

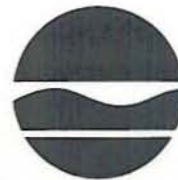
New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: www.dec.state.ny.us



Peter M. Iwanowicz
Acting Commissioner

DEC 28 2010

Flexo Transparent, Inc.
22 Wasson St.
Buffalo, New York 14210

RSB Enterprises, LLC
P.O. Box 128
Buffalo, New York 14210

Re: Certificate of Completion
Site Name: 1132-1146 Seneca Street Site
Site No.: C915228
City of Buffalo, Erie County

Dear Mr. Mabry:

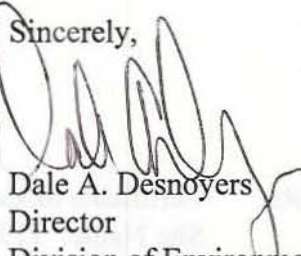
Congratulations on having satisfactorily completed the remedial program at the 1132-1146 Seneca Street site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

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

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June, 2012; and

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Bill Murray at (716) 851-7220.

Sincerely,

Dale A. Desnoyers
Director
Division of Environmental Remediation

cc w/ enclosure:

- Robert. Murray - Harris Beach PLLC (bmurray@harrisbeach.com)
- James. Richert – Malcolm Pirnie, Inc. (jrichert@pirnie.com)
- S. Bates – NYSDOH
- M. Forcucci - NYSDOH

cc w/o enc.:

- Michael Cruden
- Bill Murray
- Martin Doster
- James Charles

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

FLEXO TRANSPARENT, INC.
RSB ENTERPRISES, LLC

Address

28 Wasson Street, Buffalo, NY 14210
P.O. Box 128, Buffalo, NY 14210

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/9/08 **Agreement Execution:** 12/8/08 **Agreement Index No.:**B9-0787-08-06

Application Approval Amendment: 1/7/10

Agreement Execution Amendment: 6/15/10

Agreement Execution Amendment: 3/11/10

SITE INFORMATION

Site No.: C915228 **Site Name:** 1132-1146 Seneca St.

Site Owner: RSB Enterprises, LLC

Street Address: 1132-1146 Seneca Street

Municipality: Buffalo **County:** Erie **DEC Region:** 9

Site Size: 4.200 Acres

Tax Map Identification Number(s): 123-29-1-10, 123-29-1-11, 123-29-1-12

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

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Industrial

Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 27 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 27 %.

Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as 2010186492.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCAION

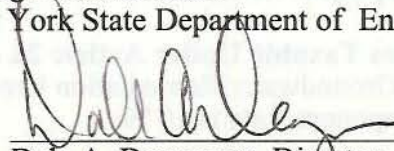
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Peter M. Iwanowicz
Acting Commissioner
New York State Department of Environmental Conservation

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: DEC 28 2010

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

1132-1146 Seneca Street, C915228

1132-1146 Seneca Street, Buffalo, New York

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Flexo Transparent, Inc. and RSB Enterprises, LLC for a parcel approximately 4.2 acres located at the 1132-1146 Seneca Street, Buffalo, New York in the City of Buffalo, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

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

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

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Control # 2010186492.

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

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

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

1132-1146 Seneca Street, C915228
1132-1146 Seneca Street, Buffalo, New York

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

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

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

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York 14203-2915, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Flexo Transparent, Inc.

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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

Signature and Office of individual
taking acknowledgment

Please record and return to:

Flexo Transparent, Inc.
22 Wasson Street
Buffalo, New York 14210

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/28/2010



SITE DESCRIPTION

SITE NO. C915228

SITE NAME 1132-1146 Seneca St.

SITE ADDRESS: 1132-1146 Seneca Street **ZIP CODE:** 14210

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

First Periodic Review Date: 06/21/2012

Description of Institutional Control

RSB Enterprises, LLC

1146 Seneca St.

Environmental Easement

Block: 29-1

Lot: 10

Sublot:

Section: 123

Subsection:

S_B_L Image: 123-29-1-10

IC/EC Plan

Landuse Restriction

Site Management Plan

Soil Management Plan

Lot: 12

Sublot:

Section: 123

Subsection:

S_B_L Image: 123-29-1-12

IC/EC Plan

Landuse Restriction
Site Management Plan
Soil Management Plan

RSB Enterprises, LLC.
1132 Seneca Street
Environmental Easement
Block: 29-1
Lot: 11

Sublot:

Section: 123

Subsection:

S_B_L Image: 123-29-1-11
IC/EC Plan

Landuse Restriction
Site Management Plan
Soil Management Plan

Description of Engineering Control

Exhibit A - Property Description

ALL THAT TRACT OR PARCEL OF LAND, situate In the City of Buffalo, County of Erie and State of New York, being parts of Lot Numbers 27 and 30, Township 10, Range 8 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the northerly line of Seneca Street, 66 feet wide, a distance of 100 feet westerly from its intersection with the westerly line of Wasson Street, 49.5 feet wide, said point being the southeasterly corner of lands conveyed by deed to Westinghouse Electrical Corporation recorded in the Erie County Clerk's Office in Liber 8337 of Deeds at page 561; running thence north $60^{\circ} 10' 02''$ west along the northerly line of Seneca Street, a distance of 337.62 feet to the southwest corner of lands conveyed by deed to Westinghouse Electrical Corporation recorded in the Erie County Clerk's Office in Liber 4374 of Deeds at page 272, said point also being the southeasterly corner of lands conveyed to the City of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 7285 of Deeds at page 599; running thence north $29^{\circ} 50' 38''$ east along the west line of Westinghouse and the east line of the City of Buffalo, a distance of 227.04 feet to a point; running thence north $60^{\circ} 09' 22''$ west along the south line of Westinghouse and the north line of the City of Buffalo, a distance of 29.10 feet to a point; running thence north $29^{\circ} 50' 38''$ east along the west line of Westinghouse and the east line of the City of Buffalo, a distance of 247.16 feet to a point on the southerly line of the Western New York and Pennsylvania Railroad, said point also being the northwest corner of Westinghouse and the northeast corner of the City of Buffalo; running thence north $88^{\circ} 43' 39''$ east along the northerly line of Westinghouse by the aforementioned deed and also the northerly line of lands conveyed by deed to Westinghouse Electric and Manufacturing Company recorded in the Erie County Clerk's Office in Liber 2192 of Deeds at page 180 a distance of 70.89 feet to a point; running thence south $68^{\circ} 18' 20''$ east along the northerly line of Westinghouse, by last mentioned deed, a distance of 121.32 feet to a point being the northeast corner of last mentioned deed; also being the northwest corner of lands conveyed by deed to Westinghouse by the last mentioned deed; running thence south $60^{\circ} 10' 02''$ east along the north line of Westinghouse by first mentioned deed, a distance of 185.07 feet to the northeast corner thereof; running thence south $29^{\circ} 44' 58''$ west along the east line of Westinghouse by first mentioned deed, a distance of 528 feet to the point or place of beginning.

