



Phillips Lytle LLP

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**BUREAU OF
TECHNICAL SUPPORT**

Via Federal Express

August 17, 2012

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

Re: Tecumseh Phase III Business Park, Site No. C915199
Sites III-7 and III-8
Tax Map ID No.: Part of 141.11-1-1.111
Property County: Erie

To Whom it May Concern:

Enclosed please find the following documents in hard copy and on the enclosed CD:

- Four (4) completed and fully executed "Amendment Application for Change in Party" forms in order to add both Welded Tube USA Realty, LLC, as the future owner of Sites III-7 and III-8, and Welded Tube USA, Inc., as sole member of the LLC and operator of the Sites (collectively, "Welded Tube"), as parties to the Brownfield Site Cleanup Agreements for Sites III-7 and III-8 in the Tecumseh Phase III Business Park;
- Evidence that both Welded Tube USA Realty, LLC and Welded Tube USA, Inc. are authorized to conduct business in New York State; and
- Letter from Tecumseh Redevelopment, Inc. granting site access to Welded Tube.

If there are any questions, please do not hesitate to contact either myself at the number below or David Flynn at (716) 847-5473. Once the Amendments to the Brownfield Site Cleanup

Susan M. Marriott
Direct 716 504 5778 smarriott@phillipslytle.com

ATTORNEYS AT LAW



Chief, Site Control Section
Page 2

August 17, 2012

Agreements are signed, please return them to us in the enclosed prepaid Federal Express envelope . We greatly appreciate your assistance and prompt attention to this matter.

Very truly yours,

Phillips Lytle LLP

By

Susan M. Marriott

Enclosures

Doc # 01-2598661.1

cc: (w/ copies of enclosures via Federal Express)

Martin Doster

Brownfield Cleanup Program

New York State Department of Environmental Conservation - Region 9

270 Michigan Avenue

Buffalo, NY 14203

August 17, 2012

Welded Tube USA, Inc. and Welded Tube Realty USA, LLC
111 Rayette Road
Concord, Ontario, Canada
L4K 2E9
Attn: Mr. Barry Sonshine

The Krog Corp.
4 Centre Drive
Orchard Park, New York 14127
Attn: Mr. Paul R. Neureuter

Re: Lackawanna Business Park
Parcels III-7 and III-8

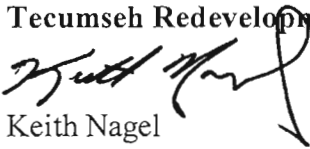
Subj: Access Agreement

Gentlemen:

Tecumseh Redevelopment, Inc. is the owner of 1951 Hamburg Turnpike, Lackawanna, NY and acknowledges Welded Tube USA, Inc. and Welded Tube USA Realty, LLC (collectively "Welded Tube USA") as applicants for 45.15 acres, more or less, comprising sub-parcels III-7 and III-8 within our site for a pipe manufacturing project under the Brownfield Cleanup Program (BCP) for this property. Tecumseh Redevelopment, Inc. authorizes Welded Tube USA and its contractor The Krog Corp. unlimited access to the property proposed for the BCP to perform required mobilization, site clearing and layout work related to and necessary for the project.

Please contact me at (330) 659-9165 if you have questions or require additional information.

Sincerely,
Tecumseh Redevelopment Inc.


Keith Nagel
General Manager

Cc: Terence L. Thomas - Squire, Sanders and Dempsey



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)
AMENDMENT APPLICATION FOR CHANGE IN PARTY**

07/2010

Section I. Existing Application Information		
BCP SITE NAME: Site III-7 Tecumseh Phase III Business Park		BCP SITE NUMBER: C915199G
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc.		
INDEX NUMBER OF EXISTING AGREEMENT (if applicable):		
Section II. Requestor Information		
NAME Welded Tube USA, Inc.		
ADDRESS 111 Rayette Road		
CITY/TOWN Concord, Ontario		ZIP CODE L4K 2E9
PHONE (905) 669-1111	FAX (905) 738-4070	E-MAIL barry@weldedtube.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
-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.		
NAME OF REQUESTOR'S REPRESENTATIVE Barry Sonshine		
ADDRESS 111 Rayette Road		
CITY/TOWN Concord, Ontario		ZIP CODE L4K 2E9
PHONE (905) 669-1111	FAX (905) 738-4070	E-MAIL barry@weldedtube.com
NAME OF REQUESTOR'S CONSULTANT Bruce Martin, EHS Support, Inc.		
ADDRESS 10221 Moss Tower Place		
CITY/TOWN Bristow, VA		ZIP CODE 20136
PHONE (703) 944-4709	FAX	E-MAIL bruce.martin@ehs-support.com
NAME OF REQUESTOR'S ATTORNEY Doug Dimitroff, Phillips Lytle LLP		
ADDRESS 3400 HSBC Center		
CITY/TOWN Buffalo		ZIP CODE 14203
PHONE (716) 847-5408	FAX (716) 852-6100	E-MAIL ddimitroff@phillipslytle.com
THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:		
<input type="checkbox"/> PARTICIPANT		<input checked="" type="checkbox"/> VOLUNTEER
A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.		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 contamination.
<p align="center">RECEIVED</p> <p align="center">AUG 21 2012</p>		NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination

Section II. Requestor Information (Continued)

Requestor's Relationship to Property (check one):

- Prior Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No
(Note: proof of site access must be submitted for non-owners)

Describe Requestor's Relationship to Existing Applicant:

The Requestor will be the operator of real property currently owned by the Existing Applicant.

Briefly Describe Basis for Submitting this Amendment Application:

The Requestor is the sole member of Welded Tube USA Realty, LLC, which is acquiring certain real property from the Existing Applicant.

Section III. Current Site Owner/Operator Information (only include new information)

OWNER'S NAME (if different from requestor) Tecumseh Redevelopment, Inc.

ADDRESS 4020 Kinross Lakes Parkway

CITY/TOWN Richfield, Ohio

ZIP CODE 44286

PHONE (330) 659-9100

FAX

E-MAIL keith.nagel@arcelormittal.com

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for Requestor (Please refer to ECL 27-1407 for more detail)

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

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

Statement of Certification and Signatures: Requestor

(Individual)

I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements*. 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: _____

(Entity)

I hereby affirm that I am Executive Chairman (title) of Welded Tube USA, Inc. (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements*. 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 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: 8/17/12 Signature:  Print Name: Barry Sonshine

Statement of Certification and Signatures: Existing Applicant

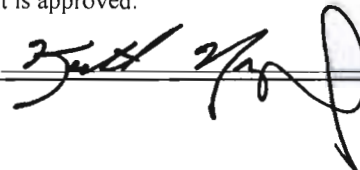
(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am _____ (title) of Tecumseh Redevelopment, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, Tecumseh Redevelopment, Inc. will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 8/17/12 Signature:  Print Name: Keith Nagel

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one hard 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 DEC's website for the address of our regional offices:
<http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)
AMENDMENT APPLICATION FOR CHANGE IN PARTY**

07/2010

Section I. Existing Application Information		
BCP SITE NAME: Site III-7 Tecumseh Phase III Business Park	BCP SITE NUMBER: C915199G	
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc.		
INDEX NUMBER OF EXISTING AGREEMENT (if applicable):		
Section II. Requestor Information		
NAME Welded Tube USA Realty, LLC		
ADDRESS 111 Rayette Road		
CITY/TOWN Concord, Ontario	ZIP CODE L4K 2E9	
PHONE (905) 669-1111	FAX (905) 738-4070	E-MAIL barry@weldedtube.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
-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 NYS Department of State's Corporation & Business Entity Database . 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.		
NAME OF REQUESTOR'S REPRESENTATIVE Barry Sonshine		
ADDRESS 111 Rayette Road		
CITY/TOWN Concord, Ontario	ZIP CODE L4K 2E9	
PHONE (905) 669-1111	FAX (905) 738-4070	E-MAIL barry@weldedtube.com
NAME OF REQUESTOR'S CONSULTANT Bruce Martin, EHS Support, Inc.		
ADDRESS 10221 Moss Tower Place		
CITY/TOWN Bristow, VA	ZIP CODE 20136	
PHONE (703) 944-4709	FAX	E-MAIL bruce.martin@ehs-support.com
NAME OF REQUESTOR'S ATTORNEY Doug Dimitroff, Phillips Lytle LLP		
ADDRESS 3400 HSBC Center		
CITY/TOWN Buffalo	ZIP CODE 14203	
PHONE (716) 847-5408	FAX (716) 852-6100	E-MAIL ddimitroff@phillipslytle.com
THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:		
<input type="checkbox"/> PARTICIPANT <input checked="" type="checkbox"/> VOLUNTEER		
<p>A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.</p> <p>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 contamination.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination</p>		

Section II. Requestor Information (Continued)

Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No
(Note: proof of site access must be submitted for non-owners)

Describe Requestor's Relationship to Existing Applicant:

The Requestor will be the owner of real property currently owned by the Existing Applicant.

Briefly Describe Basis for Submitting this Amendment Application:

The Requestor will be acquiring certain real property from the Existing Applicant.

Section III. Current Site Owner/Operator Information (only include new information)

OWNER'S NAME (if different from requestor) Tecumseh Redevelopment, Inc.

ADDRESS 4020 Kinross Lakes Parkway

CITY/TOWN Richfield, Ohio

ZIP CODE 44286

PHONE (330) 659-9100

FAX

E-MAIL keith.nagel@arcelormittal.com

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for Requestor (Please refer to ECL 27-1407 for more detail)

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

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7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? Yes No
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Statement of Certification and Signatures: Requestor

(Individual)

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Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am Executive Chairman (title) of Welded Tube USA, Inc., sole member of Requestor (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements*. 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 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: 8/17/12 Signature:  Print Name: Barry Sonshine

Statement of Certification and Signatures: Existing Applicant

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am _____ (title) of Tecumseh Redevelopment, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, Tecumseh Redevelopment, Inc. will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 8/17/12 Signature:  Print Name: Keith Nagel

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one hard 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 DEC's website for the address of our regional offices:
<http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 16, 2012.

Selected Entity Name: WELDED TUBE USA, INC.

Selected Entity Status Information

Current Entity Name: WELDED TUBE USA, INC.

DOS ID #: 4266056

Initial DOS Filing Date: JULY 02, 2012

County: ERIE

Jurisdiction: DELAWARE

Entity Type: FOREIGN BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

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

C/O PHILLIPS LYTTLE LLP
3400 HSBC CENTER
BUFFALO, NEW YORK, 14203

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, 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
JUL 02, 2012	Actual	WELDED TUBE USA, INC.

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.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 17, 2012.

Selected Entity Name: WELDED TUBE USA REALTY, LLC

Selected Entity Status Information

Current Entity Name: WELDED TUBE USA REALTY, LLC

DOS ID #: 4284986

Initial DOS Filing Date: AUGUST 17, 2012

County: ERIE

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)

C/O PHILLIPS LYTTLE LLP

3400 HSBC CENTER

BUFFALO, NEW YORK, 14203

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
-------------	-----------	-------------

AUG 17, 2012 Actual

WELDED TUBE USA REALTY, 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.

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DOSPITECS

CORPORATIONS PUBLIC INQUIRY SYSTEM

08/17/12

CURRENT STATUS INFORMATION

CURR NAME WELDED TUBE USA REALTY, LLC

NAME ASSMD ***** TYPE 01DA A STATUS A

EFFECTIVE DATE 08/17/2012 BIENNIAL RPT

ORIG NAME WELDED TUBE USA REALTY, LLC

INC. DATE	COUNTY	DURATION	JURISDICTION	FOR. INC.	NFP TYPE
08/17/2012	ERIE			___/___/___	
				CORPID 4284986	

Process Name C/O PHILLIPS LYTTLE LLP _____

Address 3400 HSBC CENTER _____

City, St, Zip BUFFALO _____, NY_ 14203 - _____

CEO Name _____

Address _____

City, St, Zip _____, _____ - _____

INF101 - PRESS APPROPRIATE FUNCTION KEY FOR DESIRED ACTION

====>

1=CERT SEAL 2= 3=PREVIOUS 4=LIST 5=HISTORY 6=STOCK
7= 8= 9=NAMES 10=CURR ADD 11=BIEN RPT 12=NAME ENTRY



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