should seek advice from the health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by microbial pathogens are available from the Safe Drinking Water Hotline at 1-800-426-4791.

INFORMATION ABOUT LEAD IN DRINKING WATER

As you can see from the table of detected contaminants, our system had no violations. We have learned through our testing that some contaminants have been detected but they were detected at levels below New York State requirements. We are required to present the following information on lead in drinking water:

“If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in the construction of your home’s plumbing. The City of Olean is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about elevated lead levels in your home’s water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline at 1-800-426-4791 or at <http://www.epa.gov/safewater/lead>

INFORMATION ON FLUORIDE ADDITION

Our system is one of the many drinking water systems in New York State that provides drinking water with a controlled, low level of fluoride for consumer dental health protection. According to the United States Centers for Disease Control, fluoride is very effective in preventing cavities when present in drinking water at a properly controlled level. To ensure that the fluoride supplement in your water provides optimal dental protection, we monitor fluoride levels on a daily basis to make sure the fluoride is maintained at a target level of 1.0 mg/L. During 2012 routine monitoring showed that fluoride levels in your water were in the optimal range in 86% of the effluent samples collected while no results showed fluoride levels near the 2.2 mg/L MCL for fluoride.

WATER USAGE INFORMATION

Our water system serves approximately 15,000 people in the City of Olean, Town of Olean, and Town of Portville through over 6,400 metered connections. The total water produced in 2012 was 893,183,727 gallons, with an average daily demand of 2,440,834 gallons and a maximum daily demand of 3,328,460 gallons on June 21, 2012. The total amount of water metered and delivered to customers equaled 560,191,751 gallons. This leaves 332,991,976 gallons of unaccounted-for water, or 37.3%.

Unaccounted-for water includes water used to fight fires, flush mains, leaks in the system, used by City facilities that is not metered, and inaccurate water meters in need of replacement.

Breaking down production from the different sources, we find that Well Site M18 produced 321 million gallons; Well Site M37/38 produced 336 million gallons; and the Filtration Plant produced 236 million gallons.

Water Rate Breakdown for 2012

	First 8,000 gallons (Min. Charge)	Next 30,000 gallons (per 1000 gallons)	Next 40,000 gallons (per 1000 gallons)	Thereafter (per 1000 gallons)
Residential	\$62.65	\$6.50	\$5.80	\$5.20
Commercial	\$62.65	\$7.20	\$6.50	\$5.20

DISTRIBUTION SYSTEM AND FACILITY MODIFICATIONS AND UPGRADES

In 2012 we replaced the submersible well pumps at wells M37 and M38. These newer pumps and motors were installed in an effort to improve efficiency and reduce electrical costs. These new motors are also designed to have variable speed drives attached to them – that project is expected to be completed in 2013 and will provide even more efficiency and more flexibility in operations leading to improved water quality.

The cost of this project was approximately \$46,000 and we are expecting a payback on the project in 3-4 years. Further improvements will add to the cost but should lessen the payback period.

Repairs continue at the water plant. The City of Olean has been working with the engineering firm that designed and oversaw the construction of the plant to repair the concrete issues on the back wall of the plant. The cold weather has pushed completion of the project into the summer of 2013. Once completed, the water plant will be back to full capacity.

Line replacement in the distribution system continued with work on West Fall Road and West Riverside Drive. The aging line on West Riverside was experiencing breaks on a regular basis due to aging lines – 1,763 feet were replaced. A 1,550 foot section of line was replaced on West Fall Road, with the remaining length of line on the schedule for replacement later in the spring of 2013. This new line should improve pressure and water quality in that neighborhood.

WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demand, there are a number of reasons why it is important to conserve water:

- Saving water saves energy and some of the costs associated with both of these necessities of life;
- Saving water reduces the cost of energy required to pump water and the need to construct costly new wells, pumping systems, and water towers;
- Saving water lessens the strain on the water system during a dry spell or drought, helping to avoid severe water use restrictions so that essential fire fighting needs are met.

You can play a role in conserving water by becoming conscious of the amount of water your household is using, and by looking for ways to use less whenever you can. It is not hard to conserve water. Conservation tips include:

- Automatic dishwashers use 15 gallons for every cycle, regardless of how many dishes are loaded. So get a run for your money and load it to capacity.
- Turn off the tap when brushing your teeth.
- Check every faucet in your home for leaks. Just a slow drip can waste 15 to 20 gallons a day. Fix it and you can save almost 6,000 gallons per year.
- Check your toilets for leaks by putting a few drops of food coloring in the tank, watch for a few minutes to see if the color shows up in the toilet. It is not uncommon to lose up to 100 gallons a day from one of these otherwise invisible toilet leaks. Fix it and you can save more than 30,000 gallons a year.
- Consider upgrading older washing machines or dishwashers to newer, more efficient models.
- Use your water meter to detect hidden leaks. Simply turn off all taps and water using appliances, and then check the meter after 15 minutes. If it moved then you have a leak.

** The City of Olean is an Equal Opportunity Provider and Employer. Discrimination is prohibited by Federal Law. Complaint of discrimination may be filed with the USD, Director, Office of Civil Rights, Room 326-W, Whitten Building, Washington DC 20250-9410. Phone 800-795-3272 (voice) or 202-720-6382 (TDD); for New York State use TDD 711 for the hearing impaired.**

IS OUR WATER SYSTEM MEETING OTHER RULES THAT GOVERN OPERATIONS?

During 2012, our system was in compliance with applicable State drinking water operating, monitoring, and reporting requirements

Detected Contaminants - Distribution System						
Parameter	Violation (Yes/No)	Sample Date (or date of highest result)	MCL	MCLG	Level Detected and Highest Level Detected	Likely Source of Contamination
Distribution Turbidity ¹	NO	4/30/2012	Monthly Average < 5 NTU	n/a	0.05 to 4.60 NTU; Highest Monthly Average = 0.29 NTU (April)	Deposits in Distribution System; Precipitation of minerals in water
Distribution System Free Chlorine Residual	NO	4/30/2012	MRDL = 4.0 mg/L	MRDLG = 4 mg/L	ND to 1.60 mg/L; High = 1.60 mg/L	Added for disinfection
Total Trihalomethanes	NO	7/3/2012	RAA < 80 ug/L	n/a	ND to 70.8 ug/L; RAA Max= 26.07 ug/L	By-products of water disinfection (chlorine)
Total Haloacetic Acids	NO	11/7/2012	RAA < 80 ug/L	n/a	ND to 30.2 ug/L; RAA Max= 9.20 ug/L	
Copper ^{2,3}	NO	8/31/2011	1300 ug/L (A.L.)	1300 ug/L	9.5 to 428 ug/L; 90th percentile = 316 ug/L	Corrosion of household plumbing; Erosion of natural deposits
Lead ^{2,3}	NO	8/31/2011	15 ug/L (A.L.)	0 ug/L	ND to 14.2 ug/L; 90th percentile 4.5 ug/L	

Detected Contaminants - Well sites and Water Plant						
Parameter	Violation (Yes/No)	Sample Date (or highest result)	MCL	MCLG	Level Detected	Likely Source of Contamination
Entry Point Turbidity ¹	NO	12/17/2012	n/a	n/a	0.05 to 0.20 NTU; High = 0.20 NTU	Soil Runoff
Combined Filter Turbidity ¹ (Water Plant Only)	NO	n/a	TT = 95% of monthly samples ≤ 0.30 NTU	n/a	100% of samples were <0.30 NTU	Soil Runoff
	NO	7/30/2012 and 8/31/2012	TT ≤ 1.0 NTU	n/a	Highest Level Detected = 0.25 NTU	
Entry Point Fluoride	NO	4/4/2012	2.2 mg/L	2.2 mg/L	0.10 to 1.67 mg/L; High = 1.67 mg/L	Naturally occurring and added to help prevent tooth decay
Nitrates	NO	7/3/2012	10 mg/L	10 mg/L	0.27 to 1.37 mg/L; High = 1.37 mg/L	Runoff from fertilizer use; Leaching from septic tanks; sewage; Erosion of natural deposits.
Total Organic Carbon – Treated (Water Plant Only)	NO	5/2/2012 and 11/7/2012	TT	n/a	1.0 to 1.9 mg/L; High = 1.9 mg/L; Highest RAA = 1.6, 4 th quarter 2012	Naturally present in the environment
Sodium ³	NO	12/19/2012	*SEE NOTE 4*	n/a	16.8 to 20.7 mg/L; High = 20.7 mg/L	Naturally occurring; Road salt; Water softeners; Animal waste.
Silica ³	NO	5/22/2008	n/a	n/a	4.1 to 11.0 mg/L; High = 11.0 mg/L	Erosion of natural deposits.
Sulfate ³	NO	5/22/2008	250.0 mg/L	n/a	11.3 to 23.5 mg/L; High = 23.5 mg/L	Naturally occurring.
Chloride ³	NO	5/22/2008	250 mg/L	n/a	35.0 to 51.2 mg/L; High = 51.2 mg/L	Naturally occurring or indicative of road salt contamination.
Barium ³	NO	5/22/2008	2,000 ug/L	2,000 ug/L	24 to 45 ug/L; High = 45 ug/L	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
Magnesium ³	NO	5/22/2008	n/a	n/a	5.0 to 11.2 mg/L; High = 11.2 mg/L	Erosion of natural deposits of indicative of road salt contamination.

NOTES

1. Turbidity is a measure of the cloudiness of the water and is a good indicator of the effectiveness of our filtration system.
2. For lead and copper, we are required to take 30 samples from the system (City and Town Districts combined). From the test results we look at the 90th percentile reading and use that as an indicator of meeting the ACTION LIMIT (A.L.) No lead or copper samples exceeded the action limit and the 90th percentiles of both lead and copper samples were below the action limit.
3. The State allows us to monitor for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old.
4. Water containing more than 20 mg/L of sodium should not be used for drinking by persons with severely restricted sodium diets.

DEFINITIONS

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as possible.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water which below there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant that is allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (A.L.): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Non-detects (ND): Laboratory analysis did not find the constituent at a level above their detection limit.

Nephelometric Units (NTU): A measure of the cloudiness of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Milligrams per liter (mg/L): Corresponds to one part of liquid in one million parts of liquid (parts per million – ppm.)

Micrograms per liter (ug/L): Corresponds to one part of liquid in one billion parts of liquid (parts per billion – ppb.)

Picocuries per Liter (pCi/L): Measure of radioactivity in a liquid.

Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

Running Annual Average (RAA): This is a calculation of the average of all the readings in the year preceding the date of sampling. This is NOT site specific and averages all results for a particular parameter.

n/a: Not applicable.

EXHIBIT I

Resolution of Silence Dogood LLC

**UNANIMOUS WRITTEN CONSENT
OF THE SOLE MANAGER OF
SILENCE DOGOOD LLC**

The undersigned, as sole manager of Silence Dogood LLC (the "Manager"), a New York limited liability company (the "Company"), does hereby consent to the resolutions and the taking of the following actions without a meeting by way of unanimous written consent, pursuant to Section 408 of the New York Limited Liability Company Law.

WHEREAS, the Company desires to submit an application for the New York Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program with respect to certain real property commonly referred to as 202 Franklin Street, City of Olean, State of New York (the "Property") (the "Application"); and

WHEREAS, the undersigned believes it to be in the best interests of the Company for the Company to prepare and submit the Application to NYSDEC and to execute and deliver to NYSDEC the Application and such other documents required to be executed and delivered in connection with the Application (the Application and such other documents collectively, the "Application Documents").

NOW, THEREFORE, BE IT RESOLVED, that the preparation, execution, submission, delivery and performance by the Company of the Application Documents be, and hereby are, authorized, approved and ratified in all respects; and be it further

RESOLVED, that the Manager is hereby authorized to prepare, execute, submit and deliver to NYSDEC on behalf of the Company, the Application Documents, along with such changes, additions and modifications as he shall approve, such execution, submission and delivery to be conclusive evidence of such approval on behalf of the Company; and be it further

RESOLVED, that the Manager is hereby authorized to do any and all other acts necessary or desirable to effectuate the foregoing resolutions (the necessity or desirability thereof to be evidenced conclusively by the taking of such action by the Manager); and be it further


RESOLVED, that the Manager is hereby authorized to enter into any contracts or other arrangements, and to make, execute, file and deliver any and all documents, consents, instruments, amendments, papers or writings in connection therewith, for the purpose of effecting the foregoing resolutions; and be it further

RESOLVED, that any and all acts and actions previously taken and any and all agreements or documents previously executed or delivered in connection with the foregoing resolutions be, and they hereby are, approved and ratified as the true acts and deeds of the Company with the same force and effect as if each such act or agreement had been specifically authorized in advance by the Manager.

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IN WITNESS WHEREOF, the undersigned has executed this Consent as of the date(s)
set forth below.

Dated: DEC 4, 2013



Jeffrey Belt
Manager

Doc #01-2734032.1