

Appendix B
Brownfield Acceptance Letter

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.ny.gov



Joe Martens
Commissioner

APR 01 2015

Certified Mail, Return Receipt Requested

Gary Crewson as an Individual
Gary Crewson
1800 Broadway Building 1D
Buffalo, NY 14212

Re: Highland Plaza
Tax Map ID No.: 66.57-2-8-1
Property County: Erie
Site No.: C915293

Dear Applicant:

Your application for the above-referenced Brownfield Cleanup Program ("BCP") project has been reviewed by the New York State Department of Environmental Conservation ("Department"). I am pleased to inform you that your request is accepted. The acceptance is based upon your participation as follows:

Gary Crewson as an Individual is a Volunteer as defined in ECL 27-1405(1)(b).

Based upon the facts and information in the application, information contained in the Department's records, and a timely return of the signed Brownfield Cleanup Agreements (BCAs), the Department is prepared to execute a BCA for the above-described property. Enclosed are three original proposed BCAs. Please have an authorized representative sign all three originals where indicated and return them to my attention at 625 Broadway, Albany, New York, **along with proof that the party executing the BCA is authorized to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.** The BCA shall not be effective until it is fully executed by the parties. A reassessment of eligibility may result in a denial of the application if there are any changes to material facts and information before the BCA is fully executed. **Please note, if the BCA is not signed and returned to the Department within 60 days, the Department will consider the Application withdrawn and the offer to enter the BCP will be deemed rescinded.**

The Department looks forward to working with you on this project. The Department's project manager will assist you in completing your project. You can arrange a meeting to discuss the program's requirements and work plan. The work plan will determine the scope of work to be conducted and completed. You may contact the Department's project team as set forth in Paragraph IV of the attached draft BCA to discuss the next steps.

Sincerely,

Robert W. Schick, P.E., Director
Division of Environmental Remediation

Enclosures:

Department's Copies:

ec: Michael J. Ryan, P.E.
Michael Cruden
Gregory Sutton
Lou Oliva
Kelly Lewandowski
Andrew Guglielmi
Glenn May
Jennifer Dougherty

Applicant's Copies:

ec: Gary Crewson (gcrewson@aol.com)
Thomas Whissel (t.whiss@thomaswhisselattorney.com)
Norman Wohlabough (nwohlabough@verizon.net)