NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, New York 12233-7011 P: (518) 402-9706 | F: (518) 402-9020 www.dec.ny.gov

DEC 24 2019

MOD-PAC CORP. Attn: Mr. Daniel Keane 1801 Elmwood Avenue Buffalo NY 14207

MOD-PAC CORP. 850 New Burton Road Suite 201 Dover, DE 19904

Re: Certificate of Completion

MOD-PAC CORP., Buffalo, Erie, C915314

Dear Mr. Keane:

Congratulations on having satisfactorily completed the remedial program at the MOD-PAC CORP. site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the 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. A copy of the recorded notice should be provided to the Department's project manager. 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. Please return the proof of recording to:

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



- Provide the notice of the COC to the Document Repositories within 10 days
 of issuance of the COC. The Department will develop a fact sheet
 announcing the issuance of the COC and describing the institutional and
 engineering controls (IC/ECs), if any, that are required at the site and
 distribute it to the County Listserv within 10 days;
- 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 on April 30, 2021.

If you have any questions regarding any of these items, please contact Anthony Lopes at 716-851-7220.

Sincerely,

Michael J. Ryan, P.E

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris - NYSDOH

S. Lawrence - NYSDOH

S. McLaughlin - NYSDOH

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

Dan Riker, DRiker@cscos.com

Jesse Alt-Winzig, JAltWinzig@cscos.com

Michele Wittman, michelewittmangeo@gmail.com

Marc Romanowski, Romanowski@ruppbaase.com

ec w/o enc.:

Anthony Lopes Michael Cruden Chad Staniszewski Jennifer Dougherty Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name Address

MOD-PAC CORP. 850 New Burton Road, Dover, DE 19904

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/9/17 Agreement Execution: 6/21/17

Agreement Index No.:C915314-06-17
Application Approval Amendment: 1/29/19
Agreement Execution Amendment: 11/1/19

Application Approval Amendment: 10/23/19 Agreement Execution Amendment: 1/30/19

Application Approval Amendment: 1/29/19

Agreement Execution Amendment: 1/30/19

SITE INFORMATION:

Site No.: C915314 Site Name: MOD-PAC CORP.

Site Owner: MOD-PAC CORP.
Street Address: 1801 Elmwood Avenue

Municipality: Buffalo County: Erie DEC Region: 9

Site Size: 19.727 Acres

Tax Map Identification Number(s): 78.69-2-3.1 Percentage of site located in an EnZone: 100%

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: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

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 in Book of Deeds 11353, Page 5363.

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/REVOCATION

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 is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos Commissioner

New York State Department of Environmental Conservation

Michael J. Ryan, P.E., Director

Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION Brownfield Cleanup Program 6 NYCRR Part 375-1.9(d)

MOD-PAC CORP., Site ID No. C915314 1801 Elmwood Avenue, Buffalo, NY, 14207 Buffalo, Erie County, Tax Map Identification Number 78.69-2-3.1

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 MOD-PAC CORP, for a parcel approximately 19.727 acres located at 1801 Elmwood Avenue in the City of Buffalo, Eric 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):

	Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
	Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii
\boxtimes	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
\boxtimes	Industrial Use, as set forth in 6 NYCRR 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 Book of Deeds 11353, Page 5363.

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.

MOD-PAC CORP., C915314, 1801 Elmwood Ave, Buffalo, NY

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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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

PLEASE TAKE NOTICE, the Certificate may 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, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 office located at 270 Michigan Ave, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Buffalo, NY 14207

			MOD-PAC CORP.
			Ву:
			Title:
			Date:
STATE OF NE COUNTY OF	EW YORK) SS:)	
acknowledged his/her/their sig	to me that he/ gnature(s) on t	she/they execut	the year 20, before me, the undersigned, personally nown to me or proved to me on the basis of satisfactory e is (are) subscribed to the within instrument and ted the same in his/her/their capacity(ies), and that by the individual(s), or the person upon behalf of which the
Signature and taking acknow	ledgment		Please record and return to: MOD-PAC CORP. Attn: Mr. Daniel Keane 1801 Elmwood Avenue

Exhibit A Site Description

Exhibit A Environmental Easement Description For MOD-PAC CORP. Site BCP Site No. C915314

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 84, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the east line of Elmwood Avenue (99 feet wide) with the south line of Lot No. 84, Township 11, Range 8, which Lot line is also the northerly right of way line of Conrail (formerly N.Y.C.R.R. Co.);

RUNNING THENCE: Northerly, along the east line of Elmwood Avenue, a distance of 593.88 feet to its intersection with a south edge of a stone water table, extended westerly; RUNNING THENCE: Easterly, along the westerly extension of a south edge of a stone water table and a south edge thereof, at an interior angle of 90°-07'-54", a distance of 108.12 feet to a point, which point is on an east edge of the said stone water table; RUNNING THENCE: Northerly, along an east edge of the said stone water table at an interior angle of 270°-00'-00", a distance of 3.67 feet to a south edge of a stone water table;

RUNNING THENCE: Easterly, along a south edge of the said stone water table and the easterly extension thereof, at an interior angle of 89°-57'-05", a distance of 77.0 feet to a point; RUNNING THENCE: Northerly, along a line forming an interior angle of 269°-59'-00", a distance of 42.90 feet to a point;

RUNNING THENCE: Northeasterly, along a line forming an interior angle of 130°-57'-22", a distance of 71.17 feet to a point;

RUNNING THENCE: Northerly, along a line forming an interior angle of 229°-02′-38″, a distance of 122.74 feet to a point;

RUNNING THENCE: Easterly, along a line forming an interior angle of 90°-00'-00", a distance of 183.95 feet to a point;

RUNNING THENCE: Southerly, along a line forming an interior angle of 91°-59'-40" and

Environmental Easement Page

also being along the exterior face of a canopy which projects from the north face of an existing concrete block building, a distance of 11.41 feet to a point;

RUNNING THENCE: Easterly, along the face of an existing concrete block and brick building and along a line forming an interior angle of 270°-02'-41", a distance of 206.98 feet to a point on the east face of an existing concrete block wall:

RUNNING THENCE: Northerly, along the east face of said concrete block wall forming an interior angle of 270°-05'-00", a distance of 10.07 feet to a point on the south line of Sublot No.

243, as shown on a map filed in the Erie County Clerk's Office under Map Cover 337; RUNNING THENCE: Easterly, along the south line of Sublot No. 243, Map Cover 337 and forming an interior angle of 94°-19'-40", a distance of 97.76 feet to a point on the southeast corner of said Sublot No. 243, Map Cover 337;

CONTINUING THENCE: Easterly, along a line forming an interior angle of 175°-09'-30", a distance of 50.18 feet to a point on the easterly line of Mandan Street (50 feet wide) also being the southwest corner of Sublot No. 188, Map Cover 337;

RUNNING THENCE: Northerly, along the easterly line of Mandan Street and forming an interior angle of 274°-49'-30", a distance of 50,0 feet to a point on a line parallel with the north line of Sublot No. 187, Map Cover 377;

RUNNING THENCE: Easterly, along the line parallel with the north line of Sublot No. 187, Map Cover 337 and forming an interior angle of 89°-40'-00", a distance of 119.70 feet to a point on a line being the west lines of Sublots 158, 159, 160 and 161, Map Cover 337; RUNNING THENCE: Northerly, along the west lines of Sublots 158, 159, 160 and 161, Map Cover 337 and forming an interior angle of 270°-21'-00", a distance of 70.70 feet to a point on a line parallel with the south line of Sublot No. 161, Map Cover 337 and 0.70 feet north therefrom;

RUNNING THENCE: Easterly, along the line parallel with the south line of Sublot No. 161, Map Cover 337 and 0.70 feet north therefrom and forming an interior angle of 89°-39'-00", a distance of 119.70 feet to a point on the west line of Ledger Street (50 feet wide); RUNNING THENCE: South, along the west line of Ledger Street and forming an interior angle of 90°-21'-00", a distance of 120.70 feet to a point, being the southeast corner of

Sublot No. 157, Map Cover 337;

RUNNING THENCE: Easterly, along the easterly extension of the south line of Sublot No. 157, Map Cover 337 and forming an interior angle of 269°-39'-00", a distance of 67.19 feet to a point in a line begin the northerly extension of the west face of an existing brick building; RUNNING THENCE: Southerly, along the west face of aforementioned brick building and its extension Northerly forming an interior angle of 90°-06'-14", a distance of 106.66 feet to a point;

RUNNING THENCE: Westerly, along a line forming an interior angle of 90°-00'-00", a distance of 17.0 feet to a point;

RUNNING THENCE: Southerly, along a line forming an interior angle of 270°-00'-00", a distance of 198,28 feet to a point;

RUNNING THENCE: Westerly, along a line forming an interior angle of 84°-52'-10", a distance of 54.49 feet to a point on the southeast corner of an existing concrete block building:

RUNNING THENCE: Northerly, along an easterly face of aforementioned concrete block building, forming an interior angle of 90°-55'-40", a distance of 135.63 feet to a point;

RUNNING THENCE: Easterly, along a southerly face of aforementioned concrete block building, forming an interior angle of 90°-00'-00", a distance of 5.38 feet to a point;

RUNNING THENCE: Northerly, along an easterly face of aforementioned concrete block building, forming an interior angle of 270°-00'-00", a distance of 34.97 feet to a point;

RUNNING THENCE: Westerly, along a northerly face of aforementioned concrete block building, forming an interior angle of 270°-00", a distance of 5.38 feet to a point;

RUNNING THENCE: Northerly, along an easterly face of aforementioned concrete block building, forming an interior angle of 90°-00′-00″, a distance of 42.40 feet to a point on a north face of an existing brick wall;

RUNNING THENCE: Westerly, along a north face of an existing brick wall, forming an

interior angle of 270°-08'-35", a distance of 72.23 feet to a point on the west face of an existing brick wall;

RUNNING THENCE: Southerly, along a west face of an existing brick wall, forming an interior angle of 270°-06'-45", a distance of 190.76 feet to a point on a south face of an existing brick wall;

RUNNING THENCE: Westerly, along the south face of an existing brick wall, forming an interior angle of 89°-47'-11", a distance of 17.79 feet to a point;

RUNNING THENCE: Southerly, along a line forming an interior angle of 270°-34'-13", a distance of 22.14 feet to a point;

RUNNING THENCE: Westerly, along a line forming an interior angle of 89°-19'-47", a distance of 11.88 feet to a point on an east face of an existing brick wall;

RUNNING THENCE: Southerly, along an east face of an existing brick wall, forming an interior angle of 270°-06'-00", a distance of 40.34 feet to a point;

RUNNING THENCE: Easterly, along a line forming an interior angle of 269°-51'-25", a distance of 48.65 feet to a point on a line being the extension northerly of an east face of an existing brick wall;

RUNNING THENCE: Southerly, along an east face of an existing brick wall and its extension northerly, forming an interior angle of 89°-56'-40", a distance of 58.03 feet to a point;

RUNNING THENCE: Southeasterly, along a line forming an interior angle of 235°-15'-24", a distance of 119.84 feet to a point on the centerline of former Ledger Street (50 feet wide) as shown on a map filed in the Erie County Clerk's Office in Liber 1137 of Deeds at Page 26;

RUNNING THENCE: Southerly, along the centerline of former Ledger Street as shown on a map filed in the Erie County Clerk's Office in Liber 1137 of Deeds at Page 26, forming an interior angle of 128°-56'-49", a distance of 66.51 feet to a point on a non-tangent curve; RUNNING THENCE: Southeasterly, along a curve to the right having a radius of 344.27 feet, a distance of 35.30 feet to a point of tangency;

RUNNING THENCE: Southeasterly, a distance of 175.84 feet to a point of curvature; RUNNING THENCE: Southeasterly, along a curve to the left having a radius of 374.26

feet, a distance of 200.54 feet to a point;

RUNNING THENCE: Westerly, parallel with the north line of said Conrail lands and the south line of Lot 84, a distance of 238.91 feet to a point on the east line of Ledger Street; RUNNING THENCE: Southerly, along the east line of Ledger Street, a distance of 5.02 feet to a point on the north right of way line of Conrail and the south line of Lot 84; RUNNING THENCE: Westerly, along the north line of Conrail, the south line of Lot 84, forming an interior angle of 85°-33'-05", a distance of 1159.38 feet to the POINT OR PLACE OF

BEGINNING, containing 19.727 Acres, be the same, more or less.

SUBJECT TO easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE a portion of lands conveyed to Mod-Pac Corp. by deed recorded in the Erie County Clerk's Office in Liber 11308 of Deeds at Page 2122 and in Liber 11343 of Deeds at Page 3393.

Exhibit B

Site Survey

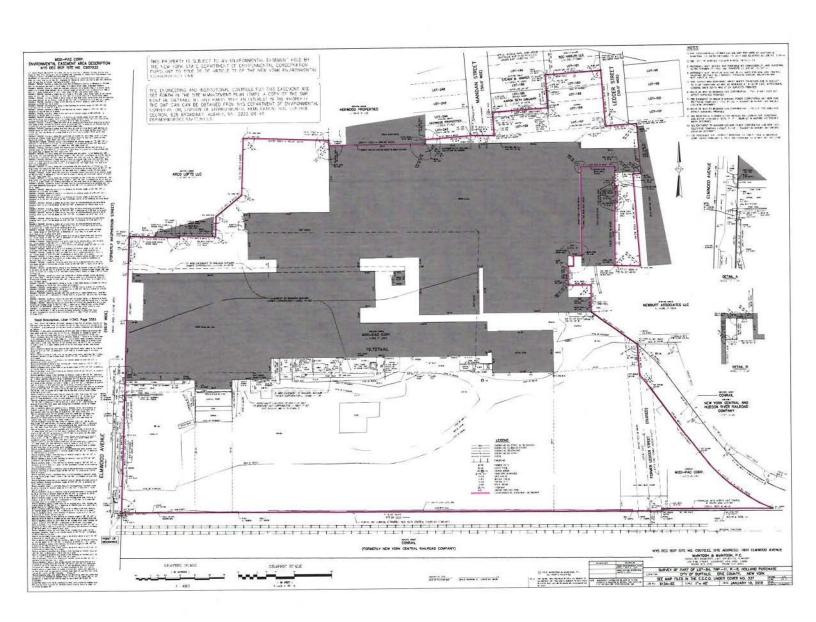
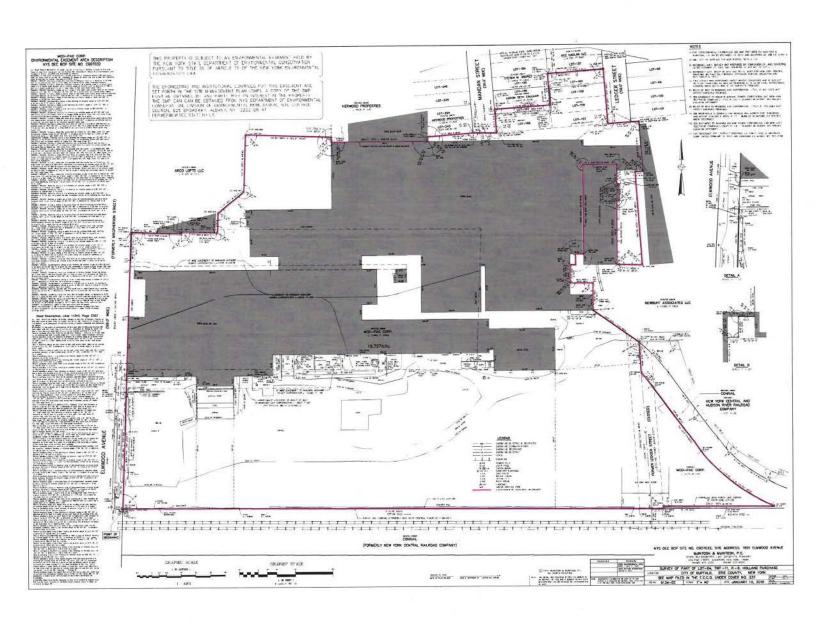


Exhibit B

Site Survey





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

12/10/2019



SITE DESCRIPTION

SITE NO.

C915314

SITE NAME MOD-PAC CORP.

SITE ADDRESS: 1801 Elmwood

ZIP CODE: 14207

CITY/TOWN:

Buffalo

COUNTY: Erie

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

YES NO

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/25/2021

Description of Institutional Control

MOD-PAC CORP.

850 New Burton Road, Suite 201 1801 Elmwood Avenue Environmental Easement Block: 2 Lot: 3 Sublot: 1 Section: 78.6 Subsection:

> S_B_L Image: 78.69-2-3.1 **Building Use Restriction**

> > Ground Water Use Restriction

IC/EC Plan

Landuse Restriction Monitoring Plan

O&M Plan

Site Management Plan Soil Management Plan

Description of Engineering Control

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MOD-PAC CORP.

850 New Burton Road, Suite 201

1801 Elmwood Avenue

Environmental Easement

Block: 2
Lot: 3
Sublot: 1
Section: 78.6
Subsection:
S_B_L Image: 78.69-2-3.1
Cover System
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