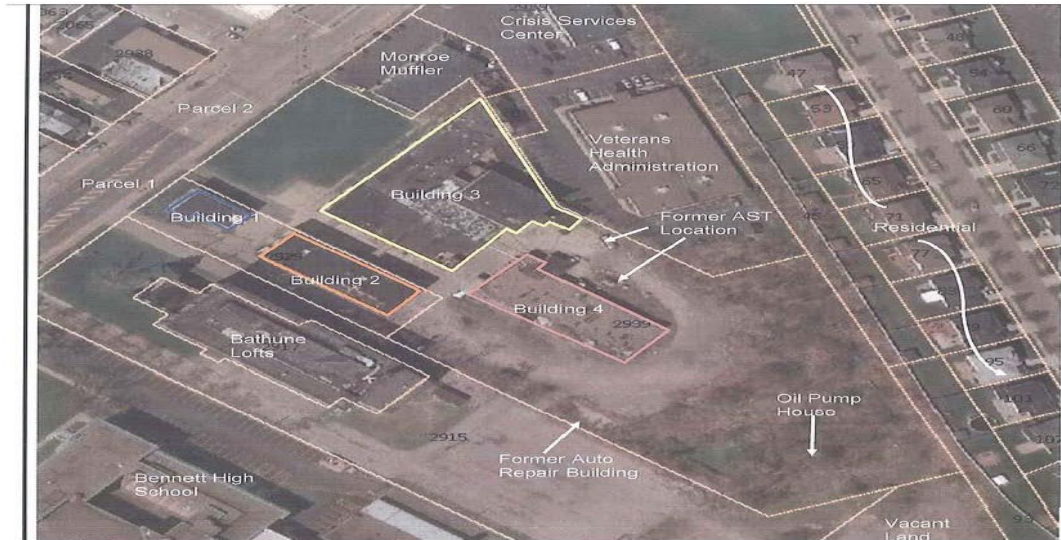


**APPLICATION
NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM**



**2929 & 2939 MAIN STREET
BUFFALO, NEW YORK**

**SUBMITTED BY:
MAIN AND HERTEL LLC**

March 2017

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes **No** **If yes, provide existing site number:** _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 7*

Section I. Requestor Information - See Instructions for Further Guidance DEC USE ONLY BCP SITE #: _____

See Also Exhibit A

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)? Yes 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 the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS. Refer to Figure 1

Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description See Also Exhibit B

1. What stage is the project starting at? Investigation Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and Refer to Exhibit B
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

Refer to Exhibit C and Exhibit I - Attached Electronic Report Copies

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Refer Exhibit I - Attached Electronic Report Copies**

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	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

Refer to Exhibit C, Exhibit I, and Figure 6 - Figure & Table showing sampling and contaminant exceedance information

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes No

4. 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: _____

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

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

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

- Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach a metes and bounds description of the property. **Refer to Figure 3 and 4a and 4b**
- Is the required property map attached to the application? **Refer to Figure 3** Yes No
(application will not be processed without map)
- Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
If yes, identify census tract : _____
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)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____
- Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No
- Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.
- Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. Yes No

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
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9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
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10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Refer to Exhibit D Yes No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits? Not Applicable Yes No
If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Not Applicable Yes No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S CONSULTANT		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S ATTORNEY		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Section VI. Current Property Owner/Operator Information – if not a Requestor	Refer to Exhibit E - Prior Owners/Operators
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CURRENT OWNER'S NAME	OWNERSHIP START DATE:	
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
CURRENT OPERATOR'S NAME		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. Refer to Exhibit E - Prior Owners/Operators

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

Section VII. 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? Yes No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes 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? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

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:

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.

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, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Refer to Exhibit F -
Statement re: consideration as volunteer

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

Yes No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance Refer to Exhibit F

- 1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
- 2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes No
If yes, please provide: Site # _____ Class # _____
- 3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Figure 10 - EPA LQG Info Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
- 4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. No Info Available Yes No
- 5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____ Figure 10 - Copy of Order
- 6. 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. Yes No

Section IX. Contact List Information Refer to Exhibit G

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [*DER-23 / Citizen Participation Handbook for Remedial Programs*](#). 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. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
- 8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors Refer to Exhibit H	
1. What is the current zoning for the site? What uses are allowed by the current zoning? Residential Commercial Industrial Refer to Figure 7 - Zoning If zoning change is imminent, please provide documentation from the appropriate zoning authority.	
2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply) Refer to Exhibits C, D and E Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.	
3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) Attach a statement detailing the specific proposed use. If residential, does it qualify as single family housing? Refer to Exhibit B Yes No	
4. Do current historical and/or recent development patterns support the proposed use?	Yes No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)


If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. 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 a requestor other than an individual)

I hereby affirm that I am Manager (title) of MAIN AND HERTEL LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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: March 17, 2017 Signature: 

Print Name: David Freeman

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), 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

FOR DEC USE ONLY

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

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 7

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
Please answer questions below and provide documentation necessary to support answers.		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
From ECL 27-1405(31):		
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
<p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>		
<p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement would need to be provided to the Department prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: City:	Site Address: County:	Zip:		
Tax Block & Lot Section (if applicable):	Block:	Lot:		
Requestor Name: City:	Requestor Address: Zip:	Email:		
Requestor's Representative (for billing purposes) Name: City:	Address: Zip:	Email:		
Requestor's Attorney Name: City:	Address: Zip:	Email:		
Requestor's Consultant Name: City:	Address: Zip:	Email:		
Percentage of site within an En-Zone:	0%	<50%	50-99%	100%
Requestor's Requested Status:	Volunteer	Participant		

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (**Please note:** the application as a *whole* requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

EXHIBITS

EXHIBIT A

Section I. Requester Information

Exhibit A

Section I. Requester members/owners

Requester:

MAIN AND HERTEL LLC

1425 N. University Avenue

Provo, UT 84604

Members/Owners of MAIN AND HERTEL LLC:

Blackfish I, LLC

1524 E Springdell Cir

Provo, UT 84604

Phone: 801-318-3445

Fax: NA

Email: dave@dffusion.com

Blackfish I, LLC is represented by:

Mr. Dave Freeman

1425 N. University Ave.

Provo, UT 84604

The requester is authorized to conduct business in New York State (NYS). A printout of entity information from the NYS Department of State's Corporation & Business Entity Database is enclosed as Exhibit 1.

All individuals that will be preparing and certifying BCP documents in final form meet the requirements of Section 1.5 of DER-10. The work will be completed by engineers and scientists working at:

Panamerican Environmental, Inc. (PEI)/Brydges – environment, engineering, energy (BE3)

2390 Clinton Street

Buffalo, New York 14227

Documents will be certified by NYS licensed professional engineers with current licenses and registrations Refer to Figure 1

EXHIBIT B

Section I. Project Description

Exhibit B

Section II. Project Description

Purpose of the Project

The purpose is to complete a remediation of the former industrial property into student housing (residential) reuse in support of the nearby universities and colleges. The proposed remedy is intended to reduce the potential exposure to volatile organics associated with vapor migration into the proposed buildings and exposure to PAHs and metals; to enhance public and environmental health and reduce potential impacts to groundwater.

Current and past use of the Site and adjacent properties has been industrial/commercial which has impacted environmental media. The student housing re-use will require remediation of these impacts. The BCP program will help support the significant remediation costs necessary to re-develop the property for the intended re-use.

Anticipated Use After Remediation

The re-development project will result in student housing with ancillary commercial and retail uses. Square footage in each use category is approximately 200,000 square feet of residential and approximately 12,000 square feet commercial/non-residential space.

Estimate of Job created is around 100 during construction and 10-15 permanent employees once constructed.

Anticipated Remedial Costs

Project will exceed \$500,000 for investigation and remediation costs. Specifics are unknown and will be detailed after the Remedial Investigation.

Anticipated Cost of Future Development

The capital costs and estimated value of the completed project is approximately \$35-40 million.

Date Remedial Action to Start

Remedial Action and renovation is anticipated to start in fall to winter 2017-2018.

Date of Anticipated Certificate of Completion

The anticipated date of the certificate of completion is spring to summer of 2018.

EXHIBIT C

Section III. Property's Environmental History

Exhibit C

Section III. Property's Environmental History

As requested, the information requested in Section III is contained in the attached electronic copies (Exhibit I) of property specific investigation reports and the attached Figure 6 which identifies sample locations, date of sampling, and key contaminants detected with regard to use.

Property Background/Historical Summary

The Site, comprised of 2929-2939 Main Street is located in the City of Buffalo at the east side of the corner of Main Street and Hertel Avenue (refer to Figures 2, 5a and 5b). The 2929 Main Street parcel is approximately 0.54-acres and the 2939 Main Street parcel is approximately 4.43-acres. There are 4 buildings on the property and an old vacant former oil house that is deteriorating and overgrown with trees. A summary of the structures is as follows:

- Building 1 (office Building): This is a 2-story approximately 4,300 square foot structure. This building is used as Keystone Office.
- Building 2 (Rental Building) This is a 2-story approximately 15,900 square foot structure this building is used for storage and was previously office space and warehouse.
- Building 3 (Main Plating Building): This is a 2/3-story building approximately 50,700 square feet. The building is occupied by Keystone Corporation and includes the electroplating operation. Much of the second/third floors are currently vacant. The wastewater treatment system, plating tanks, storage and other operations are mostly contained on the first floor.
- Building 4: This is a 1-story approximately 9,300 square foot building. This building is used for storage of raw and finished products.

All these buildings had other operations historically. The Phase I ESA identified the following environmental issues:

- The subject property has been the location for various manufacturing or electroplating operations since 1910. These operations have used various hazardous materials and petroleum products and produced organic and inorganic chemical and petroleum wastes as well as metal wastes. Past practices concerning operations and waste handling varied and are unknown for the most part.
- A previous Phase II ESA in 1990 confirmed petroleum and chemical impacts to soil and although some very specific hot spot remediation was completed, the potential for soil and groundwater impacts were identified as possibly still being present.
- Potential releases from past operations including tin shop, paint manufacturing, and auto repair may have added to potential releases and impacts.
- Several underground storage tanks (USTs) and aboveground storage tanks (ASTs) were associated with the property and these may have impacted soils and groundwater.
- A pit/sump was located in the southeast corner of Building 3. This pit was reportedly associated with the use of degreasers including trichloroethene (TCE). This may have impacted soil and groundwater and may represent a vapor intrusion issue.
- The former oil pump house has several pipes protruding from the building/ground. These

may represent either associated USTs or oil lines that fed through and were pumped from this location. Previous surface soil samples in this area indicated petroleum impacts.

- Several railroad spurs are located on the property (south and eastern portion). The Phase I ESA speculated that spills of petroleum or hazardous materials along these spurs may have occurred or may be present from rail ballasts.
- Debris and mounding was observed in the eastern and southeastern areas of the property. The Phase I ESA observed fill of unknown origin, brick, concrete, rusted/empty 55-gallon drums, 5-gallon containers, roofing shingles, tires, and wood.
- Transformers were located in building 3 and on the roof of Building 4. No information concerning the PCB content.
- Various pits and trenches are located with the electroplating operations and are used to transport various plating liquid waste to the wastewater treatment plant. These pits/trenches were excavated to bedrock.
- The precious metal room located on the second floor of Building 3 has a wood floor and extensive buildup of residue from general dripping during operations.
- Adjacent Monroe Muffler was historically a gasoline service station that contained multiple USTs

The Phase II ESA completed in 1990 was very limited, especially with respect to the type of analysis and samples collected. The analytical data was limited and mainly included Toxicity Characteristic Leaching Procedure (TCLP) metals. Some of the Total Petroleum Hydrocarbon (TPH) results in areas that had aboveground storage tanks were very high, indicating petroleum impacts were present. There was also one area that had a high lead TCLP result. These areas were reportedly remediated. The test pit data indicated bedrock is very shallow across the site (3' to 5' bgs).

Currently the Site is occupied and owned by the Keystone Corporation which is an electroplating company and occupies the four buildings. The Keystone Corporation provides industrial metal finishing and metal plating. Plating include cadmium, copper and nickel including electrolysis nickel plating, gold, silver, tin, tin/lead solder plate, zinc, phosphate, manganese phosphate, zinc phosphate and tin alloy plating. The Keystone Corporation has been associated with the property since at least the 1990s. A previous plating company was associated with the property since at least the 1970s. Past uses of portions of the property include auto/truck manufacturing, gasoline pump manufacturing, cereal manufacturing, dairy equipment manufacturing, paint manufacturing, auto repair and plating.

Contaminates potentially include polycyclic aromatic hydrocarbons (PAHs), metals and volatiles including petroleum and solvents as well as acids and bases. Various media including surface and subsurface soil, groundwater and air (vapor intrusion) would be potentially affected. Areas of the building may be impacted with petroleum, solvents, acids and bases and plating waste.

A more detailed summary of property description, history, and use and contamination impacts is provided in the attached electronic copies of investigation reports.

EXHIBIT D

Section IV. Property Information

Exhibit D

Section IV. Property Information

As requested in the application instructions, each section response is limited to one paragraph and the site geology and hydrogeology is presented as a very brief summary.

Property Description Narrative

Location

The Site is located in the City of Buffalo at the east side of the corner of Main Street and Hertel Avenue (refer to Figures 2, 5a and 5b). The Site is a combination of 2929 Main Street, which is approximately 0.5-acres and 2939 Main Street, which is approximately 4.4-acres. The area is a densely developed urban area. **Please refer to attached maps including Figures 2, 3, 4, 5, 6 and 7, which show the property.** Please note, the property boundaries consist of two combined tax parcels.

Site Features

The rectangular shaped 2929 Main Street parcel is approximately 0.5-acres and the irregularly-shaped 2939 Main Street parcel is approximately 4.4-acres. The Site is bounded by the north by Monroe Muffler and Main Street,; the northwest by Main Street; to the northeast by the Crises Service Center and Veterans Administration Building; further northeast and east by residential properties; south by vacant land and south east and west by Bathune Lofts and Bennet High School. There are 4 buildings on the property and an old vacant former oil house that is deteriorating and overgrown with trees. A summary of the structures is as follows:

- Building 1 (office Building): This is a 2-story approximately 4,300 square foot structure. This building is used as Keystone Office.
- Building 2 (Rental Building) This is a 2-story approximately 15,900 square foot structure this building is used for storage and was previously office space and warehouse.
- Building 3 (Main Plating Building): This is a 2/3-story building approximately 50,700 square feet. The building is occupied by Keystone Corporation and includes the electroplating operation. Much of the second/third floors are currently vacant. The wastewater treatment system, plating tanks, storage and other operations are mostly contained on the first floor.
- Building 4: This is a 1-story approximately 9,300 square foot building. This building is used for storage of raw and finished products.

The buildings are surrounded by asphalt drive areas and parking spaces with some adjacent property buildings and asphalt parking. A flat grass covered rectangular green space is located in front of the complex along Main Street and wooded fill covered area is located southeast. This area contains small mounded and low areas created by filling that occurred in the past.

Current Zoning and Land Use

The Site is currently utilized as an industrial/manufacturing facility. The planned use is student housing with ancillary commercial and retail uses. Square footage in each use category is approximately 200,000 square feet of residential and approximately 12,000 square feet commercial. The City of Buffalo has recently adopted a revised Unified Development Ordinance that designates the Site N-1C (Mixed-Use Core) and is within the Metro Rail Corridor. Surrounding properties are a mix of N-3C (Mixed Use Center) and N-3R (Residential). The makeup is largely commercial and single-family or multi-family residential. Historically, the majority of the immediate area and the subject parcel were used for industry and rail transportation with residential as far back as the mid-1800s. The property is on the main Buffalo public transit rail system with the University of Buffalo Main Street campus north and Bennett high School south.

Past Use of the Site

The subject property has been the location for various manufacturing or electroplating operations since 1910. These operations have used various hazardous materials and petroleum products and produced organic and inorganic chemical and petroleum wastes as well as metal wastes. Past practices concerning operations and waste handling varied and are unknown for the most part. Currently the property is occupied and owned by the Keystone Corporation which is an electroplating company and occupies the four buildings. The Keystone Corporation provides industrial metal finishing and metal plating. Plating include cadmium, copper and nickel including electrolysis nickel plating, gold, silver, tin, tin/lead solder plate, zinc, phosphate, manganese phosphate, zinc phosphate and tin alloy plating. The Keystone Corporation has been associated with the property since at least the 1990s. A previous plating company was associated with the property since at least the 1970s. Past uses of portions of the property include auto/truck manufacturing, gasoline pump manufacturing, cereal manufacturing, dairy equipment manufacturing, paint manufacturing, auto repair and plating. Contaminates potentially include polycyclic aromatic hydrocarbons (PAHs), metals and volatiles including petroleum and solvents as well as acids and bases. Various media including surface and subsurface soil, groundwater and air (vapor intrusion) would be potentially affected. Areas of the building may be impacted with petroleum, solvents, acids and bases and plating waste.

Site Geology and Hydrogeology

In general, after more than a century of intense industrialization has altered the natural setting throughout the entire property and the area can best be described as highly disturbed. Based on the borings, most of the property contains fill material which includes silty gravelly soil and shallow bedrock. Some locations, particularly along the east, south and southeast had fill material with brick, cement, some ash and gravel. The bedrock ranged from 1.4 feet bgs to 7.8 feet bgs with most borings reaching bedrock between 4-5 feet bgs. The areas of deeper bedrock corresponded to thicker fill layers in the south and east portions of the property. The City of Buffalo Soils map identifies soils as Wassaic silt loam 3-8% slopes and urban land. The Wassaic

soils were formed in a thin mantel of glacial till underlain by limestone bedrock which generally occurs at shallow depths of 2-5 feet. In the spring there may be a perched seasonally high water table within the soil profile. Otherwise groundwater is located in the bedrock. The geotechnical report for the planned re-development indicates that man-made fill soil overlie Onondaga Limestone and Akron Dolostone bedrock which was encountered at depths ranging between 1.5 feet and 5.8 feet below ground surface (bgs). No free standing water was encountered. The geotechnical report suggested that it was possible that some localized zones of perched or trapped groundwater could be present at various times, locations and depths in the fill soils, depending on site drainage conditions and precipitation events.

Environmental Assessment

The subject property has been the location for various manufacturing or electroplating operations since 1910. These operations have used various hazardous materials and petroleum products and produced organic and inorganic chemical and petroleum wastes as well as metal wastes. Several underground storage tanks (USTs) and aboveground storage tanks (ASTs) were associated with the property and these may have impacted soils and groundwater. A pit/sump located in the southeast corner of Building 3 was associated with the use of degreasers including trichloroethene (TCE) and various pits and trenches are located with the electroplating operations and are used to transport various plating liquid waste to the onsite wastewater treatment plant. These pits/trenches were excavated to bedrock. The former oil pump house has several pipes protruding from the building/ground. These may represent either associated USTs or oil lines that fed through and were pumped from this location. Previous surface soil samples in this area indicated petroleum impacts. Debris and filling/mounding was observed in the eastern and southeastern areas of the property. This fill of unknown origin contains ash, brick, concrete, rusted/empty 55-gallon drums, 5-gallon containers, roofing shingles, tires, and wood.

Soil - The results of recent soil sampling indicate that SVOCs (primarily PAHs) and metal compounds including cadmium, chromium, copper, lead and silver were detected throughout the Site at variable levels above residential and restricted residential SCOs. Additionally, results indicate that volatile compounds and PCB/Pesticides were detected in concentrations below SCOs across the property, indicating potential impact from previous property operations.

Groundwater & Soil Vapor – groundwater and soil vapor have not been investigated but property contaminants and operations certainly may have impacted groundwater and may represent a vapor intrusion issue. These will be investigated during the RI portion of the BCP.

EXHIBIT E

Section VI. Current Property Owners/Operator Information

Exhibit E

Section VI. Current Property Owner/Operator Information

The **Current Owner** is the Keystone Corporation – see Section I and V. There are two parcels that make up the property

Parcel 1

Address: 2929 Main Street, Buffalo, New York

Owner: Keystone Corporation

SBL: 79.70-5-1

Parcel 2

Address: 2939 Main Street, Buffalo, New York

Owner: Keystone Corporation

SBL: 79.70-5-1

Mr. Jack Karet, President

Mr. Michael A. Karet, Vice President

2929 Main Street

Buffalo, New York,

Phone: (716) 832-1232

Web: www.keyfinishing.com

Relationship of requestor to current and previous owners and operators – NONE. The requestor has no relationship to the current or previous owners or current or past operators of the property.

Previous Owners and Operators

The past **OWNERSHIP** is as follows (note, early transfers were associated with various portions of what became the larger subject parcel:

<u>Liber</u>	<u>Page</u>	<u>Sale Date</u>	<u>From</u>	<u>To</u>
10721	604	8-13-1993	Erie County IDA	Keystone Corporation
10177	440	5-25-1990	Marlette National Corp. aka National Finishing Corporation	Keystone Corporation
9292	703	12-20-1983	National Finishing Corporation	Erie County IDA
7528	272	10-31-1968	2929 Main St. Inc. aka McDougall-Butler Co. Inc.	National Finishing Corporation
1166	88	3-25-1910	Buffalo Cement Company	Automatic Transportation Company
1123	215	2-5-1909	Buffalo Cement Company	Automatic Transportation Company

Current/Historic Ownership/Operators**Current owner & Operator**

1) Keystone Corporation – 1990-present
2929 Main Street
Buffalo, New York

Past Owners**1) Marlette National Corp. aka National Finishing Corporation** – 1968-1990

25 Rano Street
Buffalo, NY 14207-2107
716-874-1790

2) McDougall-Butler Co. Inc. – (paint manufactures) 1950s-1968

Current Address Unknown - Company may no longer exist

Last known address

2929 Main Street Buffalo, New York

No known last phone number

The Applicant was not able to find any additional information on this entity. We reviewed the Buffalo city directory for that time period, and searched Maine, Mass. And D.C. corporate records where the entity was also doing business, without success. The only information the Applicant could find was promotional materials and news articles which reference the address as simply Buffalo 5, New York or Buffalo, New York.

3) Automatic Transportation Company/ Yale & Towne Manufacturing Company/Walker Vehicle Company - (Electric Trucks) 1909- 1940s

Currently - Yale Materials Handling Corporation 5875 Landerbrook Dr., Suite 300 Cleveland, OH 44124 Phone: 440-229-5168

4) Buffalo Cement Company (1909-1910)- Louis J. Bennett (Bennett High School) purchased land, erected buildings, and in March, 1877, organized the **Buffalo Cement Company**, of which he was the first and only president (1911). The company operated a quarry and manufactured stone and cement. This company was successful cement manufacturers for thirty years, then discontinued manufacturing and confined their operations to real estate investment and in the development of suburban Buffalo. Ten years later he planned a residential subdivision on the company's lands with his son, Leslie Jay Bennett, and William Pierce, a co-owner of Buffalo Cement.

Last known address - Buffalo Cement Company, Limited, 2747 Main St., Buffalo, NY 14214

No last known Phone number available.

PAST TENANTS/OPERATORS –

- Environmental Education and Associates (lead and Asbestos consultants) - 346 Austin St, Buffalo, NY 14207 · (716) 833-2929
- Key Tech Finishing, Inc. (metal finishing) – last known address - 2929 Main St, Buffalo, NY 14214-1719. 716-832-1232 Key Tech Finishing was a related entity to Keystone Corporation, with the same CEO, address and phone number. It was dissolved by filing with the NYS Department of State on March 29, 1999.
- Ace Employment Agency - 327 Elm Street, Buffalo, NY 14203. 716-832-2141
- Camfire Council of Buffalo and Erie County - 700 Main St, Buffalo, NY 14202 · 716-856-7520
- Friendship Social Club (mental health) - 66 Englewood Ave, Buffalo, NY 14214 · 716-835-1919
- Hospice Buffalo, Inc. - 225 Como Park Blvd., Cheektowaga, NY 14227 - 716-686-1900
- Huggins (auto repair) – last known address - 2929 Main Street Buffalo, NY - No longer exists The Applicant could not find any record of this entity with Erie County or the Department of State. It may have been a dba or foreign entity.
- Dentek Inc. (dental lab) - last known address - 2929 Main Street Buffalo, NY - No longer exists Dentek, Inc. is listed with the DOS at 994 Ellicott Sq. Bldg., Buffalo, New York 14203. It was dissolved by filing with the NYS DOS on March 24 ,2000.
- Regional Medical Program for Western NY - last known address - 2929 Main Street Buffalo, NY - No longer exists The Regional Medical Programs were a federal health initiative under the Johnson administration. On 2/24/1972 the Regional Medical Program for Western New York was incorporated as a domestic not-for-profit corporation called Lakes Area Regional Medical Program Inc. with its address at 2929 Main Street. On 6/21/1976 it changed its name to Western New York Grants Administration Services Inc. The DOS lists this entity as still active but does not have an address on file.
- Martin and Schwartz Inc. (gasoline pump manufactures) - Manufacturers of gas pumps since 1922. Around 1939 M&S moved to Salisbury, Maryland. The company was purchased by the Wayne Pump Company in 1951, and Wayne moved their headquarters and manufacturing from Ft. Wayne, Indiana to Salisbury, Maryland location of Martin & Schwartz. In 1958, Wayne became a part of Symington-Gould, which was also a part owner of the Martin & Schwartz Company, and was called Symington-Wayne. Symington-Wayne was acquired by Dresser Industries in 1968, forming Dresser Wayne. In 2001, Wayne ceased operations in Salisbury and moved to Austin, Texas. Current Location 3814 Jarrett Way; Austin, Texas 78728 - Phone 512 388 8311
- Plews Puffed Products Corporation (cereal factory) - last known address - 2929 Main Street Buffalo, NY - No longer exists There was also an entity was known as Plews Processes, Inc. based on patents assigned to a New York corporation of that name in 1938 and 1941, but no records with the DOS.
- Old Dutch Foods Inc. - Williams and Stevens, 1426 Liberty Bank Bldg. Buffalo, NY. Company no longer exists. Possible Corporate 2375 Terminal Rd, Saint Paul, MN 55113-2530 Phone- **651-633-8810**

Historical Use Summary

Currently the property is occupied and owned by the Keystone Corporation which is an electroplating company and occupies the four buildings. The Keystone Corporation provides industrial metal finishing and metal plating. Plating include cadmium, copper and nickel including electrolysis nickel plating, gold, silver, tin, tin/lead solder plate, zinc, phosphate, manganese phosphate, zinc phosphate and tin alloy plating. The Keystone Corporation has been associated with the property since at least the 1990s.

A previous plating company Marlette National Corp. aka National Finishing Corporation was associated with the property since at least the 1970s. Past uses of portions of the property prior to the Plating operations include auto/truck manufacturing, gasoline pump manufacturing, cereal manufacturing, dairy equipment manufacturing, paint manufacturing, auto repair and plating.

Contaminates potentially include polycyclic aromatic hydrocarbons (PAHs), metals and volatiles including petroleum and solvents as well as acids and bases. Various media including surface and subsurface soil, groundwater and air (vapor intrusion) would be potentially affected. Areas of the building may be impacted with petroleum, solvents, acids and bases and plating waste.

EXHIBIT F

Section VII. Requester Eligibility Information

Exhibit F

Section VII. Requestor Eligibility Information

The requestor has answered no to all the eligibility questions.

The requestor is certifying that they are volunteers – their liability arises solely as a result of future ownership and development of the Site subsequent to the disposal of hazardous waste or discharge of petroleum. The following is a statement describing why the requestor should be considered a volunteer with specifics as to the appropriate care taken with respect to the chemical impacts found at the property:

The requestors have not yet purchased the property and certify that they have exercised appropriate care with respect to the chemical impacts found at the property by:

- Obtaining and reviewed a recently completed Phase I Environmental Site Assessment (ESA) completed on the property by others which identified potential recognized environmental conditions;
- Completing a Phase II which identified chemical release concerns;
- Completed some follow-up environmental assessments to gain some insight into the extent of the concerns; and
- Identified the BCP program as a means to further investigate and remediate the concerns.

Since ownership the requestor has not initiated any operations or property use that would contribute to environmental impacts to the property. As a result the requestor is a volunteer; was not the owner of the site at the time of the release of chemical impacts and is not the person responsible for the contamination.

The property was identified in the New York State Spill database. There were three spills – Spill numbers 8602203, 9201458 and 9203981. These involved a release of 100-gallons of sulfuric acid to the sewer, a release of fuel oil to the sewer and release of 2-gallons of nitric acid to the air. All these spill were closed with no further action required. The current owner is also a Large Quantity Generator – please refer to Figure 10 for details

We note that the current owner – Keystone Corporation was subject to an Order on Consent filed in R9-4581-98-02 as an administrative proceeding pursuant to Article 27 and any parties who may acquire any interest in the parcel commonly known as 2929 Main Street, Buffalo, New York.. This was associated with disposal of solid waste consisting of yard waste, brush, nursery pots and wooden pallets without a permit to operate a solid waste management facility; Failure to make a hazardous waste determination of 18 bags of waste electroplating solids stored at the Main Street facility; did not properly mark drums as hazardous waste; containers of waste were not marked with the date upon which accumulation began and restricted waste was stored over 90 days during the 1997 and 1998 inspections; did not mark waste water treatment tanks with the date on which period of accumulation begins during the 1997 and 1998 inspections; the facility was alleged in violation of releases in 1997 and 1998 had the potential to threaten human health and the environment; And a series of other violations as described in the consent order.

However, the Requestor has no legal relationship beyond the real estate contract to purchase the properties. Keystone Corporation will have absolutely no involvement with the development

activities of the Requestor going forward. Because acceptance into the BCP is a condition precedent of the real estate contract, Keystone Corporation remains in title at this time and the Requestor is the contract-vendee. Please refer to Figure 10 – copy of Consent Order

2929-2939 MAIN STREET, BUFFALO, NEW YORK

CONSENT OF KEYSTONE CORPORATION AND MAIN AND HERTEL LLC TO PARTICIPATE IN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM

THE UNDERSIGNED, Michael Karet, in his capacity as President of Keystone Corporation ("Keystone"), current owner of 2929-2939 Main Street, Buffalo, New York.

DOES HEREBY CERTIFY that Keystone **RESOLVED** as follows:

That Main and Hertel LLC ("Main & Hertel"), as purchaser of 2929-2939 Main Street in Buffalo, New York pursuant to that certain Purchase and Sale Agreement dated as of October 25, 2016, made by and between Keystone and DFFusion Investments, LLC ("DFFusion"), as assigned by DFFusion to Main & Hertel pursuant to that certain Assignment and Assumption of Purchase and Sale Agreement dated as of February 20, 2017, as amended by that certain First Amendment to Purchase and Sale Agreement dated as of February 22, 2017 (collectively, the "Purchase and Sale Agreement"), is hereby authorized by Keystone to execute documentation for Main & Hertel's participation in the New York State Department of Environmental Conservation Brownfield Cleanup Program in relation to the Project located at 2929-2939 Main Street (Tax parcel ID Nos. SBL 79.70-5-1 and SBL 79.70-5-2), encompassing 4.97 total acres in Buffalo, NY bounded by Main Street and 2915 Main Street to the West, 2915 Main Street and 389 Manhattan Avenue to the South, 45 and 93 William Price Parkway to the East and 2963 Main Street to the North (the "Site"); and

That Main & Hertel, as purchaser, is hereby authorized to execute documentation, have physical access to and permission to conduct necessary environmental testing and remedial activities at the Site in furtherance of Main & Hertel's participation in the New York State Department of Environmental Conservation Brownfield Cleanup Program, in all cases subject to and in accordance with the terms of the Purchase and Sale Agreement.

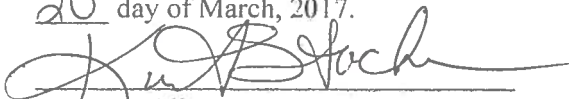
IN WITNESS WHEREOF, the undersigned has hereto affixed the hand and seal of Keystone Corporation this 20 day of March, 2017.

KEYSTONE CORPORATION



By: Michael Karet
Title: President

Sworn to before me this
20 day of March, 2017.


Notary Public

KAREN A. STACHURA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2018

EXHIBIT G

Section IX. Contact List Information

Exhibit G

Section IX: Contact List Information

1. The chief executive officer and planning board/dept. chair of each county, city, town and village in which the property is located.

Erie County

County Executive Mark C. Poloncarz
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Phone: (716) 858-8500

Fax: (716) 858-6679

City of Buffalo

Mayor – Byron W. Brown
201 City Hall,
Buffalo, NY 14202
Mayor's Office Telephone: 716-851-4841

Planning Board Chairman

James K. Morrell
901 City of Hall
Buffalo NY 14202
716-851-5082

2. Residents, owners, and occupants of the property and properties adjacent to the property. Refer To Figure 8

3011 Main Street and parcels listed as 0
City of Buffalo
201 City Hall,
Buffalo, NY 14202

2969 Main Street
Crises Services Foundation, Inc.
2969 Main Street
Buffalo, NY 14214

2915 Main Street, LLC
350 Essjay Road
Buffalo, New York 14221

389 Manhattan Street
Bethune Hall, LLC
1221 E 8th Street
Brooklyn, New York

WLD Main Street LLC
BSA Family Partnership
415 Park Avenue
Rochester, New York 14607

City of Buffalo Division of Real Estate
901 City Hall
Buffalo, New York 14202

Keith & Joyce Norward
c/o JBJN Properties
PO Box 1623
Buffalo, New York 14215

Michael & Anna Baugh
83 William Price Pkwy
Buffalo, New York 14215

Kenneth Brown
89 William Price Pkwy
Buffalo, New York 14215

Norman E & Sylvia B Lane
95 William Price Pkwy
Buffalo, New York 14215

Vincent J. and Sharon M Lovallo
101 William Price Pkwy
Buffalo, New York 14215

Robert L and Margie T Graham
107 William Price Pkwy
Buffalo, New York 14215

Illos Piano Restorations, Inc.
2940 Main Street
Buffalo, New York 14214

2926 Main Street LLC
87 Randall Ter
Hamburg, New York 14075

James & Beth Hornung
2918 Main Street
Buffalo, New York 14214

3. Local news media from which the community typically obtains information.

1) News Papers

The Buffalo News

One News Plaza
PO Box 100
Buffalo, NY 14240
Phone: Niagara County Bureau - 849-4601

2) TV

The following is a directory of television stations in the Buffalo, NY area.

WGRZ-TV 2NBC 259 Delaware Ave, Buffalo, NY 14202. 716-849-2222.

WIVB-TV 4, WNLO-TV. 2077 Elmwood Avenue, Buffalo, NY 14207. 716-874-4410

WKBW-TV 7 Broadcast Plaza, Buffalo, NY 14202. 716-845-6100. Fax: 716-842-1855.

WNED-TV 17 PBS. 140 Lower Terrace Street, Buffalo, NY 14202. 716-845-7000

YNN Buffalo , 355 Chicago St., Buffalo, NY 14204 716) 558-8999 Option 2

4. The public water supplier which services the area in which the property is located.

Public Water Supplier:

Buffalo Water Department

120 Delaware Ave,
Buffalo, New York 14202

Erie County Water Department

295 Main St Rm 350
Buffalo, New York, 14202

5. Any person who has requested to be placed on the contact list.

None

6. The administrator of any school or day care facility located on or near the property.

There are no day care facilities on the property

Nearby Day care

My Kids Child Care Center

3012 Main St
Buffalo, NY 14214
(716) 837-7280

Administrators Name – Theresa Sanders – Founder/CEO

Bennett High School

2885 Main Street
Buffalo, New York 14214
716-816-4250

Administrators Name –
Principle – Dr. Bert Stevenson
City of Buffalo School Superintendent - Dr. Kriner Cash

Buffalo United Charter School

325 Manhattan Avenue
Buffalo, New York 14214
716-835-9862

Administrators Name –
Principle – Ms. Tammy Messmer

7. The location of a document repository for the project (e.g., local library).

Frank E. Merriweather, Jr. Library
1324 Jefferson Avenue
Buffalo, New York
716-883-4418

Refer to Figure 9 – letter from library accepting to be a document repository for the project.

8. Community Board – Not Applicable

EXHIBIT H

Section X. Land Use Factors

Exhibit H

Section X: Land Use Factors

2929 & 2939 Main Street meets the definition of a brownfield site under ECL Section 27-1405(2). The industrial operations at the property and nearby properties have impacted the areas environmental media. The confirmed contamination is both impacting and complicating the development and re-use of the property. The metals and PAHs found during the limited investigations to date and the history of industrial use including electroplating and other manufacturing which also includes the potential for past chlorinated solvent and petroleum releases have the potential to impact the property in two ways; one as a potential vapor hazard and two as an exposure hazard to metals and PAHs to workers and users of the structures.

As shown by the limited investigation to date, the contaminants found are present at levels that exceed recommended clean-up levels. Additionally, the limited investigations suggest that the property area along the eastern portion of the property contains historic fill which exceeds background levels. The estimated costs of the remedial actions are impacting the ability to arrange for the financing for site re-development and re-use.

1) Current Zoning

The Site is currently utilized as an industrial/manufacturing facility. The planned use is student housing with ancillary commercial and retail uses. Square footage in each use category is approximately 200,000 square feet of residential and approximately 12,000 square feet commercial/non-residential. The City of Buffalo has recently adopted a revised Unified Development Ordinance that designates the Site N-1C (Mixed-Use Core) and is within the Metro Rail Corridor. Surrounding properties are a mix of N-3C (Mixed Use Center) and N-3R (Residential). The makeup is largely commercial and single-family or multi-family residential. Historically, the majority of the immediate area and the subject parcel were used for industry and rail transportation with residential as far back as the mid-1800s. The property is on the main Buffalo public transit rail system with the University of Buffalo Main Street campus north and Bennett high School south.

2. Current use

Currently the property is utilized as an industrial/manufacturing use. Currently the property is occupied and owned by the Keystone Corp. an electroplating company. Past uses of portions of the property include auto/truck manufacturing, gasoline pump manufacturing, cereal manufacturing, dairy equipment manufacturing, paint manufacturing, auto repair and plating.

The property includes two parcels; 2929 and 2939 Main Street located in the City of Buffalo at the east side of the corner of Main Street and Hertel Avenue. The 2929 Main Street parcel is approximately 0.5-acres and the 2939 Main Street parcel is approximately 4.4-acres. There are four buildings on the property and an old vacant former oil house that is deteriorating and overgrown with trees. A summary of the structures is as follows:

- Building 1 (office Building): This is a 2-story approximately 4,300 square foot structure.

This building is used as Keystone Office;

- Building 2 (Rental Building) This is a 2-story approximately 15,900 square foot structure this building is used for storage and was previously office space and warehouse;
- Building 3 (Main Plating Building): This is a 2/3-story building approximately 50,700 square feet; The building is occupied by Keystone Corporation and includes the electroplating operation; Much of the second/third floors are currently vacant; The wastewater treatment system, plating tanks, storage and other operations are mostly contained on the first floor; and
- Building 4: This is a 1-story approximately 9,300 square foot building. This building is used for storage of raw and finished products.

The historic use and potential contaminant sources are summarized in Exhibits B and D which include dates and documentation when the previous operations ceased.

3. Reasonably anticipated use Post Remediation

The re-development project will result in student housing with ancillary commercial and retail uses. Square footage in each use category is approximately 200,000 square feet of residential and approximately 12,000 square feet commercial/non-residential.

The estimated value of the completed project is approximately \$35-40 million.

Estimate of Job created is around 100 during construction and 10-15 permanent employees once constructed.

4. Do Current Historic and/or recent development patterns support the proposed use?

The proposed use is consistent with land use plans and there is currently a major need for housing to support the growing University of Buffalo campus.

5. Proposed Use Consistent With Applicable Zoning Laws/Maps

The proposed use is consistent with the N-1C District. The property, when redeveloped, will comply with the City requirements. Refer to Figure 7 – zoning map.

6. Proposed Use Consistent with Local/Community Plans

The project area and scope fits well within The Buffalo Green Codes' Land Use Plan as it meets the expanding area need for student housing and utilizes the transportation, and physical development. The Land Use Plan serves as a bridge between the city's comprehensive plan and zoning code by recommending the appropriate type, intensity, and character of development. It envisions a future for Buffalo built around the restoration of walkable, mixed-use, transit-served neighborhoods and economic centers.

The plan focuses on three core strategies: fuel economic generators, restore neighborhoods, and repair environmental assets.

This Project will help the area capitalize on its strategic assets; an opportunity to start a process aimed at repairing neighborhood edges that have been disproportionately impacted by industrial uses over time and creating new opportunities for working and living within the area.

The planned re-development of this area is based on its strategic location. This project strengthens the University of Buffalo anchor along the Codes Knowledge Corridor and will help to strengthen the neighborhood as it is located at the confluence of the University Heights, North Buffalo, University District and Kensington neighborhoods.

EXHIBIT I

ELECTRONIC COPIES OF

REPORTS

Phase I Environmental Site Assessment (“Phase I Environmental Site Assessment Keystone Corporation, 2929 and 2939 Main St. Buffalo, NY” Completed by Hazard Evaluations for Keystone Corporation in December 2014

Phase II Environmental Site Assessment– 2929-2939 Main Street, Buffalo, New York” Completed by PEI for DFFusion Investments- 2017

FIGURES

Figure 1

New York State Printout of Entity Information

CERTIFICATE OF AUTHORITY UNDER SEC. 805 OF THE LIMITED LIABILITY COMPANY LAW

ENTITY NAME: MAIN AND HERTEL LLC

DOCUMENT TYPE: APPLICATION FOR AUTHORITY (FOR LLC)

COUNTY: ERIE

FILED:01/26/2017 DURATION:***** CASH#:170126000264 FILM #:170126000253
DOS ID:5074501

FILER:

EXIST DATE

RYAN P MCCARTHY ESQ
26 MISSISSIPPI STREET SUITE 400

01/26/2017

BUFFALO, NY 14203

ADDRESS FOR PROCESS:

THE LLC
919 NORTH MARKET STREET
WILMINGTON, DE 19801

SUITE 245

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to www.email.ebiennial.dos.ny.gov to provide an email address to receive an email notification when the Biennial Statement is due.

SERVICE COMPANY: ** NO SERVICE COMPANY **

SERVICE CODE: 00

FEEs 275.00

FILING 250.00
TAX 0.00
CERT 0.00
COPIES 0.00
HANDLING 25.00

PAYMENTS 275.00

CASH 0.00
CHECK 0.00
CHARGE 275.00
DRAWDOWN 0.00
OPAL 0.00
REFUND 0.00

The University of the State of New York
Education Department
Office of the Professions

REGISTRATION CERTIFICATE

Do not accept a copy of this certificate

License Number: 079402-1

Certificate Number: 9118082

BRYDGES JASON MARK
33 WASHINGTON HIGHWAY
AMHERST NY 14226-0000

is registered to practice in New York State through 01/31/2019 as a(n)
PROFESSIONAL ENGINEER



[Signature]
LICENSEE/REGISTRANT

[Signature]
EXECUTIVE SECRETARY

[Signature]
COMMISSIONER OF EDUCATION

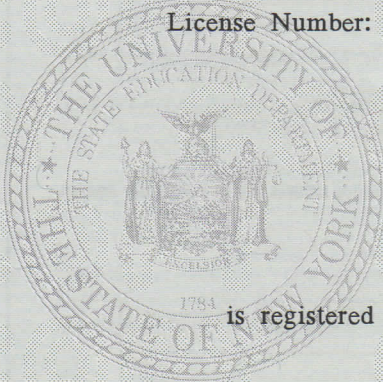
[Signature]
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

This document is valid only if it has not expired, name and address are correct, it has not been tampered with and is an original - not a copy. To verify that this registration certificate is valid or for more information please visit www.op.nysed.gov.

The University of the State of New York
Education Department
Office of the Professions
REGISTRATION CERTIFICATE
Do not accept a copy of this certificate

License Number: 046600-1

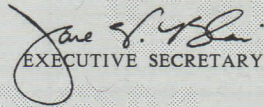
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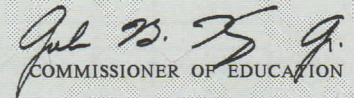



BERRY JOHN B
1225 PONDORAY CIRCLE
SALT LAKE CITY UT 84117-0000

is registered to practice in New York State through 11/30/2017 as a(n)
PROFESSIONAL ENGINEER

LICENSEE/REGISTRANT


EXECUTIVE SECRETARY


COMMISSIONER OF EDUCATION

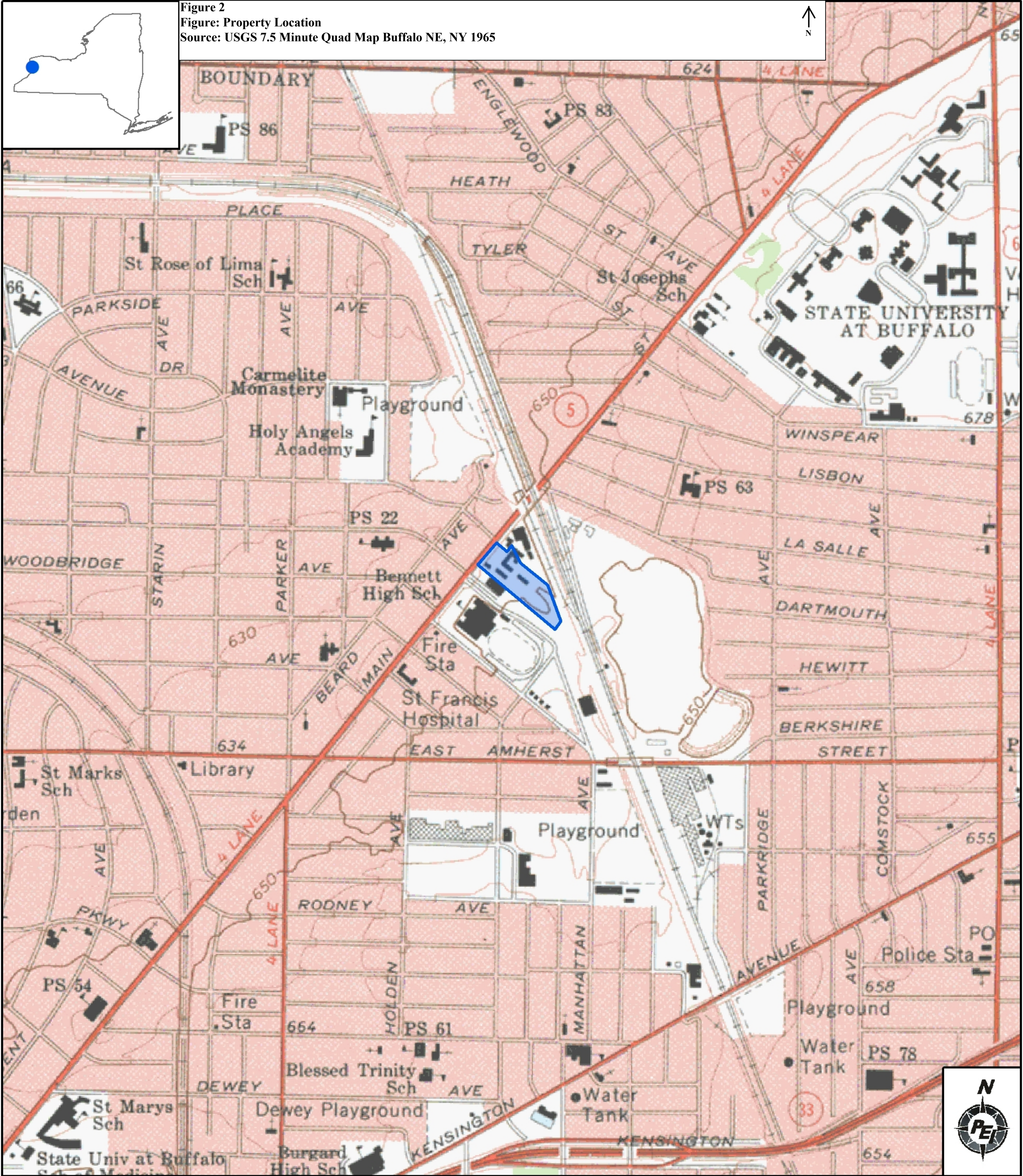

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Figure 2

USGS Quad Map

Figure 2
Figure: Property Location
Source: USGS 7.5 Minute Quad Map Buffalo NE, NY 1965



 Project Area

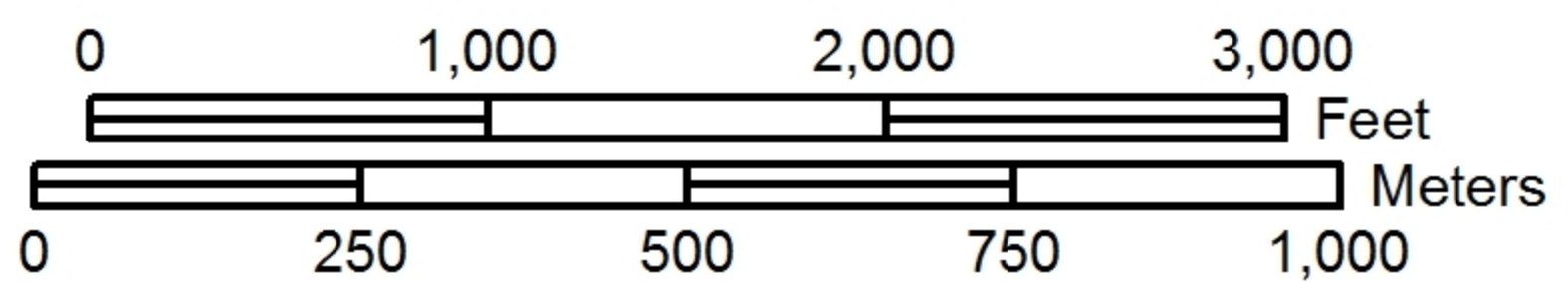


Figure 3

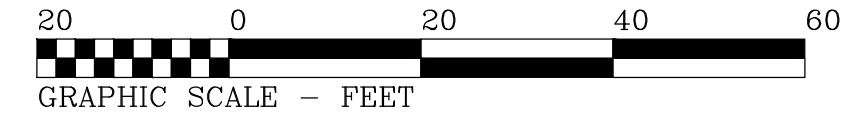
Tax Map



Figure 3: Tax Map
Source: City of Buffalo Assessor's Office

Figure 4

Site Boundary Survey Map(4a and 4b)



LEGEND

- UTILITY / SERVICE POLE
- WATER LINE VALVE
- FIRE HYDRANT
- D.I. (DROP INLET - STORM)
- MANHOLE (STORM)
- MANHOLE (ELECTRIC)
- MANHOLE (TRAFFIC)
- MANHOLE (SANITARY)
- MANHOLE (TELEPHONE)
- GASLINE MARKER
- GAS LINE VALVE
- LIGHT STANDARD
- SIGN
- H.C. HANDICAP
- R.O.W. RIGHT OF WAY
- CONC. CONCRETE
- INV. INVERT
- M.H. MANHOLE
- GAS LINE
- WATER LINE
- TELEPHONE LINE
- ELECTRIC LINE
- UTILITY LINES
- CABLE LINES
- D. DEED
- M. MEASURED
- L. LIBER
- P. PAGE

UTILITIES

The underground utilities shown have been located from field survey information & existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities.

Note: Underground utility information has been ordered from the respective utility companies. As the information is received, this map will be amended to reflect said information.

- National Fuel
- City of Buffalo Water Div.
- Verizon
- Time Warner Cable
- Alta Communications
- Buffalo Sewer Authority
- National Grid
- Alta Communications
- James Cogan
- James Cogan
- Veronica Bernos
- (716) 857-7000
- (716) 851-4654
- (716) 857-4200
- (716) 857-4200

NOTES:

ALL CURB ELEVATIONS ARE SHOT AT TOP OF CURB AND 0.5 DOWN TYPICAL TO BOTTOM OF CURB.

EASEMENT NOTES:

- SCHEDULE "B" OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE NO. E9-24893-1 EFFECTIVE DATE: SEPTEMBER 21, 2016
- 7.) EASEMENT AND AGREEMENT TO MAINTAIN SWITCH CONNECTION WITH THE ERIE RAILROAD AS SET FORTH IN DEED RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 1782 OF DEEDS AT PAGE 247. (AREA NO LONGER HAS RAILROAD TRACKS UNABLE TO PLOT EASEMENT)
- 8.) UNDERGROUND PIPELINE EASEMENT AND LICENSE AS REFERRED TO IN INSTRUMENT RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 2276 OF DEEDS AT PAGE 126. (LOCATION NOT SPECIFIED)
- 10.) RIGHT OF WAY EASEMENT AS SET FORTH IN DEED FROM ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO KEYSTONE CORPORATION DATED 8/13/1993 AND RECORDED 8/14/1993 IN DEED LIBER 10291 PAGE 604. (WIDENESS AND EGRESS WITH S.B.L. NO. 79.70-5-1 & S.B.L. NO. 79.70-5-2)

BENCHMARK NOTE:

SEWER MAP OF MAIN STREET FROM CITY OF BUFFALO NO. 5210 DATED: YEAR 1890

LEGAL DESCRIPTION

Old Republic National Title Insurance Company Title No. E9-24893-1 Effective Date: September 21, 2016

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 No. 46, Township 11, Range 4 of the National Land Company's Survey, bounded and described as follows: BEGINNING at a point in the southerly line of Main Street, distant 340.80 feet southerly from the point of intersection of the said southerly line of Main Street with the southerly line of land conveyed to the Suspension Bridge and Erie Junction Railroad Co. (now or formerly Erie Railroad Co.) by deed dated July 18, 1870 and recorded in the Erie County Clerk's Office in Liber 250 of Deeds at page 608, said point of beginning also being the southerly corner of lands conveyed to the Rock Oil Corporation, which point is distant 181.89 feet to the southerly from the southerly line of said Railroad's lands and which right angle line is distant 946.20 feet southerly from the southerly line of Main Street (as measured along the southerly line of said Railroad's lands);

THENCE southerly along the southerly line of Main Street, 275.62 feet to a point;

THENCE southerly at right angles to said southerly line of Main Street 516.30 feet to a point in a line drawn at right angles to the southerly line of lands of said Erie Railroad Co., said point being 289.92 feet southerly from the intersection of said right angle line and said southerly line of said Railroad's lands (as measured along said right angle line);

THENCE southerly along the southerly line of said Railroad's lands at a point 750 feet southerly from the intersection of said southerly line of said Railroad's lands with the southerly line of Main Street;

THENCE southerly along the southerly line of said Railroad's lands, 0.7 of a foot to a point;

THENCE southerly along a straight line, 224 feet to a point in a line drawn at right angles to the southerly line of said Railroad's lands, which point is distant 181.89 feet to the southerly from the southerly line of said Railroad's lands and which right angle line is distant 946.20 feet southerly from the southerly line of Main Street (as measured along the southerly line of said Railroad's lands);

THENCE easterly at an interior angle of 118 degrees 51 minutes 10 seconds, 181.89 feet to the southerly line of said Railroad's lands;

THENCE northwesterly along the said southerly line of said Railroad's lands, 362.25 feet to a point, which is 583.95 feet southerly from the intersection of the southerly line of said Railroad's lands and the southerly line of Main Street;

THENCE westerly at right angles and along the southerly line of lands conveyed to Smith and Sons Corporation by deed recorded in the Erie County Clerk's Office in Liber 1686 of Deeds at page 241, 69.26 feet to the southerly corner of lands so conveyed to Smith and Sons Corporation;

THENCE northwesterly along the southerly line of said Railroad's lands, 332.15 feet more or less to a point 332.15 feet more or less to the southerly line of Main Street, measured along a line parallel to the southerly line of said Railroad's lands, said parallel line intersecting the southerly line of Main Street 200 feet southerly from the intersection of said southerly line of Main Street with the southerly line of said Railroad's lands;

THENCE northerly along said parallel line, 213.92 feet to the northerly corner of lands conveyed to the Rock Oil Corporation, as aforesaid;

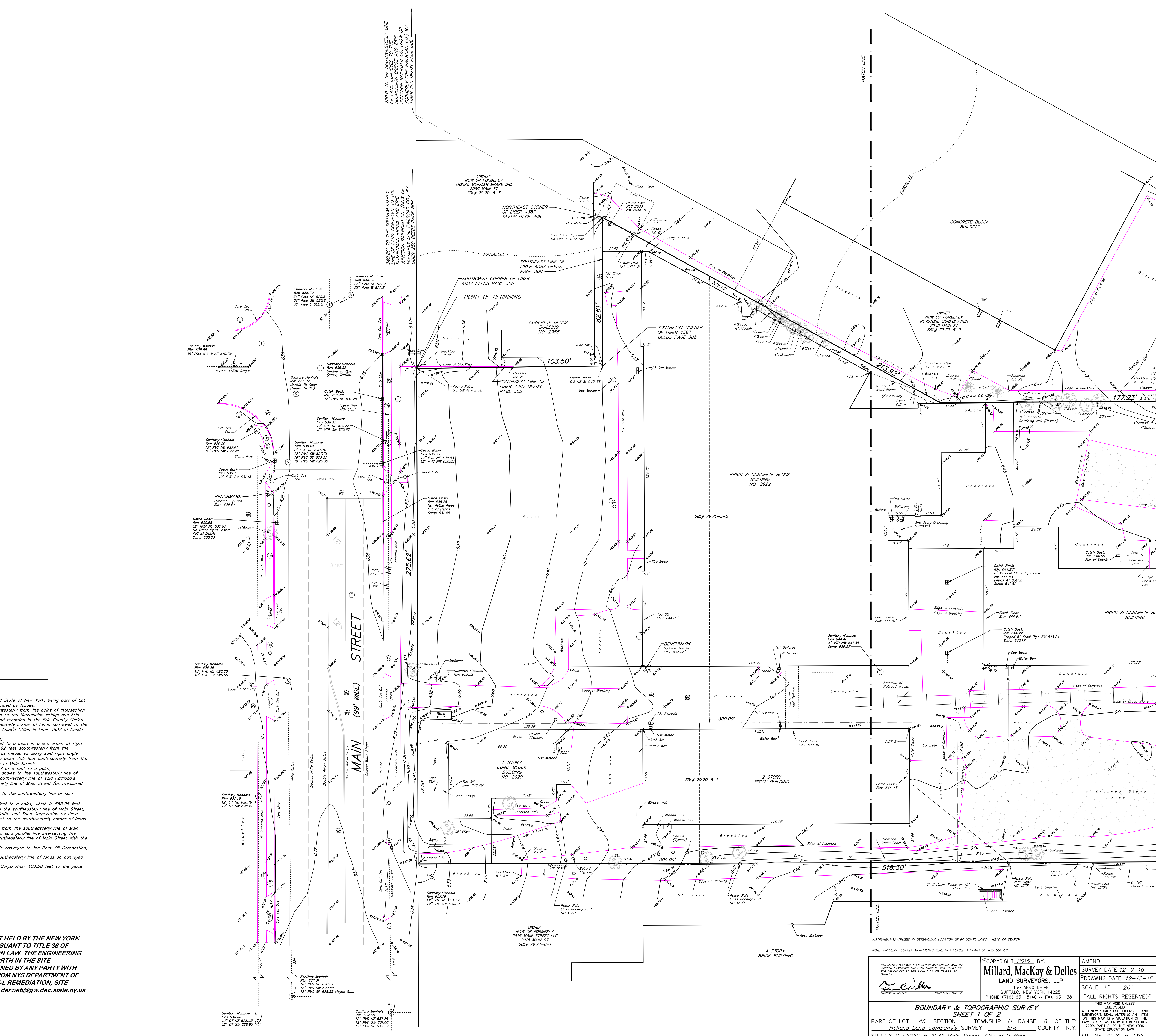
THENCE southerly parallel with the southerly line of Main Street and along the southerly line of lands so conveyed to Rock Oil Corporation, 82.61 feet to the southerly corner of said lands;

THENCE northerly along the southerly line of lands so conveyed to the Rock Oil Corporation, 103.50 feet to the place of beginning.

This parcel containing 4.947 Acres more or less.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, N.Y. 12233 OR AT derweb@gw.dec.state.ny.us

Figure 4a - Survey Northeast



INSTRUMENTS UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: HEAD OF SEARCH

NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE SURVEYING AND MAPPING ACT AND THE ASSOCIATION OF LAND SURVEYORS AT THE REQUEST OF CLIENT.

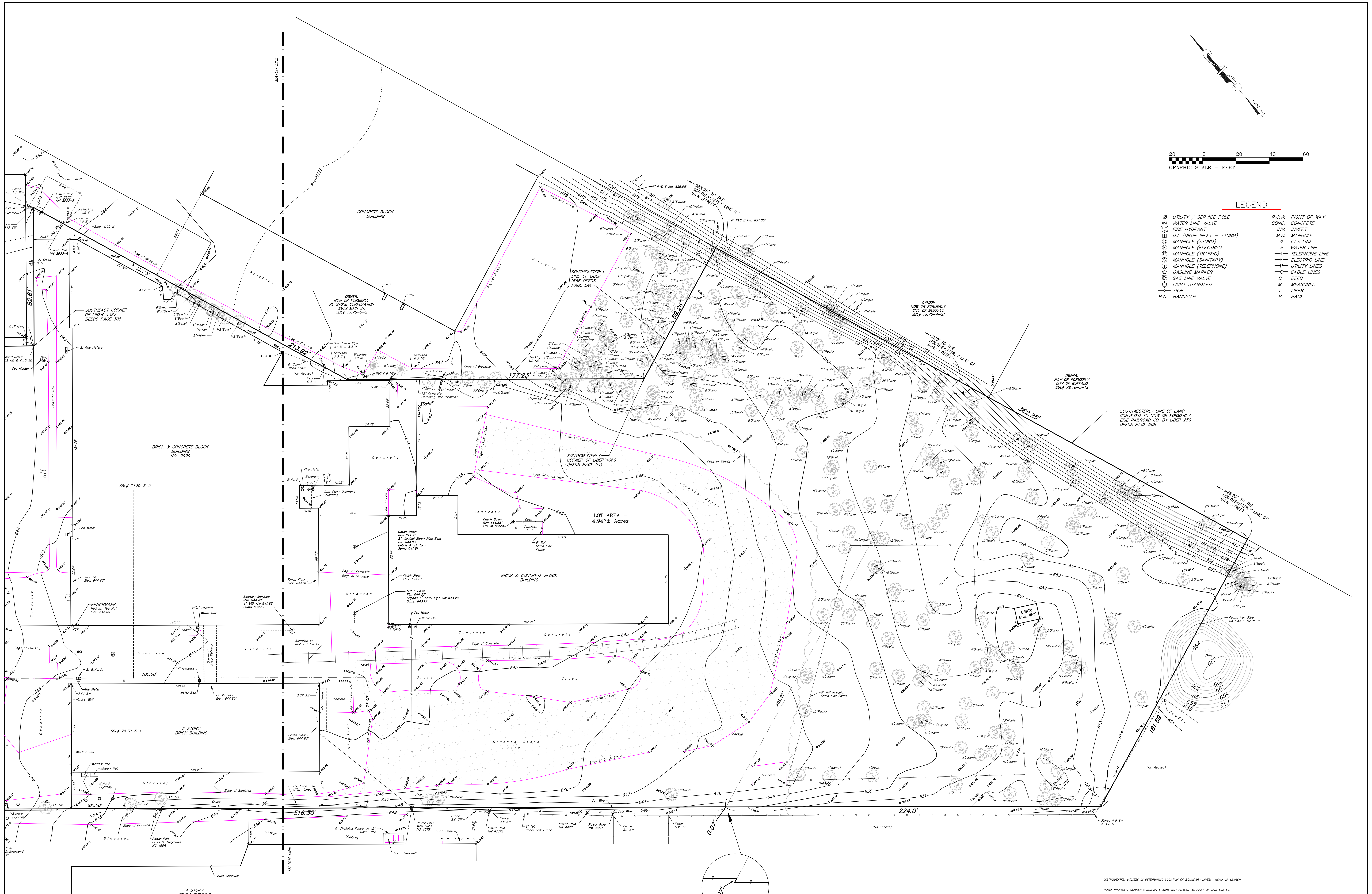
COPYRIGHT 2016 BY: **Millard, Mackay & Delles** LAND SURVEYORS, LLP
 150 AERO DRIVE
 BUFFALO, NEW YORK 14225
 PHONE (716) 631-5140 - FAX 631-3811

AMEND: SURVEY DATE: 12-9-16
 DRAWING DATE: 12-12-16
 SCALE: 1" = 20'
 "ALL RIGHTS RESERVED"

BOUNDARY & TOPOGRAPHIC SURVEY
 SHEET 1 OF 2

PART OF LOT 46 SECTION 11 RANGE 4 OF THE
 Holland Land Company's SURVEY - Erie COUNTY, N.Y.

SURVEY OF: 2929 & 2939 Main Street, City of Buffalo
 SBL NO. 79.70-5-1&2



LEGEND

- | | |
|-----------------------------|---------------------|
| ⊗ UTILITY / SERVICE POLE | R.O.W. RIGHT OF WAY |
| ⊗ WATER LINE VALVE | CONC. CONCRETE |
| ⊗ FIRE HYDRANT | INV. INVERT |
| ⊗ D.I. (DROP INLET - STORM) | M.H. MANHOLE |
| ⊗ MANHOLE (STORM) | — GAS LINE |
| ⊗ MANHOLE (ELECTRIC) | — WATER LINE |
| ⊗ MANHOLE (TRAFFIC) | — TELEPHONE LINE |
| ⊗ MANHOLE (SANITARY) | — ELECTRIC LINE |
| ⊗ MANHOLE (TELEPHONE) | — UTILITY LINES |
| ⊗ GASLINE MARKER | — CABLE LINES |
| ⊗ GAS LINE VALVE | D. DEED |
| ⊗ LIGHT STANDARD | M. MEASURED |
| ⊗ SIGN | L. LIBER |
| H.C. HANDICAP | P. PAGE |

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, N.Y. 12233 OR AT derweb@gw.dec.state.ny.us

INSTRUMENTS UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: HEAD OF SEARCH
 NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY

	©COPYRIGHT 2016 BY: Millard, Mackay & Delles LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-5140 • FAX 631-3811	AMEND: SURVEY DATE: 12-9-16 DRAWING DATE: 12-12-16 SCALE: 1" = 20' "ALL RIGHTS RESERVED"
	BOUNDARY & TOPOGRAPHIC SURVEY SHEET 2 OF 2 PART OF LOT 46 SECTION 11 TOWNSHIP 11 RANGE 8 OF THE Holland Land Company's SURVEY - Erie COUNTY, N.Y. SURVEY OF: 2929 & 2939 Main Street, City of Buffalo SBL No. 79.70-5-1&2	

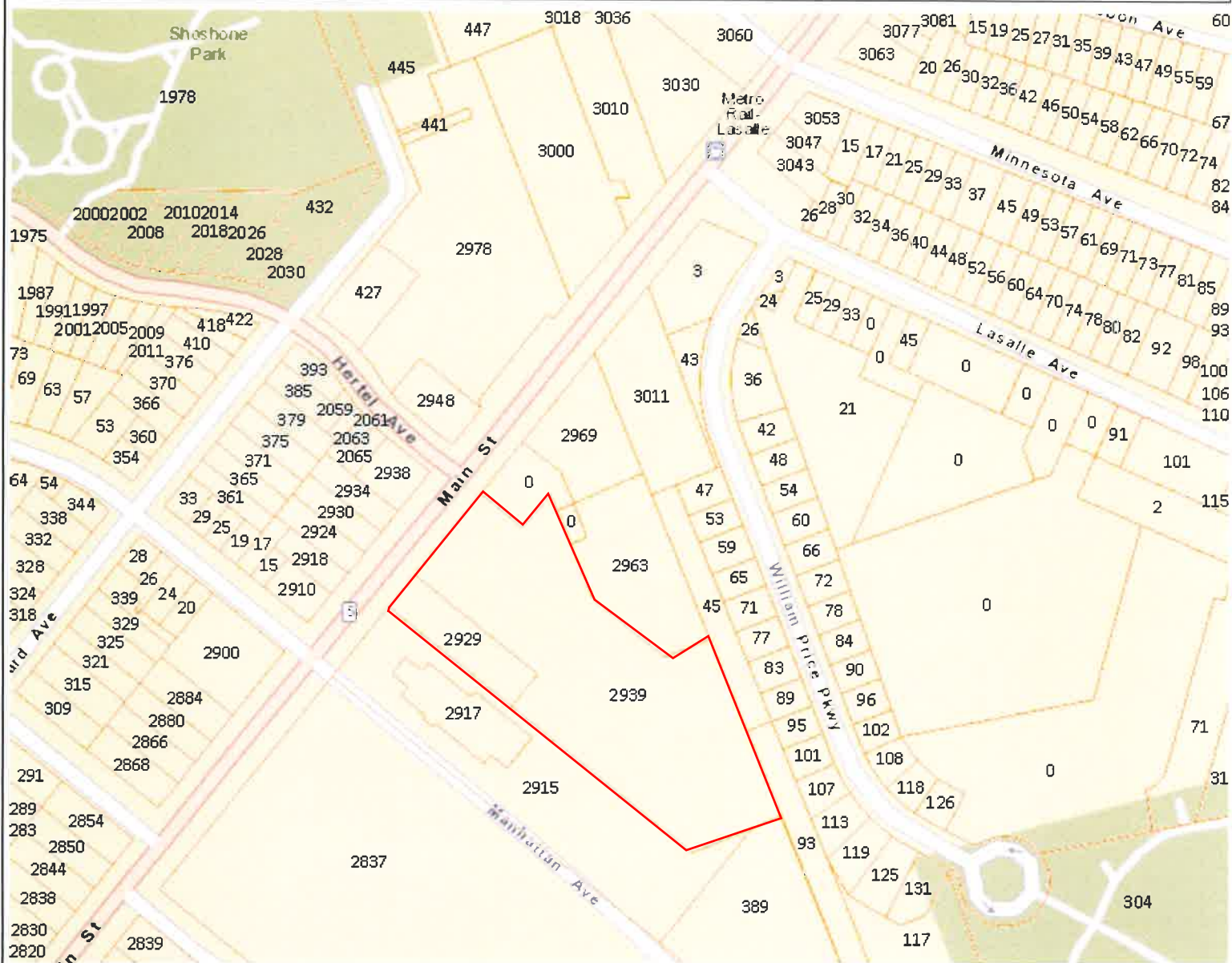
Figure 4b - Survey Southwest

Figure 5

Site Maps (5a and 5b)

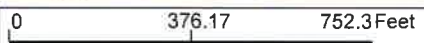
Figure 5a - Site Map Showing Adjacent Streets, Roadways, Area Features and Parcels - Topo

Erie County On-Line Mapping Application



Legend

- Parcels
- Municipal Boundaries



WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514



Exhibit 5b - Site Map Showing Adjacent Streets, Roadways, Area Features and Parcels - Aerial

ERIE COUNTY OFFLINE Mapping Application



Legend

- Railroads
- Streets and Highways**
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road
- ▭ Parcels
- ▭ Municipal Boundaries
- ▭ 2014_bdy

2929 & 2939 MAIN STREET

0 376.17 752.3Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514



Figure 6

Site Map Showing Impacts Soil Results

Figure 6: Site Figure Showing Soil Impacts

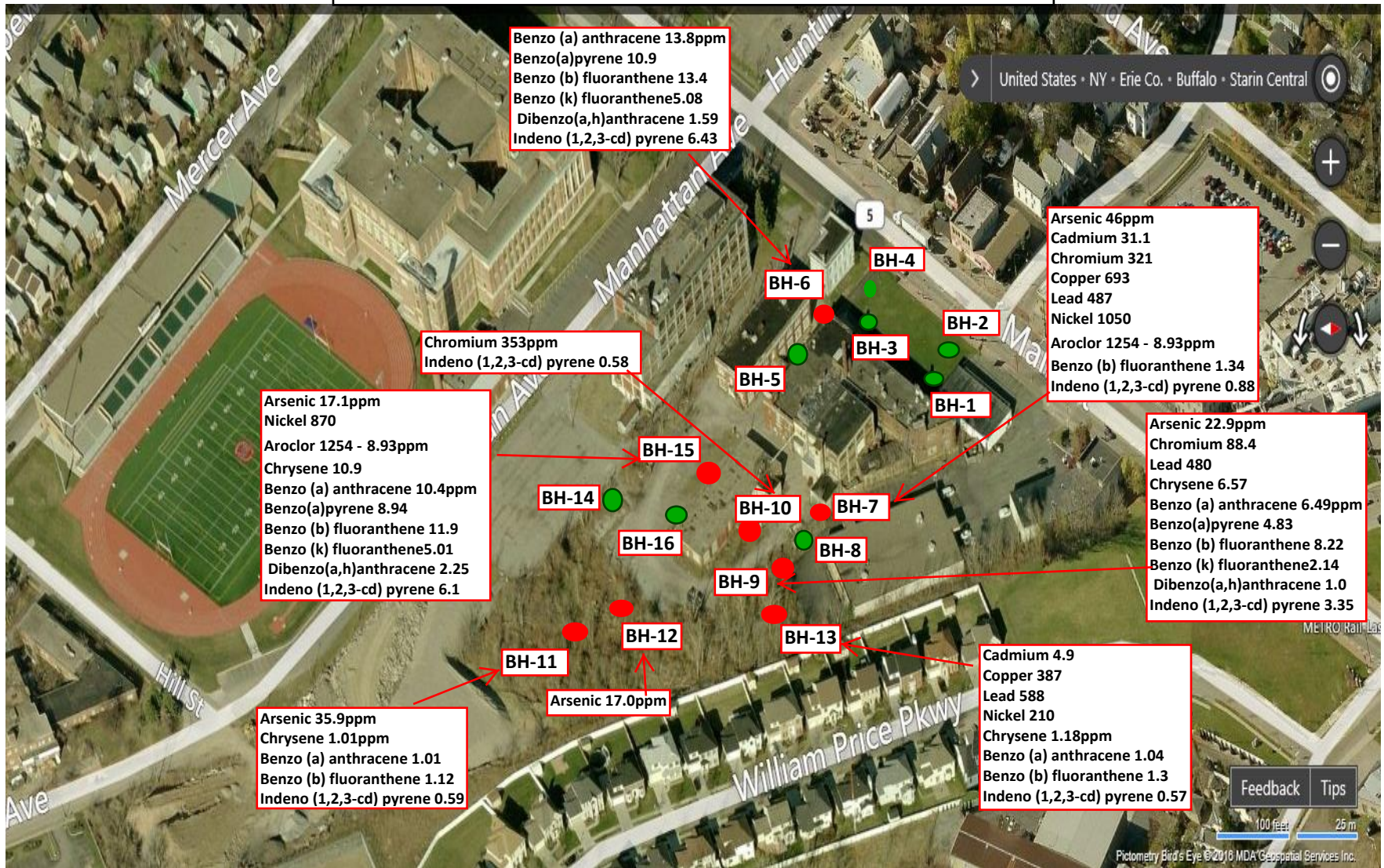


Figure: Phase II Boring Locations with results

Source: Bing Maps

Annotated Sample Results with concentrations above Residential/Restricted Residential. Samples collected 12-20-2016

- Boreholes that had results in excess of residential/restricted residential NYSDEC Brownfields 375 SCOs.
- Boreholes not sampled or with results less than residential/restricted residential NYSDEC Brownfields 375 SCOs

TABLE 1 - 2929-2939 MAIN STREET - KEYSTONE SITE - SOIL SAMPLE ANALYTICAL RESULTS SUMMARY

Sampling Program	PHASE 2 SOIL BORING PROGRAM											
Sample No.	BH-1	BH-3	BH-6	BH-7	BH-9	BH-10	BH-11	BH-12	BH-13	BH-15	NYSDEC	NYSDEC
Sample Date	12/20/2016	12/20/2016	12/20/2016	12/20/2016	12/20/2016	12/20/2016	12/20/2016	12/20/2016	12/20/2016	12/20/2016	PART 375	PART 375
Sample Depth Feet (bgs)	0-2	0.5-2	0-2.5	2-4.5	0-2	2-4.5	2-4.0	0-7	0-5	2-4.0	Residential	Res Residential
Compounds	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm
Metals											(a)	(b)
Arsenic	7.9	11.9	3.4	46 (a)(b)	22.9 (a)(b)	15.5	35.9 (a)(b)	17 (a)(b)	10.1	17.1 (a)(b)	16	16
Barium	107	79.7	42.7	184	166	150	128	236	167	73.2	350	400
Beryllium	ND	0.65	0.26	0.95	0.7	0.58	0.59	0.87	0.7	0.81	14	72
Cadmium	0.63	0.75	ND	31.1 (a)(b)	7.7	ND	2.9	0.59	4.9 (a)(b)	1.7	2.5	4.3
Chromium											36	180
Copper	43.7	88.8	33.6	693 (a)(b)	238	42	61.5	67.1	387 (a)(b)	137	270	270
Lead	72	80.1	86.7	487 (a)(b)	480 (a)(b)	62.6	138	165	588 (a)(b)	84.4	400	400
Manganese	830	548	221	1240	430	246	490	583	339	514	2000	2000
Mercury	0.2	0.17	0.06	0.72	0.39	0.2	0.2	0.15	0.4	0.15	0.81	0.81
Nickel	26.9	38.5	9.4	1050 (a)(b)	82.5	56.4	33.1	42.7	210 (a)	870 (a)(b)	140	310
Silver	ND	ND	ND	8.4	ND	ND	ND	ND	2.9	ND	36	180
Zinc	134	119	96.9	666	1480	114	250	139	508	233	2200	10000
Volatiles												
Acetone	ND	ND	ND	ND	ND	0.012	ND	ND	ND	ND	100	100
Benzene	ND	ND	ND	0.0003	ND	ND	ND	ND	ND	ND	2.9	4.8
cis-1,2-Dichloroethene	ND	ND	0.001	0.0005	ND	ND	ND	ND	ND	ND	59	100
Methylene chloride	0.002	0.003	0.002	ND	0.003	ND	0.002	0.002	ND	ND	51	100
1,2,4-Trimethylbenzene	ND	ND	ND	ND	ND	0.002	ND	ND	ND	ND	47	52
1,1,1-Trichloroethane	ND	0.0004	ND	ND	0.0003	ND	ND	ND	ND	ND	100	100
Trichloroethene	0.003	0.007	0.004	0.06	0.002	ND	0.001	0.0003	0.002	0.002	10	21
Xylene (total)	ND	ND	ND	0.0008	ND	0.0003	ND	ND	0.0002	ND	100	100
PCBs												
Aroclor 1254	ND	ND	0.12	8.93 (a)(b)	ND	0.079	ND	ND	0.25	0.11	1	1
Pesticides												
4,4'-DDT	0.002	0.002	ND	ND	ND	ND	0.071	0.003	0.028	ND	1.7	7.9
4,4'-DDE	0.001	0.002	ND	ND	ND	ND	0.075	0.003	0.004	ND	1.8	8.9
4,4'-DDD	ND	ND	ND	ND	ND	ND	0.003	ND	ND	0.003	2.6	13
delta-BHC	ND	ND	ND	ND	ND	ND	0.012	0.0004	ND	0.001	100	100
alpha-Chlordane	ND	ND	ND	ND	ND	ND	0.071	0.009	ND	ND	0.91	4.2
Dieldrin	ND	ND	ND	ND	ND	ND	0.039	0.002	ND	ND	0.039	0.2
Lindane	ND	ND	ND	ND	0.006	ND	ND	ND	ND	0.01	0.28	1.3000
SVOCs (PAHS)												
Chrysene	0.16	0.36	12.1	0.99	6.57 (a)(b)	0.42	1.01 (a)	0.49	1.18 (a)	10.9 (a)(b)	1	3.9
Phenol	ND	ND	ND	ND	0.087	ND	ND	ND	ND	0.09	100	100
Acenaphthene	ND	0.038	3.78	0.089	0.52	0.031	0.197	0.045	0.18	2.8	100	100
Acenaphthylene	ND	0.027	0.095	0.13	0.17	0.024	0.05	0.1	0.074	0.43	100	100
Anthracene	0.036	0.107	7.53	0.34	1.23	0.093	0.511	0.16	0.37	4	100	100
Benzo (a) anthracene	0.14	0.35	13.8 (a)(b)	0.9	6.49 (a)(b)	0.45	1.01 (a)(b)	0.42	1.04 (a)(b)	10.4 (a)(b)	1	1
Benzo(a)pyrene	0.14	0.31	10.9 (a)(b)	0.9	4.83 (a)(b)	0.66	0.88	0.45	0.85	8.94 (a)(b)	1	1
Benzo (b) fluoranthene	0.21	0.42	13.4 (a)(b)	1.34 (a)(b)	8.22 (a)(b)	0.74	1.12 (a)(b)	0.59	1.3 (a)(b)	11.9 (a)(b)	1	1
Benzo (g,h,i) perylene	0.089	0.18	5.72	0.78	2.71	0.52	0.5	0.32	0.48	4.2	100	100
Benzo (k) fluoranthene	0.073	0.17	5.08 (a)(b)	0.44	2.14 (a)	0.27	0.44	0.22	0.4	5.01 (a)(b)	1	3.9
Dibenzo(a,h)anthracene	ND	0.054	1.59 (a)(b)	0.2	1 (a)(b)	0.14	0.14	0.086	0.16	2.25 (a)(b)	0.33	0.33
Fluoranthene	0.29	0.62	32.5	1.22	11.2	0.4	1.99	0.69	2.09	27.2	100	100
Fluorene	ND	0.43	3.2	0.11	0.4	0.19	0.2	0.048	0.16	1.98	100	100
Indeno (1,2,3-cd) pyrene	0.098	0.21	6.43 (a)(b)	0.88 (a)(b)	3.35 (a)(b)	0.58 (a)(b)	0.59 (a)(b)	0.33	0.57 (a)(b)	6.1 (a)(b)	0.5	0.5
Naphthalene	0.017	0.34	2.98	0.25	0.69	0.056	0.16	0.07	0.44	1.71	100	100
Phenanthrene	0.19	0.55	29.9	1.25	5.64	0.24	1.89	0.55	1.85	20.8	100	100
Pyrene	0.27	0.65	27.8	1.86	11.3	0.48	2.01	0.73	1.76	21.1	100	100

ND - Non-Detect NA - Not Available
 Shaded Value - Exceeds Part 375 SCOs

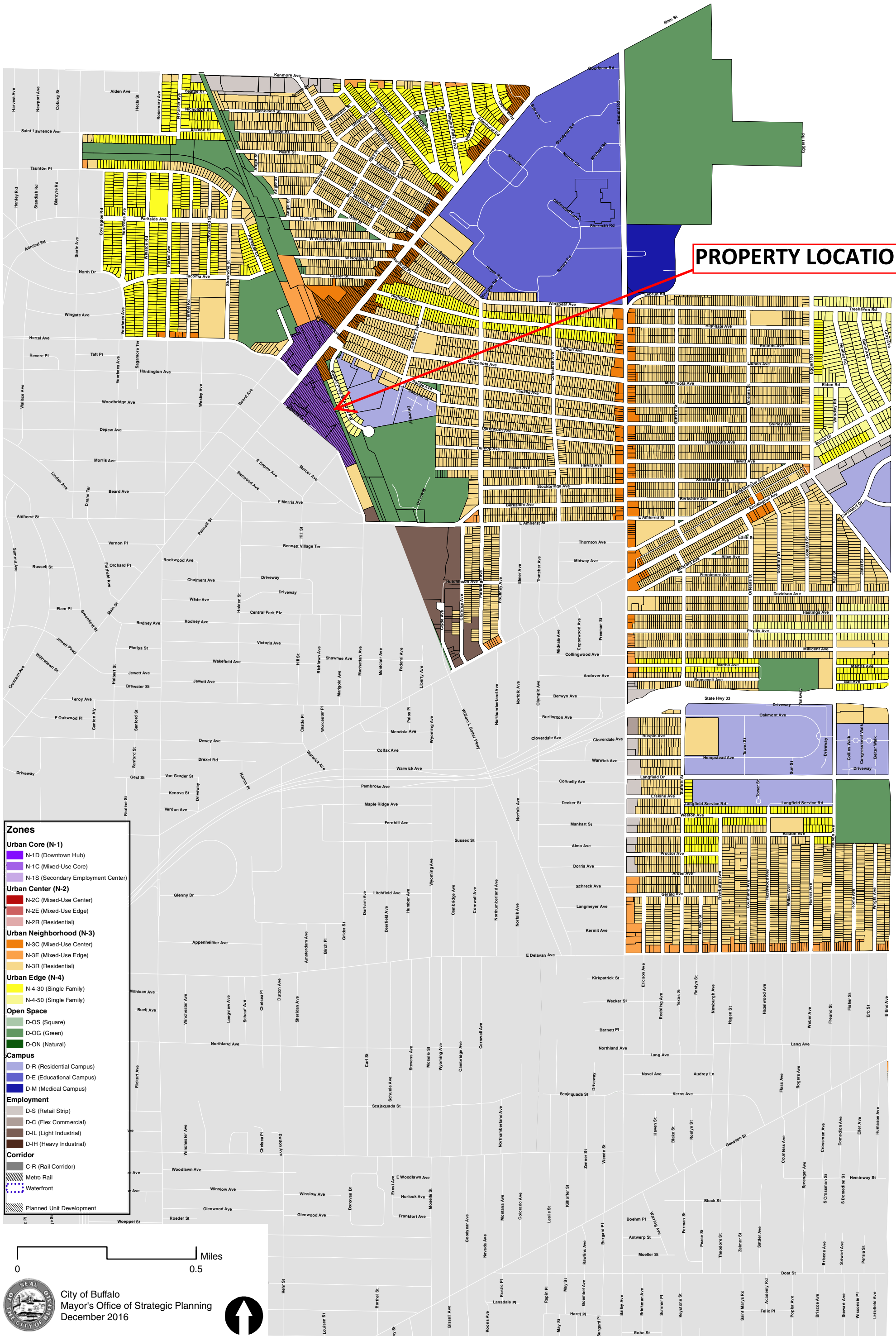
Figure 7

Zoning Map

Figure 7 - Zoning Map

Zoning Map - University Council District

City of Buffalo, Unified Development Ordinance



PROPERTY LOCATION

Zones

Urban Core (N-1)

- N-1D (Downtown Hub)
- N-1C (Mixed-Use Core)
- N-1S (Secondary Employment Center)

Urban Center (N-2)

- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-2R (Residential)

Urban Neighborhood (N-3)

- N-3C (Mixed-Use Center)
- N-3E (Mixed-Use Edge)
- N-3R (Residential)

Urban Edge (N-4)

- N-4-30 (Single Family)
- N-4-50 (Single Family)

Open Space

- D-OS (Square)
- D-OG (Green)
- D-ON (Natural)

Campus

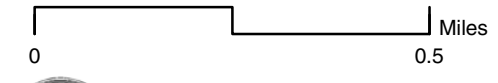
- D-R (Residential Campus)
- D-E (Educational Campus)
- D-M (Medical Campus)

Employment

- D-S (Retail Strip)
- D-C (Flex Commercial)
- D-IL (Light Industrial)
- D-IH (Heavy Industrial)

Corridor

- C-R (Rail Corridor)
- Metro Rail
- Waterfront
- Planned Unit Development



City of Buffalo
 Mayor's Office of Strategic Planning
 December 2016

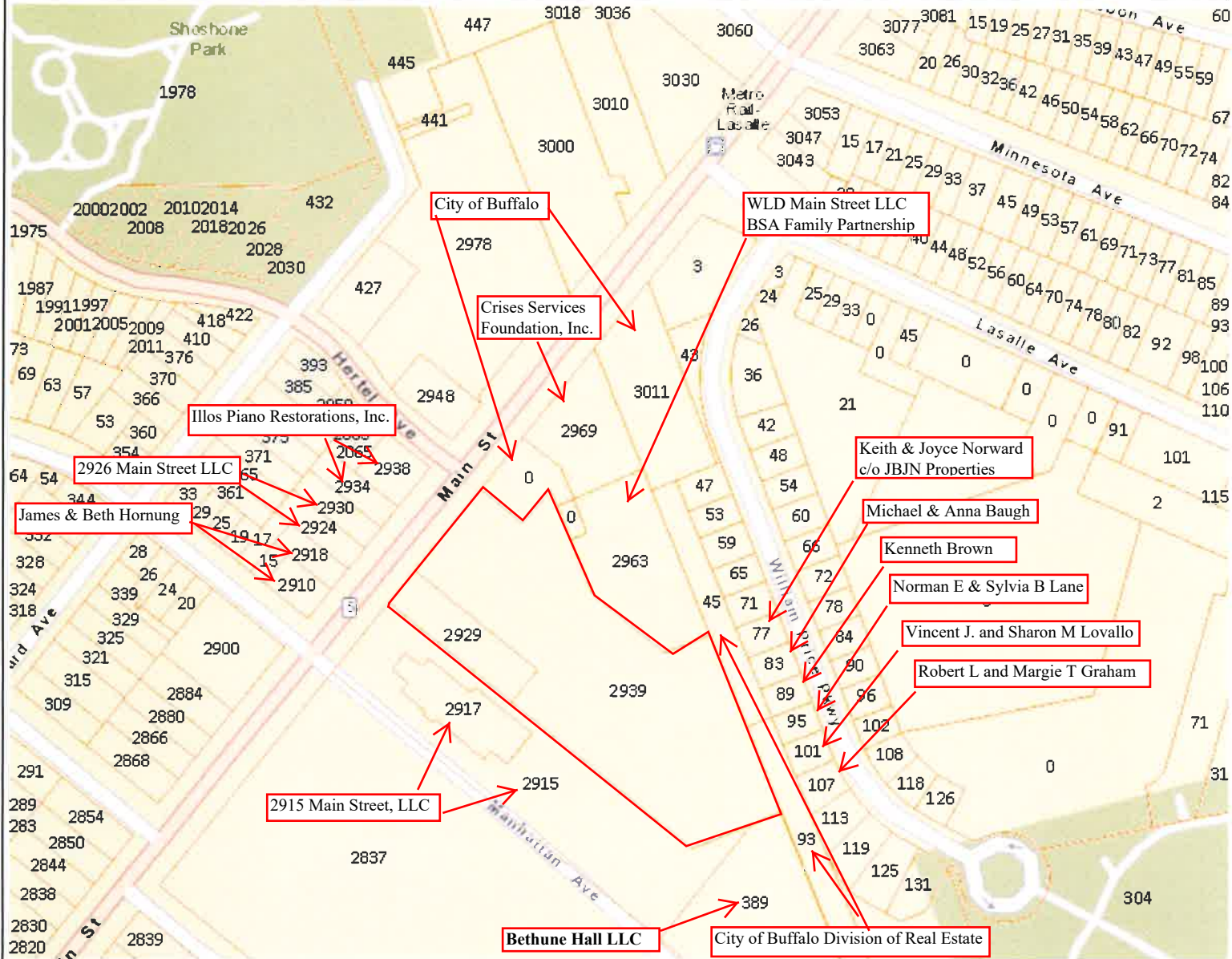


Figure 8

**Proposed Brownfield Property Boundary Lines and
Adjacent Property Owners**

Figure 8: 1929-1939 Property Boundaries and Adjacent Owners and Properties - see also Exhibit G

Erie County On-Line Mapping Application



Legend

- Parcels
- Municipal Boundaries

City of Buffalo - Property Owners

0 376.17 752.3 Feet
 WGS_1984_Web_Mercator_Auxiliary_Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY
 DEPARTMENT OF ENVIRONMENT & PLANNING
 OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514

Figure 9

Library Letter

Figure 9 - Library - Document Repository Letter

Panamerican Environmental, Inc.
2390 Clinton Street
Buffalo, New York 14227
Tel: (716) 821-1650
Fax: (716) 821-1607

PANAMERICAN

February 15, 2017

Mr. Thomas Carloni
Library Manager
Frank E. Merriweather, Jr. Library
1324 Jefferson Avenue
Buffalo, New York

Re: BCP Project – 2929 main Street Project – 2929 Main Street, Buffalo, New York

Dear Mr. Carloni:

Main and Hertel, LLC is in the process of applying to the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) for a project at 2929 Main Street, Buffalo, New York. On behalf of the project applicant, Main and Hertel, LLC, I am requesting that the Merriweather Branch Library function as the document repository for the public documents associated with this project. The project documentation may include the application, work plans, investigation reports and management plans etc. associated with the project. Currently the project is anticipating initiating activities this year with the application and ending in 2017-2018.

The process requires that we receive formal acknowledgement that your library agrees to function as a document repository for this project. Your acceptance of the use of the Frank E. Merriweather, Jr. Library as a document repository for the project may be indicated by signing in the space provided below or by providing a letter indicating acceptance.

Thank you for agreeing to function in this capacity. If you have any question, please call me at 716-821-1650.

Sincerely,

Peter J. Gorton
President
Panamerican Environmental, Inc.

Frank E. Merriweather, Jr. Library accepts the role of Public Repository for 2929 Main Street BCP project documents


Accepted by:

Name

Library Name

Title

Date



Frank E. Merriweather, Jr. Library

Librarian II

2/15/17

Figure 10

EPA LQG Info and Consent Order



**Envirofacts
Search Results**



RCRAInfo Facility Information

<< Return

RCRAInfo Links

- [Overview](#)
- [Search](#)
- [Model](#)
- [RCRAInfo Search User Guide](#)
- [Contact Us](#)
- [Office of Resource Conservation and Recovery Home](#)

Report an Error

KEYSTONE CORPORATION

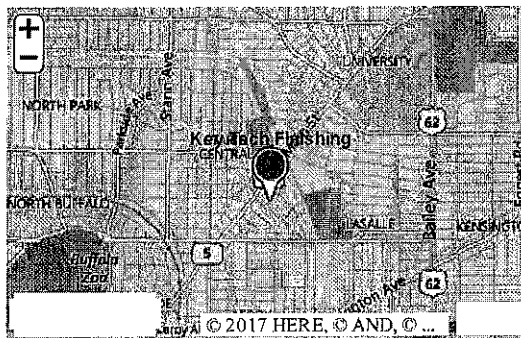
Handler ID: NYD002112399
2929 MAIN STREET
BUFFALO, NY 14214

County Name: ERIE

Latitude: 42.9455
Longitude: -78.83222

Hazardous Waste Generator: Large Quantity Generator

Owner Name: JACK KARET



*You can navigate within the map with your mouse.

BIENNIAL REPORT SUMMARY

REPORT YEAR	GENERATION (Tons)	MANAGEMENT (Tons)	WASTE RECEIVED (Tons)	WASTE SHIPPED (Tons)	INCINERATION (Tons)	DISPOSAL (Tons)	ACUTE GENERATION (Tons)
2015	9.8			9.8			
2013	6.4			6.4			
2011	11.8			11.8			
2009	12			12			
2007	18.1			18.1			
2005	10			10			
2003	13.5			13.5			
2001	24.8			24.8			

LIST OF FACILITY CONTACTS

NAME	STREET	CITY	STATE	ZIP CODE	PHONE	TYPE OF CONTACT
MELANIE C SANDQUIST	MAIN STREET	BUFFALO	NY	14214	716-832-1232	Public
MICHAEL KARET					716-832-1232, 9999	Permit
JOSEPH W VENTURO					716-832-1232	Permit
JOSEPH W VENTURO					716-832-1232	Permit
JENNIFER MASSE					716-832-1232	Permit
JENNIFER MASSE	MAIN STREET	BUFFALO	NY	14214	716-832-1232	Permit
RONALD HELMS	2929 MAIN ST	BUFFALO	NY	14214	716-832-1232	Permit
JENNIFER MASSE					516-832-1322	Permit
MELANIE SANDQUIST	MAIN STREET	BUFFALO	NY	14214	716-832-1232	Permit
MICHAEL A KARET					716-832-1232	Permit

JOSEPH VENTURO					716-832-1232, 323	Permit
UNKNOWN UNKNOWN					716-832-1232	Permit
RONALD G HELMS					716-832-1232, 9999	Permit

HANDLER / FACILITY CLASSIFICATION

Unspecified Universe for the facility listed above.

HANDLER TYPE
Large Quantity Generator

No PROCESS INFORMATION is available for the facility listed above.

LIST OF NAICS CODES AND DESCRIPTIONS

NAICS CODE	NAICS DESCRIPTION
332813	ELECTROPLATING, PLATING, POLISHING, ANODIZING, AND COLORING

LIST OF WASTE CODES AND DESCRIPTIONS

WASTE CODE	WASTE DESCRIPTION
D002	CORROSIVE WASTE
D003	REACTIVE WASTE
F006	WASTEWATER TREATMENT SLUDGES FROM ELECTROPLATING OPERATIONS, EXCEPT FROM THE FOLLOWING PROCESSES: (1) SULFURIC ACID ANODIZING OF ALUMINUM; (2) TIN PLATING ON CARBON STEEL; (3) ZINC PLATING (SEGREGATED BASIS) ON CARBON STEEL; (4) ALUMINUM OR ZINC-ALUMINUM PLATING ON CARBON STEEL; (5) CLEANING/STRIPPING ASSOCIATED WITH TIN, ZINC, AND ALUMINUM PLATING ON CARBON STEEL; AND (6) CHEMICAL ETCHING AND MILLING OF ALUMINUM.

[Go To Top Of The Page](#)

Total Number of Facilities Retrieved: 1

Last updated on 3/10/2017

Box 212

NOTICE OF ORDER ON CONSENT
(Environmental Conservation Law)

WHEREAS, Keystone Corporation (hereinafter "Keystone") is a corporation authorized to do business in the State of New York, with a mailing address at 2929 Main Street, Buffalo, New York 14214, and

WHEREAS, Keystone is the owner and operator of property located at 2929 Main Street in the City of Buffalo, County of Erie and State of New York, and

WHEREAS, pursuant to ^{the} ~~an~~ Order on Consent filed in R9-4581-98-02 ("Order on Consent"), an Administrative proceeding pursuant to Article 27 of the New York State Environmental Conservation Law to which Keystone is a party, Keystone has agreed to comply with the Injunctive Relief (as therein defined) on the above-referenced property and pursuant to Paragraphs I (B) 1-12 of said Order on Consent annexed hereto as Schedule A, to file a notice of such order on consent *copy - J*

NOW THEREFORE,

NOTICE OF SAID ORDER ON CONSENT IS HEREBY GIVEN to all parties who may acquire any interest in the parcel commonly known as 2929 Main Street, Buffalo, New York, SBL #79 70-2-24, as set forth in Liber 10177 of Deeds at page 440, and more particularly described as follows

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 No 46, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows

BEGINNING at a point in the southeasterly line of Main Street as a 99 0 foot wide street, distant 538 42 feet southwesterly from the point of intersection of the said southeasterly line of Main Street with the southwesterly line of land conveyed to the Suspension Bridge and Erie Junction Railroad Co (formerly Erie Railroad Co) now Conrail, by deed dated July 18, 1870 and recorded in the Erie County Clerk's Office in Liber 250 of Deeds at page 608, thence southwesterly along the southeasterly line of Main Street, 78 0 feet to a point, thence southeasterly at right angles to said southeasterly line of Main Street, 300 0 feet to a point, thence northeasterly at right angles to the last mentioned course 78 0 feet to a point, thence northwesterly at right angles to the last mentioned course, 300 0 feet to the point or place of beginning

704 - 14 dm² 346
- 9936

Schedule A

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violation of the New York State Environmental Conservation
Law Article 27 by

Keystone Corporation
Key Tech Finishing, Inc
2929 Main Street
Buffalo, New York 14214

FILE NO 98-10
R9-4581-98-02

(Ene County)

Respondent

WHEREAS

1 The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Titles 7 and 9 of the Environmental Conservation Law ("ECL") and the solid and hazardous waste management rules and regulations promulgated thereunder in 6 NYCRR Parts 360 and 370 et seq.

2 Respondent owns, operates and/or maintains control of a facility located at 2929 Main Street, Buffalo, New York (the "Main St Facility") which Facility is subject to the aforesaid laws, codes, rules, and regulations Respondent formerly owned a facility located at 1095 Niagara Street, Buffalo, New York (the "Niagara St Facility") which Facility was subject to the aforesaid laws, codes, rules, and regulations Respondent sold the Niagara St Facility in December, 2001

3 A multi-media inspection of the Facilities was performed on June 2, 1998 Resource Conservation and Recovery Act ("RCRA") inspections of Respondent's facilities were conducted by an authorized representative of the New York State Department of Environmental Conservation on October 27, 1997, May 26, 1998, and June 2, 1998

4 Respondent acknowledges that it conducts operations which are subject to ECL Article 27, Titles 7 and 9 and the 6 NYCRR Part 360 and 370 regulations promulgated pursuant thereto

5 6 NYCRR 360-17(a)(1)(i) prohibits the construction or operation of a solid waste management facility except in accordance with a valid permit issued pursuant to 6 NYCRR Part 360. The Department alleges that Respondent is in violation in that solid waste consisting of yard waste, brush, nursery pots and wooden pallets was disposed of at the Main St Facility without a permit to operate a solid waste management facility, and Respondent has denied such allegation.

6 6 NYCRR 372.2(a)(2) requires a generator to make a hazardous waste determination. Respondent is in violation in that it failed to make a determination for spent trichloroethylene rags at the Niagara St Facility and failed to make a determination for 18 bags of waste electroplating solids stored at the Main St Facility.

7 6 NYCRR 372.2(a)(8)(i)(a)(2) requires containers to be marked with the words "hazardous waste" and with other words that identify the contents of the containers. Respondent is in violation in that drums used for accumulation of wastes at the Main St facility were not so marked and a hopper used for accumulation of F006 filter cake and a 5 gallon drum of cyanide stripper waste were not so marked at the Niagara St Facility at each inspection.

8 6 NYCRR 372.2(a)(8)(ii) permits a generator to accumulate hazardous wastes on-site under the provisions of 6 NYCRR 373-1.1(d)(1)(d)(iii), (iv), (xix), and (xx) for a period of 90 days or less. 6 NYCRR 372.2(a)(8)(ii) and §373-1.1(d)(1)(iii)(c)(2) require the date upon which the period of accumulation begins to be clearly marked and visible for inspection on each container, tank or storage area used to store hazardous wastes. Respondent is in violation in that the containers of hazardous waste at both Facilities were not marked with the date upon which accumulation began and restricted waste was stored over 90 days during the 1997 and 1998 inspections.

9 6 NYCRR 372 2(b)(5)(iii) prohibits a generator from shipping a hazardous waste to other than an authorized facility. The Department alleges that Respondent is in violation in that sludge containing a mixture of 5% hazardous waste/95% non-hazardous waste was shipped in the years 1993 through 1997 from the Niagara St Facility to a 6 NYCRR Part 360 Facility, which is not an authorized facility for disposal of hazardous waste, and Respondent has denied knowledge and information sufficient to form a belief as to such allegation.

10 6 NYCRR 373-1 1(d)(1);(xii)(c) requires wastewater treatment unit tanks to be marked with the words "hazardous waste" and other words to identify their contents. Respondent is in violation in that the tanks at the Niagara St Facility were not so marked during the 1997 and May 26, 1998 inspections.

11 6 NYCRR 373-1 1(d)(x)(d) requires waste water treatment tanks to be marked with the date on which each period of accumulation begins. Respondent is in violation in that the tanks at both Facilities were not so marked during the 1997 and 1998 inspections.

12 6 NYCRR 373-3 3(b) requires facilities to be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. The Department alleges that Respondent is in violation in that releases within both Facilities in 1997 and 1998 had the potential to threaten human health or the environment, and Respondent has denied knowledge and information sufficient to form a belief as to such allegation.

13 6 NYCRR 373-3 9(b) requires that, if a container is not in good condition or is beginning to leak, the owner or operator of the facility must transfer the wastes to a container that is in good condition or manage the waste in some other way that

complies with the requirements of this Subpart Respondent is in violation in that waste was stored in corroded and dented containers at both Facilities during the 1997 and 1998 inspections

14 6 NYCRR 373-3.9(d)(1) requires that containers holding hazardous waste be closed during storage, except when wastes are being added or removed Respondent is in violation in that more than 10 drums of waste were stored in open containers at the Niagara Street Facility during the 1997 inspection

15 6 NYCRR 373-3.9(d)(3) requires containers holding hazardous waste to be marked with the words "Hazardous Waste" and with other words identifying their contents Respondent is in violation in that containers containing hazardous waste were not marked with the words "Hazardous Waste" and other words to identify their contents during the 1997 and May 26, 1998 inspections at both Facilities

16 6 NYCRR 376.1(c)(1) provides that no generator, transporter, handler, owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste to circumvent a land disposal prohibition imposed by Article 27 The Department alleges that Respondent is in violation in that a small quantity of restricted waste was mixed with a larger volume of F006 waste at the Niagara St Facility, and Respondent has denied knowledge and information sufficient to form a belief as to such allegation

17 6 NYCRR 376.5(a)(1)(i) prohibits the storage of hazardous wastes restricted from land disposal unless a generator stores such waste in tanks, containers, or containment buildings on-site for the sole purpose of accumulation of such quantities as necessary to facilitate proper recovery, treatment or disposal The Department alleges that Respondent is in violation in that wastes were stored at both Facilities for purposes other than the accumulation of quantities necessary to facilitate proper recovery, treatment, or disposal during the 1997 and 1998

inspections, and Respondent has denied such allegation

18 Respondent has waived its rights to notice and hearing in this matter as provided by law and has consented to the issuing and entering of this Order

NOW, having considered this matter and being duly advised, it is ORDERED

I. RELIEF

A. Penalties In accordance with paragraph IV(E)(4) of the Commissioner's Civil Penalty Policy dated 6/20/90, Respondent has demonstrated inability to pay a penalty. Further, Respondent spent over \$110,000 in 1998 and 1999 on environmental clean-up costs and may incur additional environmental clean-up costs pursuant to this Order. Thus, Respondent is assessed a penalty of \$60,000, which is suspended in full upon condition that Respondent remain in full compliance with the obligations set forth below in I (B) 1-12. In the event that Respondent fails to comply with these obligations, payment of the suspended penalty or such portion thereof as the Department may specify will be made by Respondent within 15 days after service of a notice of noncompliance demanding such payment. Service of such notice may be by personal service or by certified mail, return receipt requested, or, if such service is refused or cannot be completed, by ordinary mail. All notices will be sent to the Main Street Facility.

B Injunctive Relief

- 1 Respondent must not accept solid waste
- 2 Respondent must remove and properly dispose all hazardous waste which has been stored on site at the Main St Facility greater than 90 days within 15 days of the effective date of this Order
- 3 Respondent must make hazardous waste determinations and comply with the requirements of 6 NYCRR 372.2(a)(2) when making those determinations, effective immediately

4 Respondent must comply with the requirements of 6 NYCRR 372 2(a)(8)(ii), 6 NYCRR 373-1 1(d)(1)(iii)(c)(2) and 6 NYCRR 373-1 1(d)(xii)(d) by marking the date upon which accumulation begins on containers, tanks, and units used to store hazardous waste, effective immediately

5 Respondent must comply with the requirements of 6 NYCRR 372 2(b)(5) by shipping hazardous wastes to authorized facilities, effective immediately

6 Respondent must maintain and operate the Main St Facility in accordance with the requirements of 6 NYCRR 373-3 3(b), effective immediately

7 Respondent must comply with the requirements of 6 NYCRR 373-3 9(b) by transferring wastes stored in containers in poor condition which have been stored for less than 90 days to containers in good condition or manage the wastes in a manner meeting the requirements of §373-3 9, within 15 days of the effective date of this Order

8 Respondent must close all hazardous waste containers during storage, effective immediately

9 Respondent must comply with the requirements of 6 NYCRR 373-3 9(d)(3) by marking the words "Hazardous Waste" and other identifying words on containers used to store hazardous waste, within 15 days of the effective date of this Order

10 Respondent must comply with the requirements of 6 NYCRR 372 2(a)(8)(i)(a)(2) and 6 NYCRR 373-1 1(d)(xii)(c) by marking containers and tanks with the words "hazardous waste" and other words to identify their contents, within 15 days of the effective date of this Order

11 Respondent must comply with the requirements of 6 NYCRR 376 1(c)(1) by ceasing the practice of blending hazardous wastes, effective

immediately

12 Within 45 days after the effective date of this Agreement, Respondent shall file a copy of this Consent Order with the Erie County Clerk to give all parties who may acquire any interest in the Main St Facility notice of this Order. Respondent shall provide the Department with evidence of such filing within 15 days of filing.

13 Respondent agrees to request, in writing, access to the Niagara St Facility for soil and groundwater sampling and analysis within 30 days of the effective date of this Order. If the current owner of the Niagara St Facility agrees to provide access, Respondent will develop and implement a soil and groundwater sampling and analysis plan for the Niagara St Facility in order to verify that there have been no releases of contaminants from process tanks or waste storage areas which have impacted soil or groundwater. The plan shall be developed in consultation with the Department and submitted to the Department for approval within 60 days of the effective date of this Order. If the current owner of the Niagara St facility does not agree to provide access, Respondent's obligations pursuant to this paragraph shall be satisfied. Such denial of access shall be in writing, and a copy of the denial letter shall be provided to the Department within 15 days of receipt of the denial letter.

II. Review of Submittals

A 1 All documents which Respondent must submit pursuant to this Order are subject to Department approval.

2 The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific

principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order, and Respondent shall implement them in accordance with their respective schedules and terms, as approved.

3 a If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the timeframe set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

b After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accept such modifications as may be specified by Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

IV SETTLEMENT and RESERVATION OF RIGHTS

A Upon completion of all obligations created in this Order, this Order settles only all claims for civil and administrative penalties concerning the violations described in Paragraphs 5 through 17 of this Order against Respondent and its successors (including successors in title) and assigns

B Except as provided in Subparagraph IV (A) of this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting any of the civil, administrative or criminal rights of the Department or of the Commissioner or his designee (including, but not limited to, nor exemplified by, the rights to recover natural resources damages and to exercise any summary abatement powers) or authorities with respect to any party, including Respondent

V ACCESS

For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site or records owned, operated, controlled or maintained by Respondent, in order to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility

VI FAILURE, DEFAULT AND VIOLATION OF ORDER

A Respondent's failure to comply with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order and shall be deemed to be a violation of both this Order and the ECL

B Respondent's failure to comply fully and in timely fashion with any provision, term, or condition of this Order shall constitute a default and a failure to perform an obligation under this Order and under the ECL and shall constitute sufficient grounds for revocation of any permit, license, certification, or approval issued to Respondent by the Department

VII INDEMNIFICATION

Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and its successors (including successors in title) and assigns

VIII FORCE MAJEURE

If Respondent can not comply with a deadline or requirement of this Order, because of an act of God, war, strike, riot, catastrophe or other condition which is not caused by the negligence or misconduct of Respondent and which could not have been avoided by Respondent through the exercise of due care, Respondent shall make its best effort to comply nonetheless and shall, within seventy-two hours (unless notice is required sooner by State or Federal law), notify the Department by telephone and in writing, pursuant to the communications provision of this Order, after it obtains knowledge of any such condition or event and request an appropriate extension or modification of this Order

IX. BINDING EFFECT

The provisions of this Order shall inure to the benefit of and be binding upon the Department and Respondent and its successors (including successors in title) and assigns

X MODIFICATION

No change in this Order shall be made or become effective except as set forth by a written order of the Commissioner or the Commissioner's designee

XI ENTIRE ORDER

The provisions of this Order constitute the complete and entire Order issued to the Respondent concerning resolution of the violations identified in Paragraphs 5 through 17 of this Order. No term, condition, understanding or agreement purporting to modify or vary any term hereof shall be binding unless made in writing

and subscribed by the party to be bound, pursuant to Paragraph X of this Order. No informal oral or written advice, guidance, suggestion or comment by the Department regarding any report, proposal, plan, specification, schedule, comment or statement made or submitted by Respondent shall be construed as relieving Respondent of its obligations to obtain such formal approvals as may be required by this Order.

XII EFFECTIVE DATE

The effective date of this Order is the date that the Commissioner or his designee signs it. The Department will provide Respondent (or the Respondent's counsel) with a fully executed copy of this Order as soon as practicable after the Commissioner or his designee signs it.

Buffalo, New York

DATED 9/29/03

Erin M. Crotty, Commissioner
New York State Department of
Environmental Conservation

By


Gerald F. Mikol
Regional Director

Consent by Respondent

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained therein

Respondent _____
By Jack Karet _____
Title CEO _____
Date September 26, 2003 _____

(Seal)

Corporate

State of New York)
County of ERIC)

On this 26th day of September, 2003, before me personally came Jack Karet to me known, who being by me duly sworn did depose and say that he resides at 53 Danbury Lane, Kenmore, New York 14217 that he is the CEO & President of Keystone Corp the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation

Barbara L. Cositore
NOTARY PUBLIC

BARBARA L. COSITORE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/04/2006

Individual

State of _____)
County of _____)

On this _____ day of _____, 20____, before me came _____, to me known and known to me to be the individual described in and who executed the foregoing consent and he duly acknowledged to me that he executed the same

NOTARY PUBLIC

IN WITNESS WHEREOF, the undersigned has executed this declaration the day written below

October 31, 2003
Date

Name Jack A. Karet
Title CEO-President

STATE OF NEW YORK)
) ss
COUNTY OF ERIE)

On the 31st day of October in the year 2003, before me the undersigned, a notary public in and for said state, personally appeared Jack A. Karet, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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

Tracey J. Palmer
Notary Public

00145 18029 21914

TRACEY J PALMER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Mar 30, 2006