



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 10*

Section I. Requestor Information - See Instructions for Further Guidance		DEC USE ONLY BCP SITE #:
NAME Riverview Innovation & Technology Campus, Inc.		
ADDRESS 333 Ganson Street		
CITY/TOWN Buffalo, New York		ZIP CODE 14203
PHONE 716 856 3333	FAX 716 842 1785	E-MAIL jmwilliams@oscinc.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> 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. Please note: If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. <i>See Attachment A-I-1, Note: Not an LLC See Attachment A-I-2</i> <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> 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	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>	
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> the date that the remedial program is to start; and the date the Certificate of Completion is anticipated. 	<i>See Attachment A-II-1</i>

Section III. Property's Environmental History

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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).** (*Please see Attachments A-III-1 through A-III-5 (on CD only)*)

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	X	X	
Chlorinated Solvents			
Other VOCs		X	
SVOCs	X	X	
Metals		X	
Pesticides			
PCBs			
Other*	X	X	

***Please describe:** Constituents associated with a former coke making and by-products facility.

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**
- See Attachment A-III-6 for Figures, data is from GHD, 2018; Tables in Attachment A-III-7.*

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?* Yes No
 (*answering No will result in an incomplete application)

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: The property is a former coke manufacturing site that produced coke and coke by-products.

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME Riverview Innovation & Technology Campus

ADDRESS/LOCATION 3875 River Road

CITY/TOWN Tonawanda ZIP CODE 14150

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Tonawanda

COUNTY Erie SITE SIZE (ACRES) 94.6

LATITUDE (degrees/minutes/seconds) 42 ° 56 ' 57 " LONGITUDE (degrees/minutes/seconds) 78 ° 55 ' 35 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
3875 River Road, less Site 109 and 110	64.08	1	10	86.5
See Attachment A-IV-1 for SBL and Map				

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site. See Figure 1 in Attachment A-IV-1

2. Is the required property map attached to the application? (application will not be processed without map) See Figure 2 in Attachment A-IV-2 and Figure 3 in A-IV-3 Yes No

3. 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%

4. 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: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. 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? See Attachment A-IV-4 for the list of Yes No
If yes, attach relevant supporting documentation. known spills.

7. 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

Easement/Right-of-way Holder

Description

The are no known easements on the property that will preclude remediation.

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>
SPDES	NYSDEC	Elimination System Discharge Permit. Applies to stormwater and previous industrial discharges.

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**? *Please See Attachments A-IV-4, A-IV-5 and A-IV.* Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

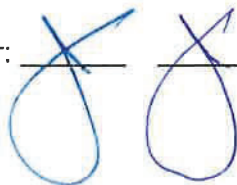
12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

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 Jon Williams		
ADDRESS 333 Ganson Street		
CITY/TOWN Buffalo		ZIP CODE 14203
PHONE 716 856 3333	FAX 716 842 1785	E-MAIL jmwilliams@oscinc.com
NAME OF REQUESTOR'S CONSULTANT John P. Black, P.E. of Inventum Engineering, P.C.		
ADDRESS 481 Carlile Drive, Suite 202		
CITY/TOWN Herndon, Virginia		ZIP CODE 20170
PHONE 703 935 0409	FAX	E-MAIL john.black@inventumeng.com
NAME OF REQUESTOR'S ATTORNEY Craig Slater of the Slater Law Firm		
ADDRESS 500 Seneca Street, Suite 504		
CITY/TOWN Buffalo, New York		ZIP CODE 14204
PHONE 716 845 6761	FAX 716 845 6764	E-MAIL cslater@cslaterlaw.com

Section VI. Current Property Owner/Operator Information – if not a Requestor

CURRENT OWNER'S NAME Riverview Innovation & Technology Campus, Inc. OWNERSHIP START DATE: 10/10/2019		
ADDRESS 333 Ganson Street		
CITY/TOWN Buffalo, NY		ZIP CODE 14203
PHONE 716 856 3333	FAX 716 842 1785	E-MAIL jmwilliams@oscinc.com
CURRENT OPERATOR'S NAME See Attachment A-VI-1 and A-VI-2		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

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".
See Attachments A-VI-1 and A-VI-2

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. *See Attachments A-VI-1 and A-VI-2 re: Pending Sale and Provision of Receipt.*

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) - See Attachment A-VI-1

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 *See Attachment A-VII*

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.

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 *See Attachments A-VI-1 and A-VI-2*

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

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

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 # _____
The State Superfund properties have been excluded from this application, See Attachment A-VIII-1.
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? 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. Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
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

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: *See Attachments A-IX-1 and A-IX-2.*

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). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site. *See Attachment A-IX-3*

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? Industrial

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

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)

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.** *See Attachment A-X*

If residential, does it qualify as single family housing? 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

See Attachment A-X.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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 President (title) of Riverview Innovation & Technology Campus, Inc. (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: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 9/3/19 Signature: _____

Print Name: Jon M. Williams

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:** _____

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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 President (title) of Riverview Innovation & Technology Campus, Inc. (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: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 9/27/19 Signature: _____

Print Name: Jon M. Williams

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 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> 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>	
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)	
375-3.2:	
<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 will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended 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: Riverview Innovation & Technology Campus **Site Address:** 3875 River Road
City: Tonawanda **County:** Erie **Zip:** 14150

Tax Block & Lot
Section (if applicable): **Block:** **Lot:**

Requestor Name: Riverview Innovation & Technology Campus, Inc. **Requestor Address:** 333 Ganson Street
City: Buffalo, New York **Zip:** 14203 **Email:** jmwilliams@oscinc.com

Requestor's Representative (for billing purposes)
Name: Jon Williams **Address:** 333 Ganson Street
City: Buffalo **Zip:** 14203 **Email:** jmwilliams@oscinc.com

Requestor's Attorney
Name: Craig Slater of the Slater Law Firm **Address:** 500 Seneca Street, Suite 504
City: Buffalo, New York **Zip:** 14204 **Email:** cslater@cslaterlaw.com

Requestor's Consultant
Name: John P. Black, P.E. of Inventum Engineering, P.C. **Address:** 481 Carlile Drive, Suite 202
City: Herndon, Virginia **Zip:** 20170 **Email:** john.black@inventumeng.com

Percentage claimed within an En-Zone: 0% <50% 50-99% 100%

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: Yes No

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: Yes No Planned, No Contract

DER/OGC Determination: Agree Disagree Undetermined

Notes:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**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. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**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.

Attachment A-I-1

Printout

NYS Department of State's Corporation & Business Entity Data Base

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 22, 2019.

Selected Entity Name: RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS, INC.

Selected Entity Status Information

Current Entity Name: RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS, INC.

DOS ID #: 5601755

Initial DOS Filing Date: AUGUST 09, 2019

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

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

RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS, INC.

333 GANSON STREET

BUFFALO, NEW YORK, 14203

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

of Shares Type of Stock \$ Value per Share

200 No Par Value

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 09, 2019	Actual	RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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[Homepage](#) | [Contact Us](#)

Attachment A-I-2
Members/Owners

Riverview Innovation & Technology Campus, Inc. is a C-Corporation, not an LLC.

Attachment A-II-1
Project Description

Attachment A-II-1

Project Description

The project is designed to unlock the Riverview Innovation & Technology Campus Site and allow the overall property development to support multiple commercial tenants (See Attachment A-X – Redevelopment). The key targets for the redevelopment are data management and users of large-scale data management centers.

The eastern portion of the Riverview Innovation & Technology Campus Site that is being remediated under the NYS Superfund Program, not BCP, would provide green space and a buffer for the remainder of the Riverview Innovation & Technology Campus Site.

In order to achieve the vision and to produce a viable business community for Tonawanda and New York State the site must be investigated and characterized in accordance with the BCP requirements, and Alternatives Analysis must be conducted by unique areas of required remediation, Remedial Designs must be prepared and approved, and the selected remedial actions must be implemented.

The Remedial Investigations are expected to begin in 2020, followed by the Alternatives Analysis, Remedial Design, and Remediation. A Certificate of Completion is expected in September 2024.

Attachment A-III-1

Phase II Report

Malcolm Pirnie, 1986, Tonawanda Coke Corporation Phase II Site Investigation, December.
(Compact Disk Only)

Attachment A-III-2

Investigation Report

Conestoga-Rovers & Associates, 1990, Final Report Supplementary Site Investigation Volume I Text,
July.
(Compact Disk Only)

Attachment A-III-3

Investigation Report

Conestoga-Rovers & Associates, 1990, Final Report Supplementary Site Investigation Volume II
Appendices, July.
(Compact Disk Only)

Attachment A-III-4

Investigation Report

Conestoga-Rovers & Associates, 1992, Draft Final Report Additional Site Investigation, November.
(Compact Disk Only)

Attachment III – 5

Reference: Conestoga Rovers, 2008, Final Supplemental Report, Revision 1 and Feasibility Study, Tonawanda Coke Corporation, Tonawanda, New York, January

(Compact Disk Only)

Attachment A-III-6

Figures Showing Known Impacted Media

Reference:

GHD, 2018, Revised Remedial Investigation/Feasibility Study Work Plan, Tonawanda Coke Corporation, NYSDEC Site No. 915055, June 15.

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

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EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

EXC	NO	EXC NO	EXC DATE

This Figure was modified for the purpose of the BCP application.

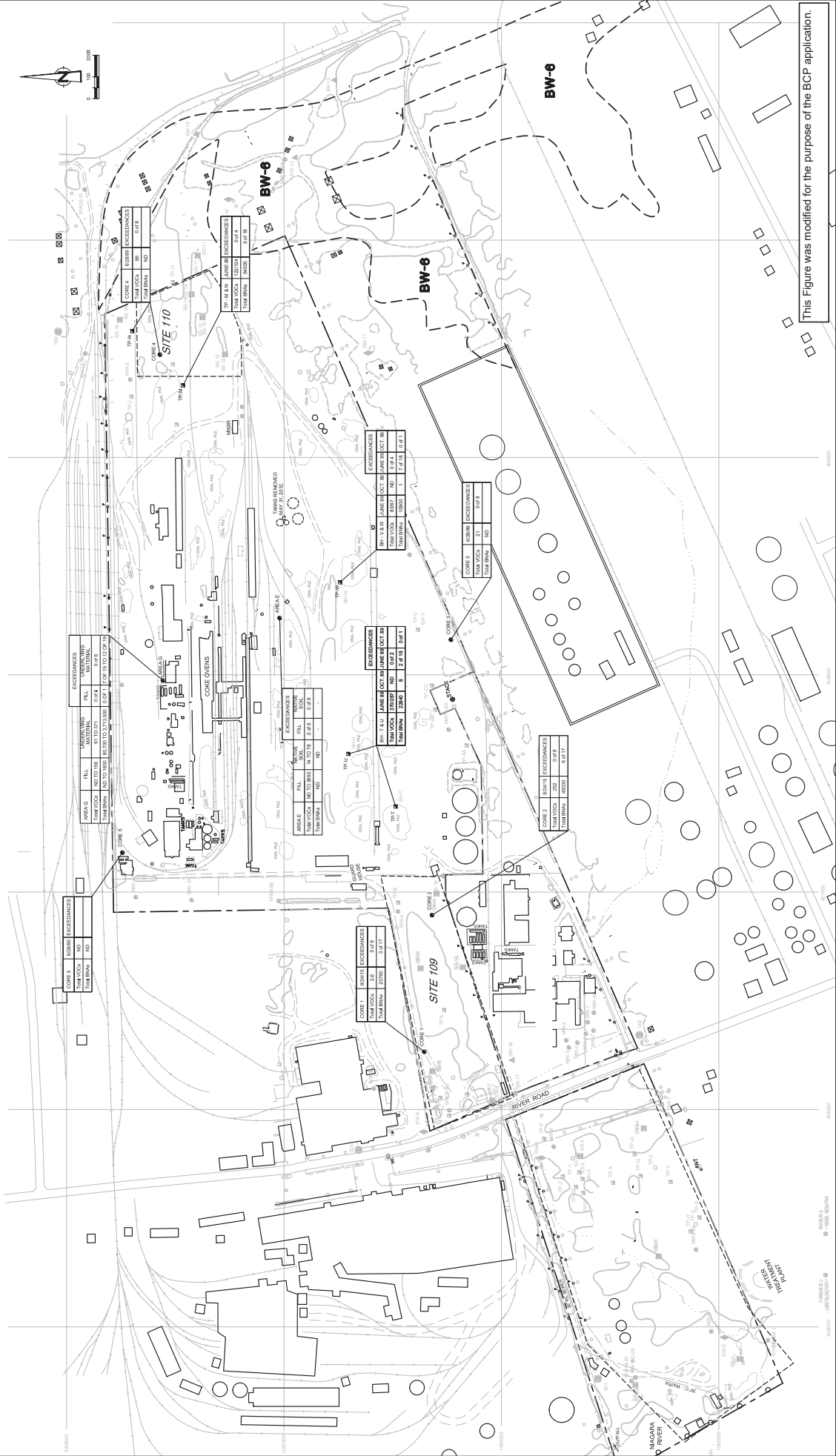
Source Information	Date: DECEMBER 2007
Project Manager	Drawn By:
Reviewed By: J. KAY	Designed By:
Project No: 02428-05	Project No: 024
Scale: AS SHOWN	Sheet No: 1

TONAWANDA COKE CORPORATION	
RIFTS WORK PLAN	
CHEMICAL PRESENCE IN SURFACE SOIL	

NOTES: CONCENTRATIONS AND STANDARDS REPORTED IN P-99 EXCISENCES: NUMBER OF STANDARDS EXCEEDANCES AND NOT DETECTED FOR AREA OF DETECTION MET. -- NOT STANDARD AVAILABLE

SCALE: VERIFICATION THE SAME AS SHEET P. CONCEPTUAL ADJUST SCALE ACCORDINGLY
APPROVAL: _____ DATE: _____

LEGEND	DESCRIPTION
	500' SURFACE SOIL SAMPLING LOCATION
	200' OFF-SITE BACKGROUND SURFACE SOIL SAMPLING LOCATION
	PROPERTY LINE
	LANDFILL IDENTIFICATION
	WETLANDS AREA
	SITE 109



This Figure was modified for the purpose of the BCP application.

GHD Soil Information	
Date:	DECEMBER 2007
Drawn By:	
Project Manager:	J. KAY
Reviewed By:	02/28/05
Project No.:	024
Scale:	AS SHOWN
Sheet No.:	2

TONAWANDA COKE CORPORATION
RIFTS WORK PLAN
CHEMICAL PRESENCE IN
SUBSURFACE SOIL

NOTES:
CONCENTRATIONS AND STANDARDS REPORTED IN P-99
EXCESSES: NUMBER OF STANDARDS EXCESSES
HAZ. NOT ANAL. YES
AND NOT DETECTED FOR ABOVE DETECTION LIMIT
-- NOT STANDARD AVAILABLE

SCALE: REDUCTION THE SAME AS SHEET P. CONCENTRATIONS ADJUSTED AS APPROPRIATE

NO.	REVISION	DATE	BY

LEGEND

- DISPOSAL AREA BOUNDARY
- PROPERTY LINE
- LANDFILL BOUNDARY
- WETLANDS AREA
- 200 TEST PIT LOCATION
- CORE 11 AUGUST 2015 BACKGROUND SAMPLE LOCATION

SITE 109



MAY15-16 10002 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	76	0.041	0.041
TOTAL BNA	371	8.0472	8.0472
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10008 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10009 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10010 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10011 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10012 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10013 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10014 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10015 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

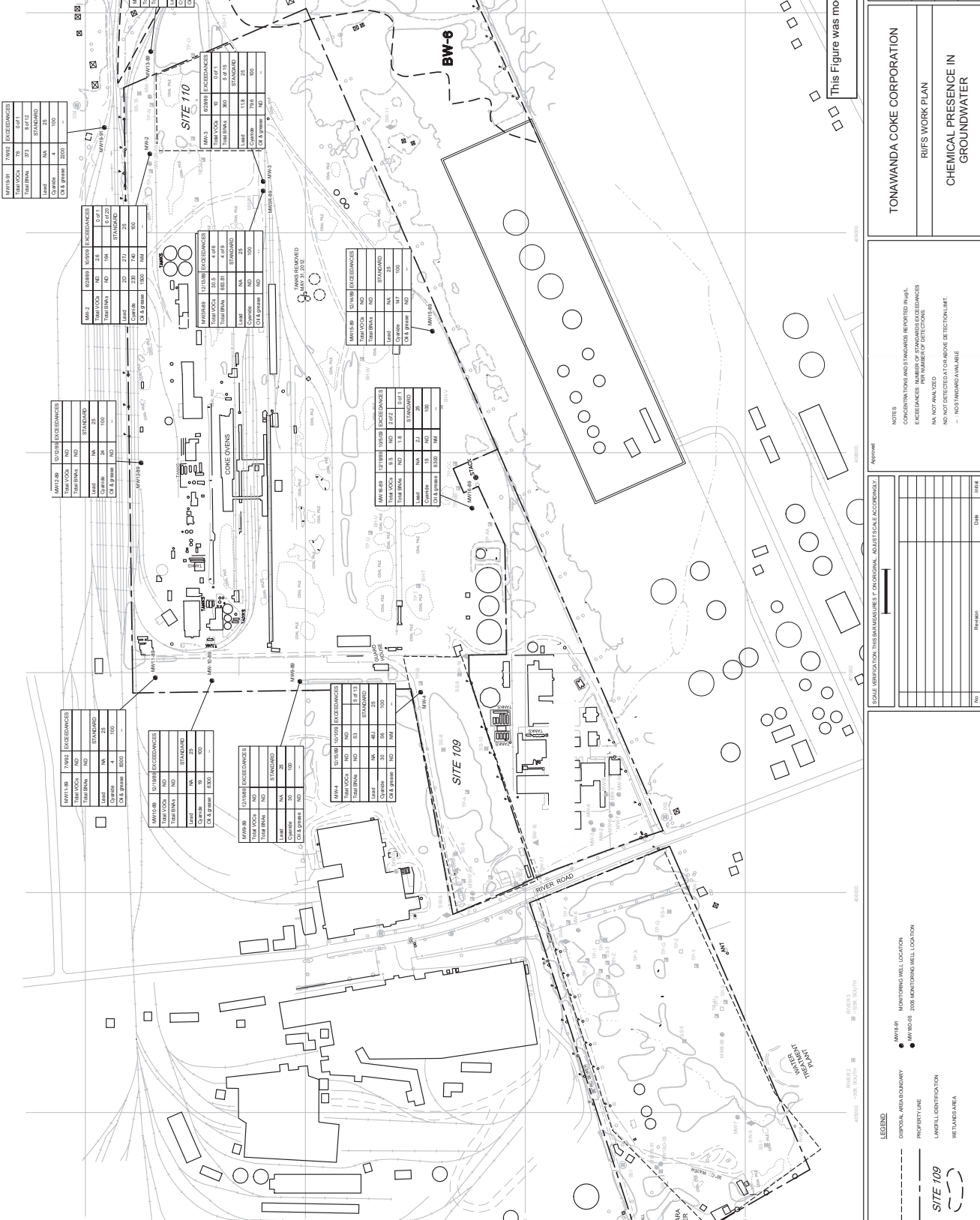
MAY15-16 10016 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10017 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10018 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10019 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100

MAY15-16 10020 EXCEEDANCES			
TOTAL VOLS	ND	STANDARD	ND
TOTAL BNA	NA	NA	NA
TOTAL BNA	NA	NA	NA
LAND	NA	NA	NA
CONCRETE	4	4	100
CR & ASPHALT	220	220	100



This Figure was modified for the purpose of the BCP application.

GHD Studio Information	
Project Manager	APRIL 2008
Scale	1:100
Drawn By	2:40Y
Checked By	02/28/05
Project No.	024
Revision No.	3

TONAWANDA COKE CORPORATION
RIFTS WORK PLAN
CHEMICAL PRESENCE IN
GROUNDWATER

NOTES:
CONCENTRATIONS AND STANDARDS REPORTED IN P.P. EXCEEDANCES. NUMBER OF STANDARDS EXCEEDANCES INDICATED BY NUMBER OF DETECTIONS.
NA= NOT ANALYZED
ND= NOT DETECTED A OR ABOVE DETECTION LIMIT.
-- NOT STANDARD AVAILABLE

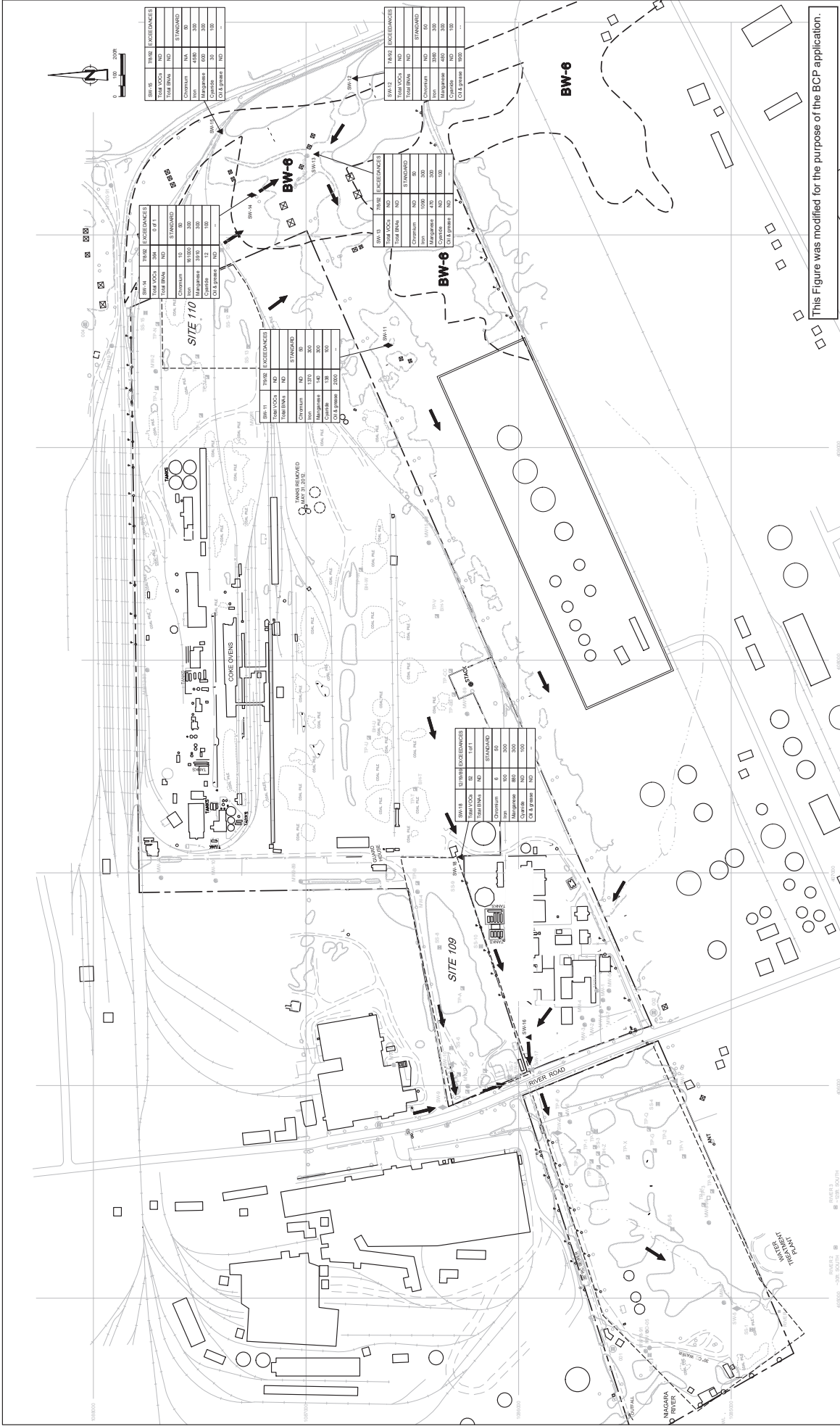
SCALE: VERIFICATION THE SAME AS SHEET OF CONCEPTUAL ADJUSTMENT ACCORDING

NO	REVISION	DATE	BY

LEGEND

- DISPOSAL AREA BOUNDARY
- PROPERTY LINE
- LANDFILL IDENTIFICATION
- WETLANDS AREA
- MONITORING WELL LOCATION
- 2000 MONITORING WELL LOCATION
- MONITORING WELL LOCATION
- LANDFILL IDENTIFICATION
- WETLANDS AREA
- PROPERTY LINE
- DISPOSAL AREA BOUNDARY

SITE 109



This Figure was modified for the purpose of the BCP application.



Site Information

Project Manager	J. KAY	Prepared By	A. BROWN
Scale	AS SHOWN	Project No.	02428-05
Date	DECEMBER 2007	Drawing No.	024
Drawn By		Sheet No.	4

TONAWANDA COKE CORPORATION

RIFTS WORK PLAN

CHEMICAL PRESENCE IN SURFACE WATER

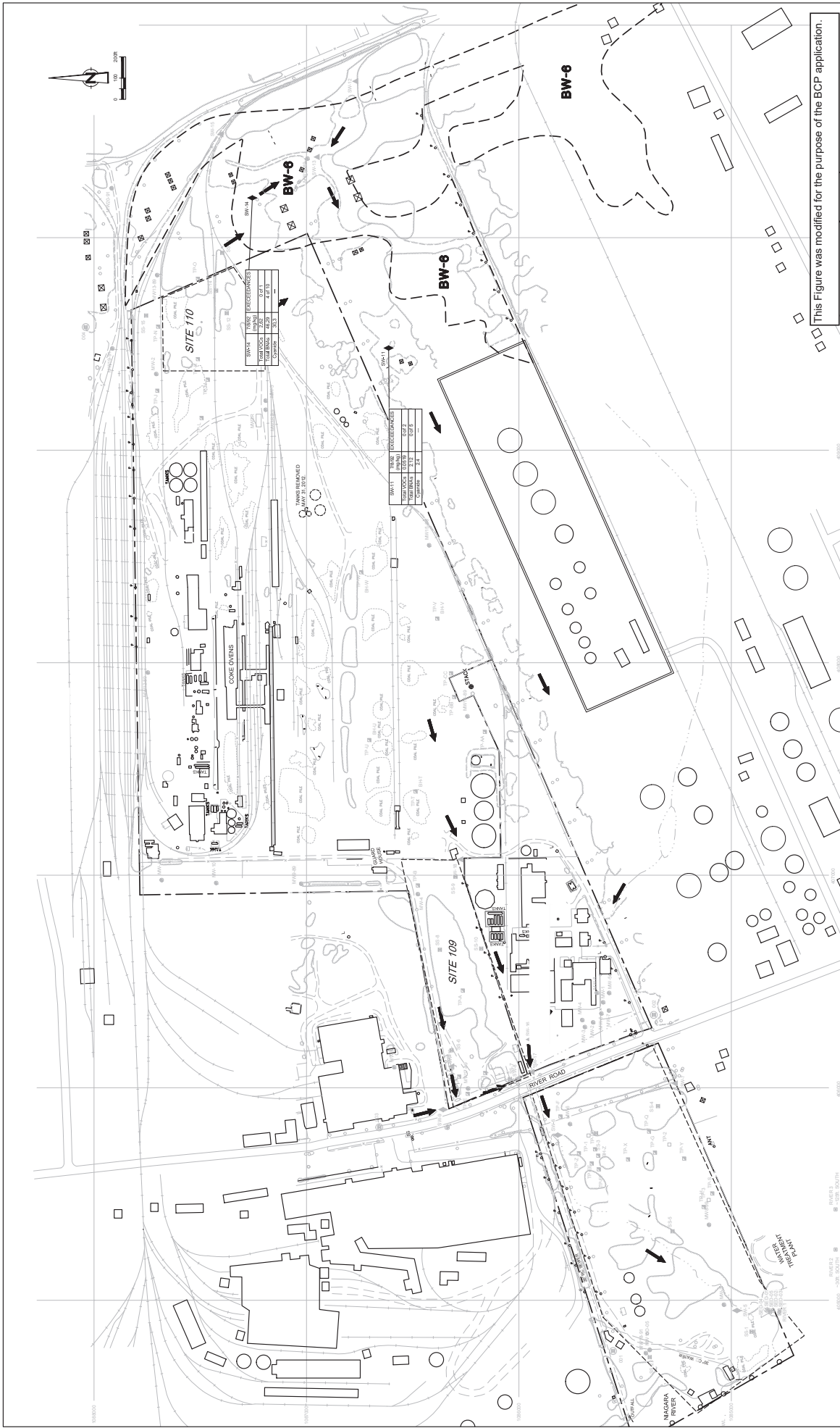
NOTES:
 - CONCENTRATIONS AND STANDARDS REPORTED IN µg/L
 - EXCEEDANCES: NUMBER OF STANDARDS EXCEEDANCES
 - MW: MONITORING WELLS
 - NOT DETECTED FOR THIS AREA OF DETECTION LIMIT
 - * - NOT STANDARD AVAILABLE

DATE	DESCRIPTION	BY	SCALE

NO.	REVISION	DATE	BY

LEGEND

- DISPOSAL AREA BOUNDARY
- PROPERTY LINE
- SURFACE WATER FLOW DIRECTION
- SURFACE WATER SEDIMENT SAMPLE LOCATION
- SURFACE WATER SAMPLE LOCATION
- LANDFILL IDENTIFICATION
- WETLANDS AREA



This Figure was modified for the purpose of the BCP application.

GHD Source Information		Date:	DECEMBER 2007
Project Manager:	J. KAY	Drawn By:	
Reviewed By:	J. KAY	Engineered By:	
Scale:	AS SHOWN	Project No.:	02428-05
		Report No.:	024
		Drawing No.:	5

TONAWANDA COKE CORPORATION
RIFTS WORK PLAN
CHEMICAL PRESENCE IN
SEDIMENT

NOTES:
CONCENTRATIONS AND STANDARDS REPORTED IN P-99
EXCEEDANCES: NUMBER OF STANDARDS EXCEEDANCES
NA: NOT ANALYZED
ND: NOT DETECTED AT OR ABOVE DETECTION LIMIT
--: NOT STANDARD AVAILABLE

Approval

NO.	REVISION	DATE	INITIAL

SCALE: REDUCTION THE SAME AS SHEET P-100 ORIGINAL. ADJUST SCALE ACCORDINGLY.

LEGEND

- DISPOSAL AREA BOUNDARY
- PROPERTY LINE
- LANDFILL IDENTIFICATION
- WETLANDS AREA
- SEDIMENT SAMPLE LOCATION
- SURFACE WATER LOCATION

SITE 109

Attachment A-III-7

Tables Listing Known Impacted Media

Reference:

GHD, 2018, Revised Remedial Investigation/Feasibility Study Work Plan, Tonawanda Coke Corporation, NYSDEC Site No. 915055, June 15.

Table 2
Representative Compounds Detected
Proposed Riverview Innovation and Technology Campus Inc. Site

Sample Matrix	Sample Date	Parameter	Parameter Concentration	Industrial Standard	Data Source	Table Page Location
Surface Soil	12/21/2005	Benzo(a)pyrene	4,100 ug/kg	1,100 ug/kg	GHD, 2018, Remedial Investigation/Feasibility Study Work Plan, Prepared for Tonawanda Coke Corporation, June.	Table 1a, 2 of 70
Subsurface Soil	8/24/2015	Benzo(b)fluorantene	2,000 to 4,600 ug/kg	1,100 ug/kg		Table 1b, 6 of 70
Surface Soil	8/17/2005 to 8/18/2005	Benzo(a)anthracene	13,000 to 20,000 ug/kg	11,000 ug/kg		Table 2, 11 of 70
Surface Soil	8/17/2005 to 8/18/2005	Benzo(a)pyrene	6,000 to 21,000 ug/kg	1,100 ug/kg		Table 2, 11 of 70
Surface Soil	8/17/2005 to 8/18/2005	Benzo(b)fluoranthene	13,000 to 32,000 ug/kg	11,000 ug/kg		Table 2, 11 of 70
Surface Soil	8/17/2005 to 8/18/2005	Chrysene	12,000 to 21,000 ug/kg	11,000 ug/kg		Table 2, 11 of 70
Surface Soil	8/17/2005 to 8/18/2005	Dibenz(a,h)anthracene	1,300 to 1,700 ug/kg	1,110 ug/kg		Table 2, 11 of 70
Surface Soil	8/18/2005	Indeno(1,2,3-cd)pyrene	15,000 ug/kg	11,000 ug/kg		Table 2, 11 of 70
Subsurface Soils	6/19/1989	Benzo(a)pyrene	2,400 to 11,000 ug/kg	1,100 ug/kg		Table 3, 16 of 70
Subsurface Soils	6/19/1989	Benzo(b)fluorantene	17,000 ug/kg	11,000 ug/kg		Table 3, 16 of 70
Subsurface Soils	6/19/1989	Dibenz(a,h)anthracene	2,200 to 11,000 ug/kg	1,100 ug/kg		Table 3, 16 of 70
Groundwater	10/18/1985 to 12/12/1989	Cyanide	0.22 to 2.75 mg/L	0.2 mg/L		Table 4, 37, 41, 45, 53, & 57 of 70
Groundwater	8/1/1986	1,4-Dichlorobenzene	29 ug/L	3 ug/L		Table 4, 38 of 70
Groundwater	11/1/1985 to 12/19/1989	Benzene	2.08 to 84 ug/L	1 ug/L		Table 4, 38, 42, & 54, of 70
Groundwater	8/1/1986	Chlorobenzene	22 ug/L	5 ug/L		Table 4, 38 of 70
Groundwater	11/1/1985	Xylenes	19 to 36 ug/L	5 ug/L		Table 4, 38 of 70
Groundwater	11/1/1985 to 8/1/1986	Toluene	11 to 59 ug/L	5 ug/L		Table 4, 38 of 70
Groundwater	6/26/1989 to 7/16/1991	Iron	2.597 to 160 mg/L	0.3 mg/L		Table 4, 36, 40, 48, 52, & 56 of 70
Groundwater	6/26/1989 to 7/16/1991	Manganese	0.801 to 11.2 mg/L	0.3 mg/L		Table 4, 37, 41, 49, & 57 of 70
Groundwater	11/1/1985	Phenolics	0.050 to 0.06 mg/L	0.001 mg/L		Table 4, 37 & 41 of 70
Groundwater	6/28/1989 to 12/13/1989	1,1,1-Trichloroethane	7 to 12.2 ug/L	5 ug/L	Table 4, 38 & 42 of 70	
Groundwater	12/13/1989 to 12/20/1989	Methylene chloride	5.15 to 6.96 ug/L	5 ug/L	Table 4, 42 & 54 of 70	
Groundwater	6/26/1989	Selenium	0.0116 mg/L	0.01 mg/L	Table 4, 49 of 70	
Groundwater	6/26/1989	Nickel	0.153 mg/L	0.1 mg/L	Table 4, 53 of 70	
Groundwater	7/16/1991	Cadmium	0.19 mg/L	0.005 mg/L	Table 4, 56 of 70	
Surface Water	11/1/1985 to 8/1/1986	Benzene	23 to 48 ug/L	1 ug/L	Table 5, 62 of 70	
Surface Water	11/1/1985	Xylenes	7 ug/L	5 ug/L	Table 5, 62 of 70	
Surface Water	10/19/1989 to 7/8/1992	Toluene	12 to 24 ug/L	5 ug/L	Table 5, 62 of 70	

Table 2
Representative Compounds Detected
Proposed Riverview Innovation and Technology Campus Inc. Site

Sample Matrix	Sample Date	Parameter	Parameter Concentration		Industrial Standard		Data Source	Table Page Location
Surface Water	3/15/1990 to 7/8/1992	Iron	1.09 to 472	mg/L	0.3	mg/L	GHD, 2018, Remedial Investigation/Feasibility Study Work Plan, Prepared for Tonawanda Coke Corporation, June.	Table 5, 62 & 64 of 70
Surface Water	3/15/1990 to 7/8/1992	Manganese	0.47 to 3.91	mg/L	0.3	mg/L		Table 5, 62, 64, & 66 of 70
Surface Water	3/15/1990	Nickel	0.14 to 0.216	mg/L	0.1	mg/L		Table 5, 62 & 64 of 70
Surface Water	11/1/1985 to 8/1/1986	Phenolics	0.039 to 0.61	mg/L	0.001	mg/L		Table 5, 63 of 70
Surface Water	12/19/1989	Methylene Chloride	52	ug/L	5	ug/L		Table 5, 66 of 70
Surface Water	3/15/1990	Chromium Total	0.086	mg/L	0.05	mg/L		Table 5, 64 of 70
Surface Water	7/8/1992	Lead	0.025	mg/L	0.025	mg/L		Table 5, 66 of 70
Sediment	3/15/1990	Benzo(a)pyrene	4,530	ug/kg	1,100	ug/kg		Table 5, 69 of 70
Sediment	3/15/1990	Dibenz(a,h)anthracene	3,430	ug/kg	1,100	ug/kg	Table 5, 69 of 70	

Notes:

1 The compounds and results are representative of the site conditions at the time the samples were collected. This does not represent all samples or compounds detected, but is considered representative of the data set available for the preparation of the BCP Application.

2 Abbreviations used:

ug/kg = micrograms per kilogram

mg/L = milligrams per liter

ug/L = micrograms per liter

ug/kg = micrograms per kilogram

Attachment A-IV-1

Tax Parcel Map

Reference:
Erie County New York GIS DataBase

Table 1

Tax Map Information

Proposed Riverview Innovation and Technology Campus Inc. Site

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

3875 River Road	64.08		1	P/O	10	102.4152	Main Plant Site
					Tax Total	102.4152	
Site 109	64.08		1	P/O	10	-8.081	State Superfund Site #915055, part of 3875 River Road
Site 110	64.08		1	P/O	10	-7.874	State Superfund Site #915055, part of 3875 River Road
					BCP Total	86.460	

NOTICE: THIS DRAWING HAS BEEN PREPARED UNDER THE CONTRACT OF A PROFESSIONAL ENGINEER. ANY VIOLATION OF ANY STATE LAW OR FEDERAL REGULATION, OR ANY OTHER APPLICABLE LAW, IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

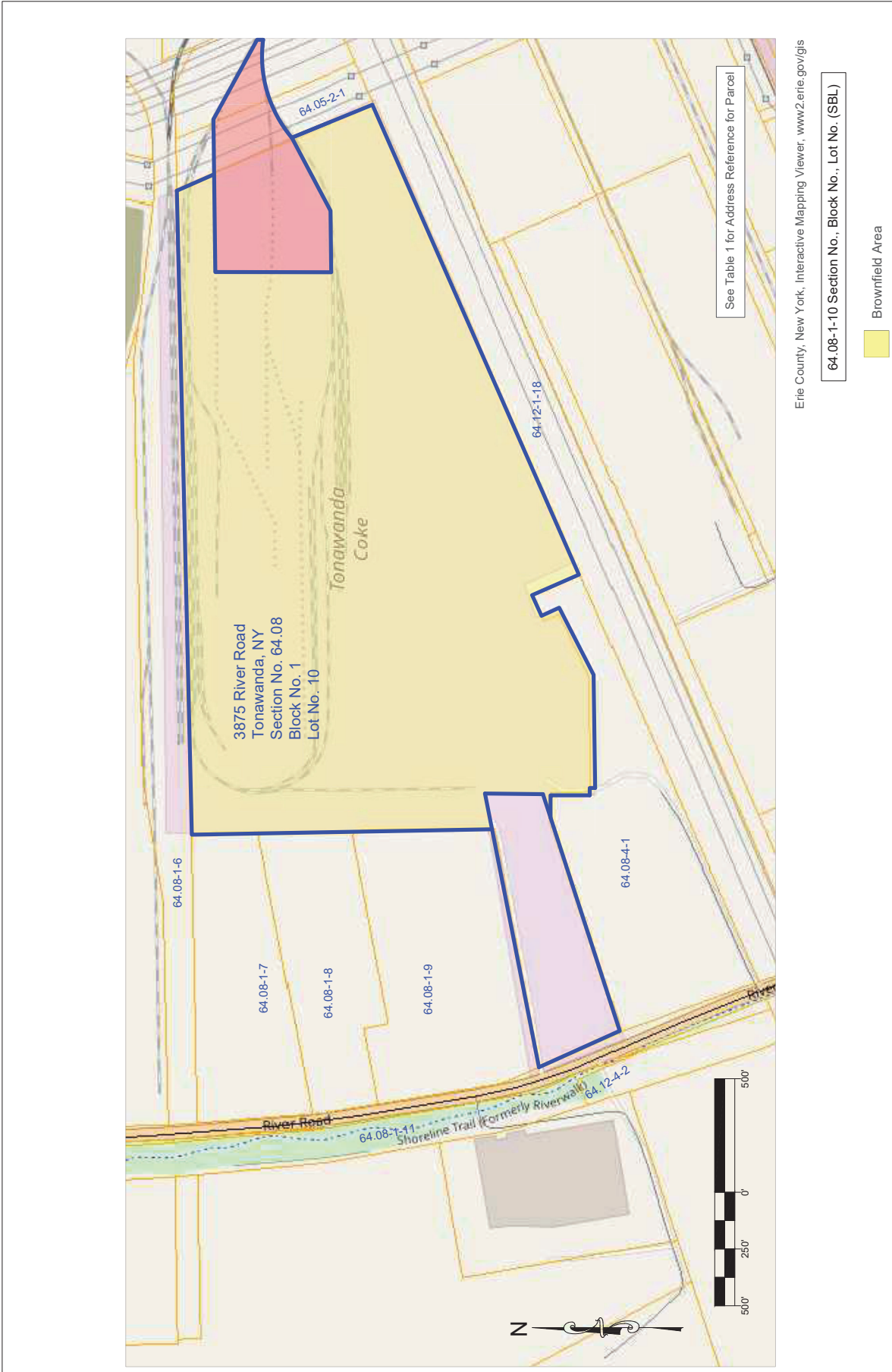
DATE: 08/11/2023
 DRAWING NO.: 23-001
 PROJECT: RIVERVIEW CAMPUS INC. TAX MAP

DESIGNED BY: J. EDWARDS
 CHECKED BY: J. EDWARDS
 DRAWING BY: J. BLACK II

INVENTUM ENGINEERING
 481 CARLISLE DRIVE
 SUITE 202
 HERNDON, VIRGINIA 20170
 (703) 722-6049
 www.inventumeng.com

Riverview Campus Inc.
 Tax Map

FIGURE - 1
 DRAWING NUMBER: 0147-05



Erie County, New York, Interactive Mapping Viewer, www2.erie.gov/gis

64.08-1-10 Section No., Block No., Lot No. (SBL)

Yellow square: Brownfield Area

See Table 1 for Address Reference for Parcel



Attachment A-IV-2

Brownfield Cleanup Boundary Map

References:

Erie County New York GIS DataBase

ENGINEER TO ALTER THIS DOCUMENT IN ANY WAY.
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 AUTHORITY OF A PROFESSIONAL ENGINEER, PURSUANT TO THE
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 IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE
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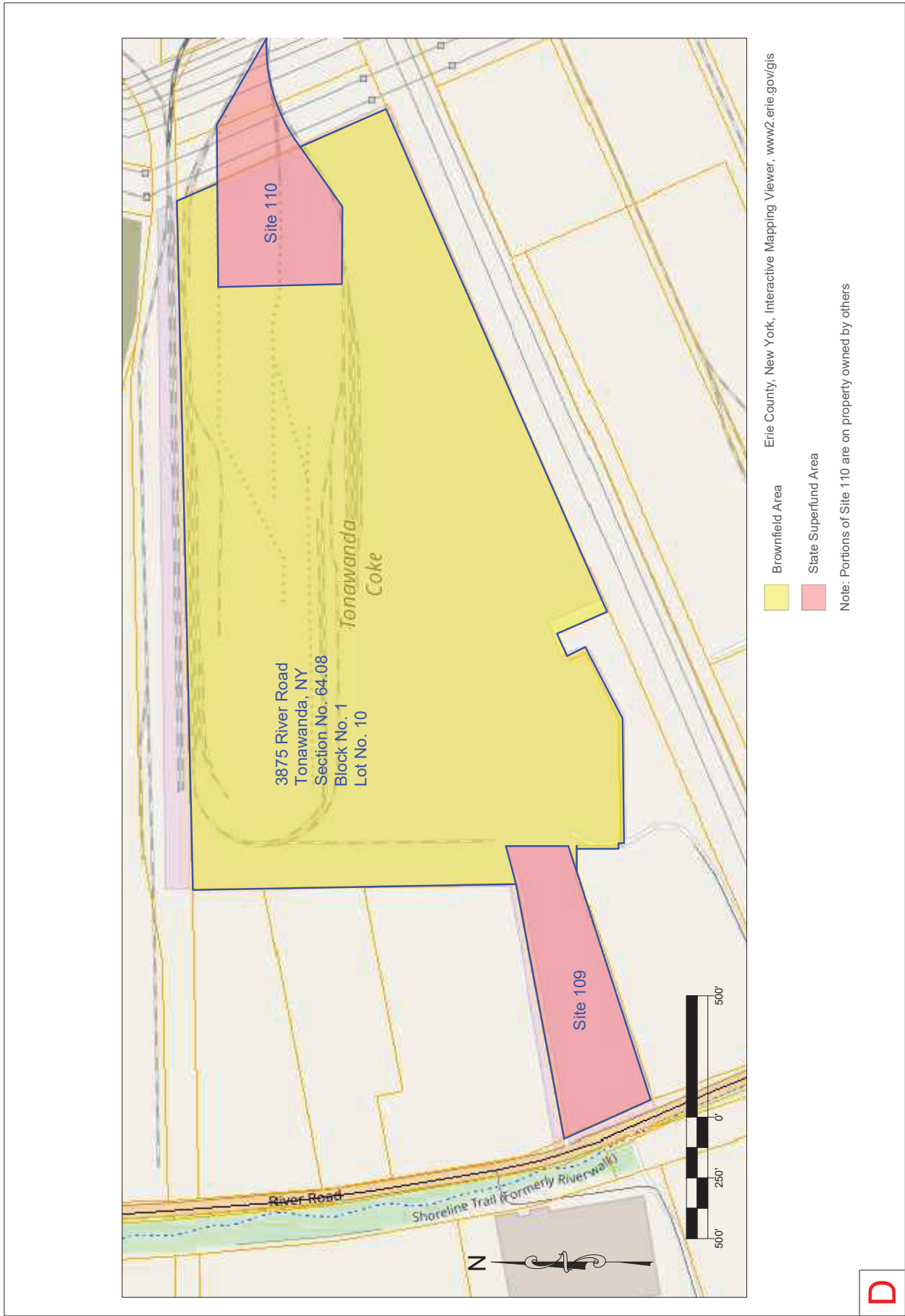
APPROVED: _____
 J. EDWARDS
 PROFESSIONAL ENGINEER

DATE: 08/20/2024

Proposed Innovation and
 Technology Campus Inc.

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FIGURE - 2
 DRAWING NUMBER: 002424



Erie County, New York, Interactive Mapping Viewer, www2.erie.gov/gis

Legend:

- Brownfield Area
- State Superfund Area

Note: Portions of Site 110 are on property owned by others

D

Attachment A-IV-3

USGS Map

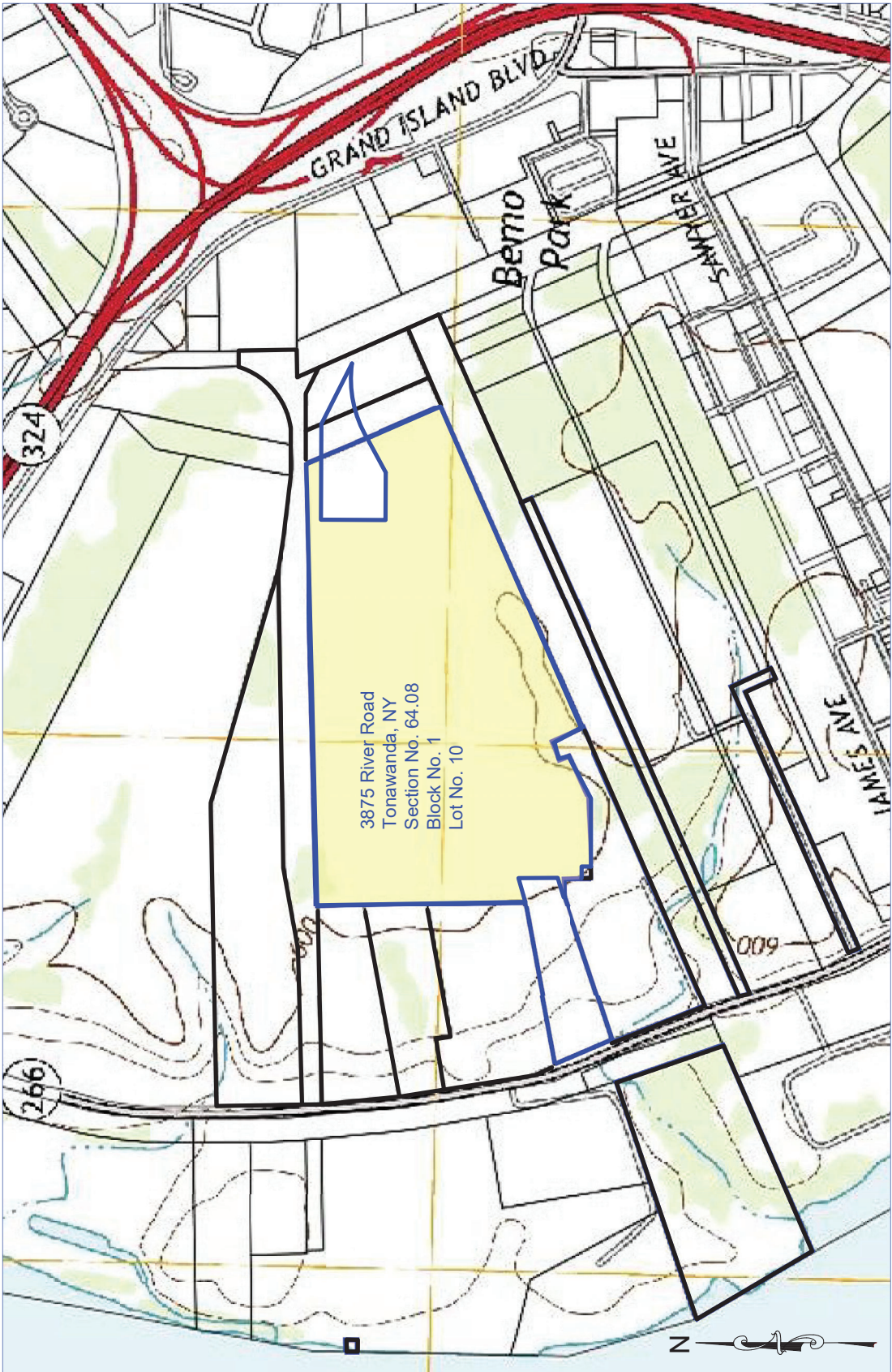
DATE: 11/15/2017	PROJECT: RIVERVIEW INNOVATION AND TECHNOLOGY CAMPUS INC.
DRAWN BY: J. BLACK II	SCALE: AS SHOWN
CHECKED: J. EMERSON	DATE: 11/15/2017
APPROVED: XXX	PROJECT: RIVERVIEW INNOVATION AND TECHNOLOGY CAMPUS INC.

NOTES: THIS DRAWING HAS BEEN PERMITTED UNDER THE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF FALLS CHURCH, VIRGINIA. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS CHURCH, VIRGINIA. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS CHURCH, VIRGINIA. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS CHURCH, VIRGINIA.

Topographical Map
 Riverview Innovation and
 Technology Campus Inc.

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FIGURE - 3
 DRAWING NUMBER: 0217-03



Brownfield Area



D

Attachment A-IV-4

Spills Database Information

15-Attachment A, IV-4
Spills Database Findings

28	1310569	1/31/2014	Not Reported	1/31/2014	6/4/2014	Coal Tar	Not Reported	Not Reported	Not Reported	Equipment Failure	7/24/2019	TONAWANDA COKE MKR. KOVEK SAID THERE WAS NO COAL TAR SPILL AND THAT THERE IS NO TAR IN THIS AREA. MKR. KOVEK SHOWED SAC LOCATION WHERE EXPOSURE TOOK PLACE. FLOOR INSIDE BUILDING WAS DRY. THERE WERE SOME AREAS OUTSIDE THAT WERE BLACK WITH A SHEEN ON THE WATER PUDDLES. BLACKISH AREAS AND SHEEN APPEARED TO BE AS A RESULT OF COKE DUST. NOTE TO FILE: PUBLIC NOTIFICATION WAS MADE WITH OTHER CHANNELS AS THE DPT AND MEDIA WERE AWARE OF THE INCIDENT PRIOR TO THE NOTIFICATION. IS 314-SAC DISCUSSES STATUS OF SPILL FILE WITH UPS. UPS REQUESTS SAC CLOSE FILE. NO FURTHER ACTION REQUIRED. NO PAPER FILE.
29	1803893	7/11/2018	Not Reported	6/20/2018	Not Reported	Sodium Hydroxide	Not Reported	Not Reported	Not Reported	Not Reported		NOTE TO FILE: SPILL WAS INTO SECONDARY CONTAINMENT. DKE W/VERY LITTLE LEACHING OUT OF THE CONTAINMENT. SPILL AREA IN THE MIDDLE OF PLANT AND NOT AN IMMEDIATE ENVIRONMENTAL THREAT. THEREFORE, NO MANDATORY PUBLIC NOTIFICATION. "DURING A GHS INSPECTION, A RELEASE OF SODIUM HYDROXIDE (50% concentration) FROM TANK # 103 WAS OBSERVED. THE DEC OHS INSPECTOR (PETER REUBEN) ESTIMATED 6.6 G OF PRODUCT WAS RELEASED FROM THE TANK AND IN THE SECONDARY CONTAINMENT. THE INSPECTOR WALKED AROUND THE SECONDARY CONTAINMENT AND OBSERVED THAT THE PRODUCT IN THE SECONDARY CONTAINMENT WAS SLOWLY BEING RELEASED THROUGH THE BASE OF THE OUTER WALL.

(a) NYSDEC Spills incidents Database accessed 9/25/2019. Search parameters for 3875 River Rd, Erie County, Tonawanda, NY for dates between 9/1/1979 and 9/24/2019.

(b) "DEC Memo" comments (if available) from EDR Database report for 3875 River Rd, Erie County, Tonawanda, NY dated 8/23/2019. EDR database matched to Spill Number.

(c) NY Spills EDR database search results for 3875 River Road, Erie County, Tonawanda, NY dated 8/23/2019. Records/details shown if not included in the NYSDEC Spills Incident Database referenced in Note (a) above.

Attachment A-IV-5

Section IV: Property Information

Attachment A-IV-5

Section IV: Property Information

Proposed Site Name

The proposed site name is the “Riverview Innovation & Technology Campus”

Site Address

The site address is 3875 River Road, Tonawanda, New York 14150 located in the Town of Tonawanda in Erie County (Table 1).

Site Size

The Site encompasses approximately 86.5 acres of land.

GIS Information (Approximate)

Latitude (North): 42.9829700 - 42° 58' 58.69”

Longitude (West): 78.9264070 - 78° 55' 35.06”

Elevation: 603 ft. above sea level

Tax Parcel Information

The property’s tax parcel information is Section 64.08, Block 1, Lot 10. No portion of the property is included in an En-zone area.

The following Figures are provided in Attachment A-IV-4:

- Figure 1 – Tax Map showing with the Site boundaries.
- Figure 2 – Tax Map showing the proposed brownfield Site boundaries.
- Figure 3 – Site boundaries shown on an excerpt from the USGS map.
- Figure 4 – Site boundaries shown on an aerial map.

Property Description Narrative

Location

The Site is located at 3875 River Road, Town of Tonawanda, Erie County, New York. The Figures (Attachment A IV 4) shows the location of the Site. The Site encompasses approximately 86.5 acres of land and is located approximately 0.25 miles west of I-190 on the east side of River Road. The surrounding properties are primarily industrial or vacant.

The former coke production facility is located in the northern center portion of the property which includes coke ovens, coke by-product plant, storage tanks, and railway line spurs. The southern portion of the property is mainly open with multiple former raw material coal and coke piles located throughout the area. An aerial map of the property is shown on Figure 4.

Current Zoning and Land Use

The facility is inactive and no longer in operation. The Site is zoned industrial/commercial. The proposed use will be far less heavy industry than the previous occupant.

Past Use of the Site

The Riverview Innovation & Technology Campus Site was an operating coke making and by-products facility for more than 80 Years.



1938 Aerial Photograph from EDR

The Facility was owned and operated from circa 1917 through 1947 by Semet Solvay Company, a subsidiary of Allied Chemical and Dye Corporation. In 1947, Semet Solvay Company was merged into Allied Chemical Corporation, which owned and operated the Facility until 1978, when it was sold to the Tonawanda Coke Corporation. The Tonawanda Coke Corporation filed for Bankruptcy protection in 2018 and all manufacturing on the property was idled. On September 23, 2019 the sale of the property to Riverview was approved.

Historically, manufacturing processes used at the plant have included: by products coking, light oil distillation, ammonia recovery, and ethene, toluene, and xylene extraction (GDA, Remedial Investigation / Feasibility Study Work Plan, June 2018). Coke making involves the removal of Gasses, liquids (oils) and tar from coal by heating the coal in the absence of oxygen. The resulting carbon material “coke” was used, among other things, for the production of steel. The extracted gas is used to fire the subsequent coking operations or sold as fuel. The liquids and tars were conveyed through pipes to a by-products facility where they were processed for sale as raw or construction materials.

Previous Remedial Actions

Investigations, spill reports (See Attachment A-IV-4) that were performed at the Site identified some conditions that previously required remediation. The majority of the spills were “closed” as a result of successful cleanup of those events.

Surface water sampling and inspections by the NYSDEC and US EPA identified upgrades required to properly manage storm water from the Site. While not specifically remediation, during the construction in 2010 and 2011 on the storm water detention pond, perimeter ditches, sedimentation ponds, and stone check Damns excavations of soils on the Site were completed it has been reported that no waste or tar material was encountered during that program.

A series of four tanks were located in the central area of the Site. The tank farm was removed starting in August 2010 and was completed in May 2012. The tank removal included:

1. All tank contents and excavated residual materials deemed suitable for re-use in the coke process were recycled.
2. Approximately 18,242 cubic yards of excavated tar-like material were reused.
3. Approximately 87,500 gallons of water were process through the Tonawanda Coke wastewater treatment system.
4. Approximately 25,700 gallons of liquid were transported off-site for disposal at permitted facilities.
5. Approximately 2,334 tons of material (i.e., water, soil, metal, concrete, and debris) were transported off-site for disposal at permitted facilities

There have been 29 reported “spills” on the property. Please note that “spills” include discharges to the atmosphere and discharges to the ground and groundwater. The spill number, materials reported, and NYSDEC descriptions are included in Attachment A-IV-4.

Site Geology and Hydrogeology

Previous investigation indicates fill material thicknesses varying up to 5-feet is present over the entire Site as the uppermost stratigraphic unit. Observed fill during prior investigations consisted mainly of silt, gravel, cinders, slag, coke, and coke breeze (fine particles of coke that could not be sold). Underlying the fill is a native deposit comprised primarily of red-brown clay, with some silt and gravel lenses, that underlies the entire Site. The thickness of this unit is unknown, since the prior on-Site investigative boreholes did not extend to the bottom of the unit, but data from investigations conducted at adjacent sites indicate that the clay averages more than 50-feet thick. The clay unit is a regional feature and extends throughout this area of Tonawanda.

The groundwater on the property has been reported to occur as a shallow unit, typically within 5-feet of the ground surface. The groundwater is perched atop the undulating surface of the top of the clay layer. The clay layer is an aquitard, limiting the vertical migration potential of the groundwater.

The undulating surface of the top of the clay layer is the primary factor influencing horizontal groundwater movement in this shallow unit. The undulating and inconsistent pattern created by the surface of the clay results in limitations of shallow groundwater flow and creates continuous and pocketed patterns of groundwater presence. Consequently, the movement of any substances present within the shallow groundwater is also dictated by the clay surface pattern. In some areas of the Site, the perched zone is dry. The surface water on the Site generally flows in the direction of the Niagara River mimicking the general surface topography (GDA, Remedial Investigation / Feasibility Study Work Plan, June 2018).

Environmental Assessment

Investigation reports from 1985 (Attachment A-III-1) through 2006 (Attachment A-III-5) were obtained through the Freedom of Information Law (FOIL) data request from the NYSDEC.

As is typical for facilities of this type, the sampling detected polycyclic aromatic hydrocarbons (PAHs) in surface and subsurface soil samples above the industrial criteria; volatile organic compound (VOC), semi-volatile organic compound (SVOC), metals and cyanide detected in groundwater samples; VOCs and metals in surface water samples; and PAHs in sediment samples.

The historic surface soil, subsurface soil, and sediment sample parameters that has shown exceedances of the Restricted Use Soil Cleanup Objectives Protection of Public Health and historic groundwater and surface water sample parameters that shown exceedances of the Ambient Water Quality Standards are listed below:

Surface Soil

- Benzo(a)pyrene
- Benzo(a)pyrene
- Benzo(a)anthracene
- Benzo(b)fluoranthene
- Chrysene
- Dibenz(a,h)anthracene
- Indeno(1,2,3-cd)pyrene

Subsurface Soil

- Benzo(a)pyrene
- Benzo(b)fluoranthene
- Dibenz(a,h)anthracene

Sediment

- Benzo(a)pyrene
- Dibenz(a,h)anthracene

Groundwater

- Cyanide
- 1,4-Dichlorobenzene
- Benzene

- Chlorobenzene
- Xylenes
- Toluene
- Iron
- Manganese
- Phenolics
- 1,1,1-Trichloroethane
- Methylene Chloride
- Selenium
- Nickel
- Cadmium

Surface Water

- Benzene
- Xylenes
- Toluene
- Iron
- Manganese
- Nickel
- Phenolics
- Methylene Chloride
- Chromium (total)
- Lead

A summary of the detections above the industrial criteria is presented in Table 2 and shown on the impacted media Figures presented in Attachment A-III-6.

Table 1

Tax Map Information

Proposed Riverview Innovation and Technology Campus Inc. Site

Parcel Address	Section No.	Block No.	Lot No.	Acres	Notes
3875 River Road	64.08		1	P/O	102.4152
					102.4152
				Tax Total	
Site 109	64.08		1	P/O	-8.081
Site 110	64.08		1	P/O	-7.874
				BCP Total	86.460
					Main Plant Site
					State Superfund Site #915055, part of 3875 River Road
					State Superfund Site #915055, part of 3875 River Road

Table 2								
Representative Compounds Detected								
Proposed Riverview Innovation and Technology Campus Inc. Site								
Sample Matrix	Sample Date	Parameter	Parameter Concentration	Industrial Standard		Data Source		
						Table Page Location		
Surface Soil	12/21/2005	Benzo(a)pyrene	4,100	ug/kg	1,100	ug/kg	Table 1a, 2 of 70	
Subsurface Soil	8/24/2015	Benzo(b)fluorantene	2,000 to 4,600	ug/kg	1,100	ug/kg	Table 1b, 6 of 70	
Surface Soil	8/17/2005 to 8/18/2005	Benzo(a)anthracene	13,000 to 20,000	ug/kg	11,000	ug/kg	GHD, 2018, Remedial Investigation/Feasibility Study Work Plan, Prepared for Tonawanda Coke Corporation, June.	
Surface Soil	8/17/2005 to 8/18/2005	Benzo(a)pyrene	6,000 to 21,000	ug/kg	1,100	ug/kg		
Surface Soil	8/17/2005 to 8/18/2005	Benzo(b)fluoranthene	13,000 to 32,000	ug/kg	11,000	ug/kg		
Surface Soil	8/17/2005 to 8/18/2005	Chrysene	12,000 to 21,000	ug/kg	11,000	ug/kg		
Surface Soil	8/17/2005 to 8/18/2005	Dibenz(a,h)anthracene	1,300 to 1,700	ug/kg	1,110	ug/kg		
Surface Soil	8/18/2005	Indeno(1,2,3-cd)pyrene	15,000	ug/kg	11,000	ug/kg		
Subsurface Soils	6/19/1989	Benzo(a)pyrene	2,400 to 11,000	ug/kg	1,100	ug/kg		Table 3, 16 of 70
Subsurface Soils	6/19/1989	Benzo(b)fluorantene	17,000	ug/kg	11,000	ug/kg		Table 3, 16 of 70
Subsurface Soils	6/19/1989	Dibenz(a,h)anthracene	2,200 to 11,000	ug/kg	1,100	ug/kg	Table 3, 16 of 70	
Groundwater	10/18/1985 to 12/12/1989	Cyanide	0.22 to 2.75	mg/L	0.2	mg/L	Table 4, 37, 41, 45, 53, & 57 of 70	
Groundwater	8/1/1986	1,4-Dichlorobenzene	29	ug/L	3	ug/L	Table 4, 38 of 70	
Groundwater	11/1/1985 to 12/19/1989	Benzene	2.08 to 84	ug/L	1	ug/L	Table 4, 38, 42, & 54, of 70	
Groundwater	8/1/1986	Chlorobenzene	22	ug/L	5	ug/L	Table 4, 38 of 70	
Groundwater	11/1/1985	Xylenes	19 to 36	ug/L	5	ug/L	Table 4, 38 of 70	
Groundwater	11/1/1985 to 8/1/1986	Toluene	11 to 59	ug/L	5	ug/L	Table 4, 38 of 70	
Groundwater	6/26/1989 to 7/16/1991	Iron	2.597 to 160	mg/L	0.3	mg/L	Table 4, 36, 40, 48, 52, & 56 of 70	
Groundwater	6/26/1989 to 7/16/1991	Manganese	0.801 to 11.2	mg/L	0.3	mg/L	Table 4, 37, 41, 49, & 57 of 70	
Groundwater	11/1/1985	Phenolics	0.050 to 0.06	mg/L	0.001	mg/L	Table 4, 37 & 41 of 70	
Groundwater	6/28/1989 to 12/13/1989	1,1,1-Trichloroethane	7 to 12.2	ug/L	5	ug/L	Table 4, 38 & 42 of 70	
Groundwater	12/13/1989 to 12/20/1989	Methylene chloride	5.15 to 6.96	ug/L	5	ug/L	Table 4, 42 & 54 of 70	
Groundwater	6/26/1989	Selenium	0.0116	mg/L	0.01	mg/L	Table 4, 49 of 70	
Groundwater	6/26/1989	Nickel	0.153	mg/L	0.1	mg/L	Table 4, 53 of 70	
Groundwater	7/16/1991	Cadmium	0.19	mg/L	0.005	mg/L	Table 4, 56 of 70	
Surface Water	11/1/1985 to 8/1/1986	Benzene	23 to 48	ug/L	1	ug/L	Table 5, 62 of 70	
Surface Water	11/1/1985	Xylenes	7	ug/L	5	ug/L	Table 5, 62 of 70	
Surface Water	10/19/1989 to 7/8/1992	Toluene	12 to 24	ug/L	5	ug/L	Table 5, 62 of 70	
Surface Water	3/15/1990 to 7/8/1992	Iron	1.09 to 472	mg/L	0.3	mg/L	Table 5, 62 & 64 of 70	
Surface Water	3/15/1990 to 7/8/1992	Manganese	0.47 to 3.91	mg/L	0.3	mg/L	Table 5, 62, 64, & 66 of 70	
Surface Water	3/15/1990	Nickel	0.14 to 0.216	mg/L	0.1	mg/L	GHD, 2018, Remedial Investigation/Feasibility Study Work Plan, Prepared for Tonawanda Coke Corporation, June.	
Surface Water	11/1/1985 to 8/1/1986	Phenolics	0.039 to 0.61	mg/L	0.001	mg/L		
Surface Water	12/19/1989	Methylene Chloride	52	ug/L	5	ug/L		
Surface Water	3/15/1990	Chromium Total	0.086	mg/L	0.05	mg/L		
Surface Water	7/8/1992	Lead	0.025	mg/L	0.025	mg/L		
Sediment	3/15/1990	Benzo(a)pyrene	4,530	ug/kg	1,100	ug/kg		
Sediment	3/15/1990	Dibenz(a,h)anthracene	3,430	ug/kg	1,100	ug/kg		

Notes:

1 The compounds and results are representative of the site conditions at the time the samples were collected. This does not represent all samples or compounds detected, but is considered representative of the data set available for the preparation of the BCP Application.

2 Abbreviations used:

ug/kg = micrograms per kilogram

mg/L = milligrams per liter

ug/L = micrograms per liter

ug/kg = micrograms per kilogram



Yellow square symbol: Brownfield Area

Erie County, New York, Google Maps, www.google.com/maps

D

INVENTUM ENGINEERING
 481 CARLISLE DRIVE
 SUITE 202
 HERNDON, VIRGINIA 20170
 (703) 722-6049
www.inventumeng.com

FIGURE - 4
 DRAWING NUMBER: 0417-05

Aerial Map
 RiverView Innovation and
 Technology Campus Inc.

<p>NOTE: THIS DRAWING HAS BEEN PREPARED UNDER THE SUPERVISION OF A PROFESSIONAL ENGINEER. ANY VIOLATION OF THIS LAW OR ANY FEDERAL, STATE OR LOCAL LAWS OR REGULATIONS IS THE RESPONSIBILITY OF THE USER OF THIS DRAWING.</p> <p>CONSENT OF INVENTUM ENGINEERING:</p> <p>INVENTUM ENGINEERING HAS BEEN ADVISED UNDER THE PROFESSIONAL ENGINEERING ACT AND REGULATIONS THAT THE INFORMATION CONTAINED HEREON IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INVENTUM ENGINEERING.</p> <p>APPROVED:</p> <p>DESIGNED: J. EDWARDS</p> <p>DRAWN BY: J. BLACK II</p>	<p>DATE: 07/11/17</p> <p>PROJECT: RIVERVIEW INNOVATION AND TECHNOLOGY CAMPUS INC.</p>
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Attachment A-IV-6

Environmental Assessment

Attachment A-IV-6

Section IV: Environmental Assessment

Environmental Assessment: The Riverview Innovation & Technology Campus Site was an operating coke making and by-products facility for more than 80 Years.



1938 Aerial Photograph from EDR

Coke making involves the removal of Gasses, liquids (oils) and tar from coal by heating the coal in the absence of oxygen. The resulting coke is a carbon material used, among other things, for the production of steel. The extracted gas is used to fire the subsequent coking operations or sold as fuel. The liquids and tars are conveyed through pipes to a by-products facility where they are processed for sale as raw or construction materials. The potential for environmental impact is largely associated with the handling, processing and storage of raw and by-product materials.

Contamination: Investigation reports from 1985 (Attachment A-III-1) through 2006 (Attachment A-III-5) were obtained through the Freedom of Information Law (FOIL) data request from the NYSDEC. Among the Coke Plant related constituents, coal tar and petroleum products have been identified on the property. Specific coal tar seeps have been identified on the property and there is a history of coal tar being encountered in test pits completed in areas of the site outside of these defined seeps during historical investigations. Petroleum products and derivatives have been identified in historical sampling resulting from coke production and process by-product formation as well as documented spills (See Attachment A-IV-4) from material and equipment storage areas and heavy vehicular equipment.

As is typical for facilities of this type, the sampling detected polycyclic aromatic hydrocarbons (PAHs) in surface and subsurface soil samples above the industrial criteria; volatile organic compound (VOC), semi-volatile organic compound (SVOC), metals and cyanide detected in



groundwater samples; VOCs and metals in surface water samples; and PAHs in sediment samples. A summary of the detections above the industrial criteria is presented in Table 2 below.

Table 2								
Representative Compounds Detected								
Proposed Riverview Innovation and Technology Campus Inc. Site								
Sample Matrix	Sample Date	Parameter	Parameter Concentration	Industrial Standard		Data Source		
						Table Page Location		
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Surface Soil	8/17/2005 to 8/18/2005	Dibenz(a,h)anthracene	1,300 to 1,700	ug/kg	1,110	ug/kg		
Surface Soil	8/18/2005	Indeno(1,2,3-cd)pyrene	15,000	ug/kg	11,000	ug/kg		
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Notes:

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2 Abbreviations used:

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ug/L = micrograms per liter

ug/kg = micrograms per kilogram

Attachment A - VI - 1
Current and Previous Landowners and Operators

Attachment VI – 1
Current and Previous Landowners and Operators

Current Owner Operators

Riverview Innovation & Technology Campus, Inc.
Jon Williams
333 Ganson Street
Buffalo, NY 14203
(716) 856-3333

Previous Owners

1. Tonawanda Coke Corporation. Tonawanda Coke operated the site for more than 40 years according to the Erie County GIS Database. Tonawanda Coke filed for protection under Chapter 11 of the Bankruptcy Code on October 15, 2018. The filings in the U.S. Bankruptcy Court for the Western District of New York (“Court) indicate that “on or about October 27, 2018” the site is no longer operating and that the site is in the care and custody of the U.S. Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC) (See Attachment A-VI-2).

Tonawanda Coke Corporation
Paul Saffrin
3875 River Road
Tonawanda, NY 14150

Contact:

James Thoman
Hodgson Russ LLP
The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, New York 14202-4040
(716) 856-4000

2. Erie County Industrial Development Authority (12/28/1978 to 7/15/1994¹)

The Erie County Tax records list the ECIDA as an owner but there is no indication that the ECIDA had any association with the operation of the site.

95 Perry Street Suite 403
Buffalo, NY 14203
Telephone: 716-856-6525

3. Allied Signal (Prior to 12/28/1978¹)

John Morris
Global Remediation Director
Honeywell International Inc.
115 Tabor Road, 4-D-4
Morris Plains, NJ 07950
Telephone: (973) 455-4003

¹ Erie County Tax DataBase. Operator was Tonawanda Coke.

Attachment A-VI-2

Deed



County Clerk's Recording Page

Return to:
BOX 440

Party 1:
TONAWANDA COKE CORPORATION

Party 2:
RIVERVIEW INNOVATION&TECHNOLOGY
CAMPUS INC

Book Type: D Book: 11351 Page: 681
Page Count: 7
Doc Type: DEED
Rec Date: 10/10/2019
Rec Time: 01:27:41 PM
Control #: 2019222438
UserID: Mary Grace
Trans #: 19170090
Document Sequence Number
TT2019005434

Recording Fees:

Consideration Amount: 1.00

RECORDING	\$55.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

Total: \$335.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

50440

QUIT CLAIM DEED

THIS INDENTURE, given this 10th day of October, 2019 from **TONAWANDA COKE CORPORATION**, a New York corporation having an address at 3875 River Road, Tonawanda, NY 14150 (the "Grantor"), to **RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS, INC.**, a New York corporation having an address at 333 Ganson Street, Buffalo, NY 14203 (the "Grantee"),

WITNESSETH that Grantor, in consideration of ONE AND 00/100 DOLLARS (\$1.00) and NO other consideration paid by the Grantee, does hereby remise, release and quit claim unto Grantee, its successors and assigns forever, all right, title and interest of Grantor in and to the real property described on **Schedule A** attached hereto and made a part hereof.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the Grantee, its successors and assigns forever.

This conveyance is made pursuant to an Order of the United State Bankruptcy Court, Western District of New York, granted September 23, 2019.

[Signature page to follow]

Deed-6 6P Ton 222438
1.00

IN WITNESS WHEREOF, the Grantor has caused this indenture to be executed the day and year first above written.

TONAWANDA COKE CORPORATION

By: *Paul A. Saffrin*
Paul A. Saffrin, Chief Executive Officer

STATE OF NEW YORK)
 :SS
COUNTY OF ERIE)

On the 7th day of October, in the year 2019, before me, the undersigned, personally appeared Paul A. Saffrin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

Deborah E. Schmidt
Notary Public

DEBORAH E. SCHMIDT #01SC8055267
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 02/20/ 2023

SCHEDULE A

Real property known as 3705, 3783, 3800, 3875 and 4008 River Road, Tonawanda, New York, as further described below:

3705 River Road (64.12-1-14) – 3.01 acres;
3783 River Road (64.12-1-17) – 5.09 acres;
3800 River Road (64.12-4-3) – 25.99 acres;
3875 River Road (64.08-1-10) – 102.42 acres; and
4008 River Road (64.08-1-2) - 0.13 acres;

the legal descriptions of which are set forth below:

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 98 of the Mile Reserve (so-called), described as follows:

BEGINNING at a point in the easterly line of River Road as a 66 foot right of way, said point being 216 feet southerly of the northerly line of said Lot No. 98 as measured at right angles therefrom; running thence N 66° 12' 55" E parallel with and 216 feet southerly (as measured at right angles) from the northerly line of said Lot No. 98 and along the southerly line of Parcel B as described in said 1929 Power Company deed a distance of 3354.83 feet to the northwest corner of Parcel No. 1 herein described; thence S 24° 00' 39" E along the westerly line of said Parcel No. 1 herein described 66 feet to the northeasterly corner of Parcel A described in said 1937 Atlantic Refining deed; thence S 66° 12' 55" W along a line parallel with the northerly line of Lot No. 98, said line being the northerly line of said Parcel A described in said 1937 Atlantic Refining deed and the extension of said northerly line being the northerly line of lands now or formerly owned by Shell Eastern Petroleum Products, Inc. and by Sun Oil Company, a distance of 3361.09 feet more or less to said easterly line of River Road; thence N 18° 35' 25" W along said easterly line of River Road 66.27 feet more or less to the point or place of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 98 of the Mile Reserve (so-called), described as follows:

BEGINNING at a point in the easterly line of River Road as a 66-foot right of way, said point being 539 feet more or less northerly of the southerly line of said Lot No. 98 as measured at right angles therefrom said beginning point being the southwest corner of the

northerly parcel described in a certain deed from Wonalancet Company to Beacon Oil Company (Incorporated) recorded in said Clerk's Office in Liber 1912 of Deeds at page 464 (hereinafter referred to as "said 1927 Beacon Oil deed"); running thence N 65° 59' 21" E along the south line of said northerly parcel described in said 1927 Beacon Oil Deed and along the easterly extension thereof, 1812.45 feet to a corner of Parcel A described in said 1951 Tide Water Deed; thence S 24° 00' 39" E along the westerly line of said Parcel A described in said 1951 Tide Water deed and along the westerly line of the above described Parcel No. 2, 261 feet to the northerly line of said 1928 60-foot railroad right of way, said point being the southwest corner of said Parcel No. 2; thence S 65° 59' 21" W along said northerly line of said 1928 60-foot railroad right of way 60 feet to the southeast corner of the parcel of lands conveyed by Wonalancet Company to David C. Nethercot by deed recorded in said Clerk's Office in Liber 3820 of Deeds at Page 28 (hereinafter referred to as "said 1946 Nethercot deed"); thence N 24° 00' 39" W along the east line of said lands conveyed by said 1946 Nethercot deed, 195 feet to the northeast corner of said land conveyed by said 1946 Nethercot deed; thence S 65° 59' 21" W along the northerly line of said land conveyed by said 1946 Nethercot deed and along the northerly line of lands now or formerly owned by The Texas Company and by Beacon Oil Company 1746.03 feet more or less to said easterly line of River Road and thence N 29° 34' 09" W along said easterly line of River Road 66.31 feet to the point of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 97 of the New York State Reservation of Mile Strip, bounded and described as follows:

BEGINNING at a point in the south line of Lot 97 at a southwest corner of lands conveyed to Niagara Mohawk Power Corporation by deed recorded in Liber 6142 of Deeds at page 154, said point being 692 feet west of the New York State Reservation line as measured along said Lot Line; thence S 66° 12' 55" W along said south line of Lot 97 a distance of 2184.72 feet to a point; thence along the following 8 courses and distances of lands to be retained by Allied Chemical Corporation: (1) N 23° 47' 05" W 220 feet; (2) S 66° 12' 55" W 120 feet; (3) S 23° 47' 05" E 72.60 feet; (4) S 65° 06' 40" W 290.56 feet; (5) S 88° 49' 40" W 499.65 feet; (6) N 01° 10' 20" W 172 feet; (7) S 88° 49' 40" W 98.27 feet; (8) S 71° 48' 35" W 964.43 feet to the east line of River Road as now laid out; thence along the east line of River Road and now laid out the following 3 courses and distances; (1) N 23° 11' 55" W 52.16 feet; (2) S 71° 48' 35" W 3.62 feet; (3) N 23° 41' 55" W 326.37 feet; thence north 79° 09' 37" E 1033.21 feet to the northeast corner of Parcel 2 described in deed to Allied Chemical Company recorded in Liber 7271 of Deeds at page 65; thence N 01° 10' 20" W 1289.15 feet to the south line of lands of the New York Central Railroad Company, said point being 66 feet south of the north line of Lot 97 as measured at right angles thereto; thence North 88° 49' 40" E along said Railroad Company lands 2752.34 feet to a northwest corner of land conveyed to Niagara Mohawk

Power Corporation by deed recorded in Liber 6142 of Deeds at page 154; thence S 23° 47' 20" E along said Power Corporation's lands 903.70 feet to the point of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being a part of Lot 97 of the New York State Reservation, and more particularly described as follows:

COMMENCING at the northwest corner of lands conveyed to Semet-Solva Company by Indenture dated December 13, 1915, recorded in the Office of the Clerk of the County of Erie in Liber 1341 of Deeds at page 312; thence northerly on an extension of the west line of aforementioned Liber and page and across a parcel of land conveyed to the New York Central Railroad (66.0 feet wide) to a point on the north line of Lot 97; thence westerly along the north line of Lot 97 (as extended), 2865.0 feet to a point; thence along a line drawn at right angles to the aforementioned line 196.5 feet to the true point of beginning; thence continuing along such line, southerly, 75 feet to a point; thence westerly, along a line drawn at right angles to such last mentioned line to a point in the harbor line established by the United States of America, which point is 271.5 feet southerly, measured at right angles, to the said north line of Lot 97 (as extended); thence northerly along such harbor line to a point which is 196.5 feet southerly, measured at right angles from the said north line of Lot 97; thence easterly and parallel with such Lot 97 to the point or place of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie, and State of New York, being part of Lot 97 of the New York State Reservation or Mile Strip so-called and part of Rattlesnake Island and lands now or formerly a part of Rattlesnake Creek and lands under the waters of Niagara River, bounded and described as follows:

BEGINNING at the point of intersection of the westerly Blue Line of the former Erie Canal with the south line of said Lot 97; thence S 66° 12' 55" W along the south line of Lot 97 a distance of 1405.22 feet to the United States Harbor Line as established by the Corporation of Engineers February 27, 1932; thence N 30° 04' 04" W along said Harbor Line 814.04 feet; thence N 16° 53' 56" W along said Harbor Line 44.01 feet; thence N 71° 48' 35" E 1560.52 feet to the westerly Blue Line of the former Erie Canal; thence south along said Blue Line the following 3 courses and distances: (1) S 18° 12' 25" E 599.10 feet to a point; (2) S 21° 07' 05" E 66.40 feet to a point; (3) S 19° 41' 45" E 38.22 feet to the point of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot 97 of the Mile Reserve, bounded and described as follows:

BEGINNING at the intersection of the west line of River Road as acquired by the State of New York, being Parcel 213 as recorded in Liber 2828 of Deeds at page 1 and the south line of said Lot 97; thence S 66° 12' 55" W along said Lot line 51.65 feet to the easterly Blue Line of the former Erie Canal; thence north along said Blue Line the following 4 courses and distances: (1) N 19° 44' 05" W 29.51 feet; (2) N 21° 06' 55" W 64.59 feet; (3) N 18° 12' 25" W 261.12 feet; (4) N 18° 12' 55" W 334.32 feet; thence N 71° 48' 35" E 6.43 feet to the west line of River Road as now laid out; thence along said west line of River Road as now laid out S 22° 18' 32" E 686.17 feet to the point of beginning.

TOGETHER with the right to build and maintain a tunnel under lands of Erie Canal recorded in Liber 3054 of Deeds at page 368 on November 19, 1940 and easements for power lines and sewer and water pipes over said lands recorded in Liber 5012 of Deeds at page 264.

PARCEL

EASEMENT over lands of Roblin Industries for the purpose of operating, maintaining and replacing a 6" emergency water line, a 16" pipeline, the right to use and maintain a brick sewer and open sewer and right to install and maintain two electric lines and a temporary electric line and the additional right to erect and maintain markers, together with a right to install and maintain two effluent retention ponds; all as set out in Agreement recorded in Liber 1630 of Deeds at page 607 on June 27, 1923, confirmed by Agreement recorded in Liber 2917 of Deeds at page 95 on September 14, 1939, modified by Agreement recorded in Liber 7271 of Deeds at page 81 and set out in Easement Agreement recorded in Liber 8278 of Deeds at page 217.

INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWS Code 146489

C2. Date Deed Recorded 10/10/19

C3. Book 11351 C4. Page 681



New York State Department of
Taxation and Finance
Office of Real Property Tax Services
RP- 5217-PDF
Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location See Schedule A

2. Buyer Name Riverview Innovation & Technology Campus, Inc.

3. Tax Billing Address Indicate where future Tax Bills are to be sent (if other than buyer address(at bottom of form))

4. Indicate the number of Assessment Roll parcels transferred on the deed 5 # of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply:

6. Deed Property Size X 0.00 ACRES

6. Seller Name Tonawanda Coke Corporation

7. Select the description which most accurately describes the use of the property at the time of sale:

D. Non-Residential Vacant Land

Check the boxes below as they apply:

4A. Planning Board with Subdivision Authority Exists

4B. Subdivision Approval was Required for Transfer

4C. Parcel Approved for Subdivision with Map Provided

8. Ownership Type is Condominium

9. New Construction on a Vacant Land

10A. Property Located within an Agricultural District

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date 08/14/2019

12. Date of Sale/Transfer 10-10-19

13. Full Sale Price 1.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgage or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale 0.00

15. Check one or more of these conditions as applicable to transfer:

A. Sale Between Relatives or Former Relatives

B. Sale between Related Companies or Partners in Business

C. One of the Buyers is also a Seller

D. Buyer or Seller is Government Agency or Lending Institution

E. Deed Type not Warranty or Bargain and Sale (Specify Below)

F. Sale of Fractional or Less than Fee Interest (Specify Below)

G. Significant Change in Property Between Taxable Status and Sale Dates

H. Sale of Business is included in Sale Price

I. Other Unusual Factors Affecting Sale Price (Specify Below)

J. None

*Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(Y) 19

17. Total Assessed Value _____

18. Property Class See Attached

19. School District Name Kenmore-Tonawanda

20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

See Schedule A

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE [Signature] DATE 10/7/19

BUYER SIGNATURE _____ DATE _____

BUYER CONTACT INFORMATION (Enter information for the buyer. Note if buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

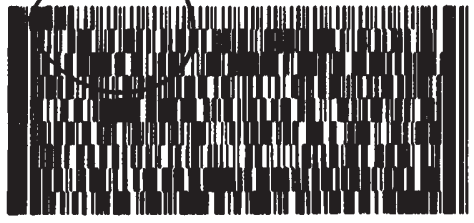
Riverview Innovation & Technology Campus, Inc.

333 Ganson Street

Buffalo NY 14203

BUYER'S ATTORNEY Photidis Gregory

714 855-1111



146489

Page 2 of 2

, 6-10-19

11351/681

SCHEDULE A TO RP-5217

Property Location	Deed Property Size	Total Assessed Value	Property Class	Tax Map
3705 River Road, Tonawanda, 14150	3.01 acres	35,000	341	64.12-1-14
3783 River Road, Tonawanda, 14150	5.09 acres	8,000	340	64.12-1-17
3800 River Road, Tonawanda, 14150	25.99 acres	136,000	340	64.12-4-3
3875 River Road, Tonawanda, 14150	102.42 acres	1,239,000	710	64.08-1-10
4008 River Road, Tonawanda, 14150	0.13 acres	500	340	64.08-1-2

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE:10/10/2019
TIME:1:17:18 PM
RECEIPT: 19170090 - DUPLICATE -

DUKE, HOLZMAN, PHOTIADIS&GRESENS
ACCOUNT #: 1832

DUPLICATE RECEIPT

ITEM - 01 3C
RECD: 10/10/2019 1:27:41 PM
FILE: 2019222435 BK/PG M 13914/3177
TONAWANDA COKE CORPORATION
HONEYWELL INTERNATIONAL INC
Recording Fees 55.50
Subtotal 55.50

ITEM - 02 3C
RECD: 10/10/2019 1:27:41 PM
FILE: 2019222436 BK/PG M 13914/3180
TONAWANDA COKE CORPORATION
HONEYWELL INTERNATIONAL INC
Recording Fees 55.50
Subtotal 55.50

ITEM - 03 3C
RECD: 10/10/2019 1:27:41 PM
FILE: 2019222437 BK/PG M 13914/3183
TONAWANDA COKE CORPORATION
HONEYWELL INTERNATIONAL INC
Recording Fees 55.50
Subtotal 55.50

ITEM - 04 DEED
RECD: 10/10/2019 1:27:41 PM
FILE: 2019222438 BK/PG D 11351/681
Deed Sequence: TT2019005434
TONAWANDA COKE CORPORATION
RIVERVIEW INNOVATION&TECHNOLOGY CAMPUS INC
Recording Fees 75.00
RP5217 CNTY \$9 9.00
RP5217 ST-NON RES \$241 241.00
TP584 10.00
Subtotal 335.00

ITEM - 05 SERVICE
DEBIT ESCROW 98.50
Subtotal 98.50

TOTAL DUE \$600.00
PAID TOTAL \$600.00
PAID CHECK \$600.00
Check #15296: 600.00

REC BY: Mary Grace
COUNTY RECORDER

SATISFACTION OF MORTGAGE

KNOW ALL PERSONS BY THESE PRESENTS,

That HONEYWELL INTERNATIONAL INC., a corporation organized under the laws of the State of Delaware, with its principal executive office located at 115 Tabor Road, Morris Plains, New Jersey 07950, DOES HEREBY CERTIFY that the following mortgage IS FULLY RELEASED pursuant to the Sale Order (defined below), and does hereby consent that the same be DISCHARGED of record:

Mortgage dated the 17TH day of APRIL, 2017, made by TONAWANDA COKE CORPORATION, having an office located at 3875 River Road, Tonawanda, New York 14151, to HONEYWELL INTERNATIONAL INC., in the principal sum of \$ 2,525,000.00 and recorded on the 9th day of MAY, 2017, in Liber/Reel 13810, Page 4271, in the office of the ERIE COUNTY CLERK of the STATE OF NEW YORK ("Mortgage"). *of Mortgages*

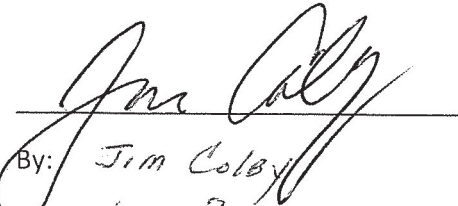
Which Mortgage has not been assigned of record.

FURTHER, pursuant to the *Order Authorizing Tonawanda Coke Corporation to Sell Real Estate Under §§ 105(a), 363(b), (f), And (m) and federal Rules of Bankruptcy Procedure 2002 and 6004, Free and Clear of Liens, Claims, Encumbrances, and Interests* (the "Sale Order") entered by the United States Bankruptcy Court for the Western District of New York (the "Bankruptcy Court"), in the matter of *In Re: Tonawanda Coke Corporation*, dated September 24, 2019 (Dockets # 336 and 337) upon the motion of Tonawanda Coke Corporation dated August 14, 2019 (Docket #292), which are incorporated by reference herein, Honeywell confirms the release of this Mortgage at closing, with respect to the sale of the real property of Tonawanda Cook Corporation pursuant to the Sale Order, *provided, however*, that such release does not affect Honeywell International Inc.'s claims with respect to the Notes that were heretofore secured by this Mortgage.

Dated the 8 day of October in the year 2019.

IN PRESENCE OF:

HONEYWELL INTERNATIONAL INC.


By: *Jim Colby*
Title: *VICE PRESIDENT & TREASURER*

FILED

OCT 10 2019

**ERIE COUNTY
CLERK'S OFFICE**

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of _____

ss:

On the ___ day of _____ in the year 2019, before me, _____, personally appeared 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.

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

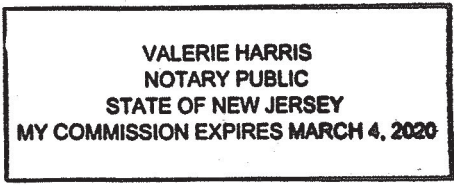
State (or District of Columbia, Territory, or Foreign Country) of Morris Cty, NJ ss:

On the 8 day of OCTOBER in the year 2019 before me, JIM COLBY, personally appeared 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, and that such individual made such appearance before the undersigned in the City of

MORRIS PLAINS in the State of NEW JERSEY.

Valerie Harris

(signature and office of individual taking acknowledgment)



RETURN BY MAIL TO:
Gregory P. Photiadis, Esq.
DUKE HOLZMAN PHOTIADIS & GRESENS LLP
701 Seneca Street, Suite 750
Buffalo, New York 14210

SATISFACTION OF MORTGAGE

KNOW ALL PERSONS BY THESE PRESENTS,

That HONEYWELL INTERNATIONAL INC., a corporation organized under the laws of the State of Delaware, with its principal executive office located at 115 Tabor Road, Morris Plains, New Jersey 07950, DOES HEREBY CERTIFY that the following Mortgage IS FULLY RELEASED pursuant to the Sale Order (defined below), and does hereby consent that the same be DISCHARGED of record:

Mortgage dated the 13TH day of APRIL, 2018, made by TONAWANDA COKE CORPORATION, having an office located at 3875 River Road, Tonawanda, New York 14151, to HONEYWELL INTERNATIONAL INC., in the principal sum of \$ 2,525,000.00 and recorded on the 26TH day of APRIL, 2018, in Liber/Reel 13853, Page 3982, in the office of the ERIE COUNTY CLERK of the STATE OF NEW YORK.

of Mortgages

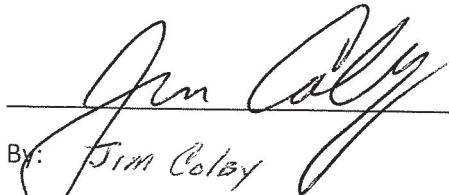
Which mortgage has not been assigned of record.

FURTHER, pursuant to the *Order Authorizing Tonawanda Coke Corporation to Sell Real Estate Under §§ 105(a), 363(b), (f), And (m) and federal Rules of Bankruptcy Procedure 2002 and 6004, Free and Clear of Liens, Claims, Encumbrances, and Interests* (the "Sale Order") entered by the United States Bankruptcy Court for the Western District of New York (the "Bankruptcy Court"), in the matter of *In Re: Tonawanda Coke Corporation*, dated September 24, 2019 (Dockets # 336 and 337) upon the motion of Tonawanda Coke Corporation dated August 14, 2019 (Docket #292), which are incorporated by reference herein, Honeywell confirms the release of this Mortgage at closing, with respect to the sale of the real property of Tonawanda Cook Corporation pursuant to the Sale Order, *provided, however*, that such release does not affect Honeywell International Inc.'s claims with respect to the Notes that were heretofore secured by this Mortgage.

Dated the 8 day of October in the year 2019.

IN PRESENCE OF:

HONEYWELL INTERNATIONAL INC.



By: *Jim Colby*

Title: *Vice President & Treasurer*

FILED

OCT 10 2019

ERIE COUNTY
CLERK'S OFFICE

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of _____

ss:

On the ___ day of _____ in the year 2019, before me, _____, personally appeared 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.

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

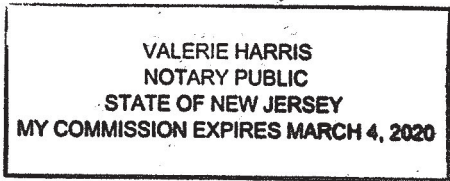
State (or District of Columbia, Territory, or Foreign Country) of Morris Cty, NJ ss:

On the 8 day of OCTOBER in the year 2019 before me, Jim Polay, personally appeared 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, and that such individual made such appearance before the undersigned in the City of

MORRIS PLAINS in the State of NEW JERSEY

Valerie Harris

(signature and office of individual taking acknowledgment)



RETURN BY MAIL TO:

Dale A. Desnoyers, Esq.
Allen & Desnoyers LLP
90 State Street, Suite 1009
Albany, NY 12207

SATISFACTION OF MORTGAGE

KNOW ALL PERSONS BY THESE PRESENTS,

That HONEYWELL INTERNATIONAL INC., a corporation organized under the laws of the State of Delaware, with its principal executive office located at 115 Tabor Road, Morris Plains, New Jersey 07950, DOES HEREBY CERTIFY that the following Mortgage IS FULLY RELEASED pursuant to the Sale Order (defined below), and does hereby consent that the same be DISCHARGED of record:

Mortgage dated the 4TH day of OCTOBER, 2017, made by TONAWANDA COKE CORPORATION, having an office located at 3875 River Road, Tonawanda, New York 14151, to HONEYWELL INTERNATIONAL INC., in the principal sum of \$ 3,030,303.03 and recorded on the 31ST day of OCTOBER, 2017, in Liber/Reel 13833, Page 5814, in the office of the ERIE COUNTY CLERK of the STATE OF NEW YORK.

Which mortgage has not been assigned of record.

of Mortgages

FURTHER, pursuant to the *Order Authorizing Tonawanda Coke Corporation to Sell Real Estate Under §§ 105(a), 363(b), (f), And (m) and federal Rules of Bankruptcy Procedure 2002 and 6004, Free and Clear of Liens, Claims, Encumbrances, and Interests* (the "Sale Order") entered by the United States Bankruptcy Court for the Western District of New York (the "Bankruptcy Court"), in the matter of *In Re: Tonawanda Coke Corporation*, dated September 24, 2019 (Dockets # 336 and 337) upon the motion of Tonawanda Coke Corporation dated August 14, 2019 (Docket #292), which are incorporated by reference herein, Honeywell confirms the release of this Mortgage at closing, with respect to the sale of the real property of Tonawanda Cook Corporation pursuant to the Sale Order, *provided, however*, that such release does not affect Honeywell International Inc.'s claims with respect to the Notes that were heretofore secured by this Mortgage.

Dated the 8 day of October in the year 2019.

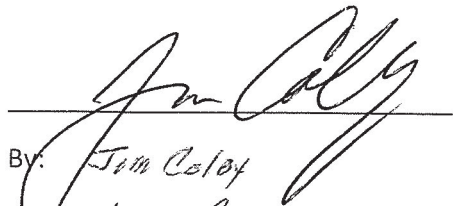
FILED

OCT 10 2019

IN PRESENCE OF:

HONEYWELL INTERNATIONAL INC.

**ERIE COUNTY
CLERK'S OFFICE**



By: *Jim Colof*

Title: *VICE PRESIDENT & TREASURER*

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of _____

ss:

On the __ day of _____ in the year 2019, before me, _____, personally appeared 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.

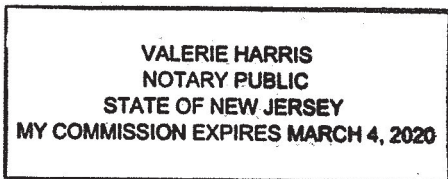
(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of Monterey, CT, NJ ss:

On the 8 day of OCTOBER in the year 2019 before me, JIM COLBY, personally appeared 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, and that such individual made such appearance before the undersigned in the City of _____ in the State of _____.

Valerie Harris
(signature and office of individual taking acknowledgment)



RETURN BY MAIL TO:

Dale A. Desnoyers, Esq.
Allen & Desnoyers LLP
90 State Street, Suite 1009
Albany, NY 12207

QUIT CLAIM DEED

THIS INDENTURE, given this 10th day of October, 2019 from **TONAWANDA COKE CORPORATION**, a New York corporation having an address at 3875 River Road, Tonawanda, NY 14150 (the "Grantor"), to **RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS, INC.**, a New York corporation having an address at 333 Ganson Street, Buffalo, NY 14203 (the "Grantee"),

WITNESSETH that Grantor, in consideration of ONE AND 00/100 DOLLARS (\$1.00) and NO other consideration paid by the Grantee, does hereby remise, release and quit claim unto Grantee, its successors and assigns forever, all right, title and interest of Grantor in and to the real property described on **Schedule A** attached hereto and made a part hereof.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the Grantee, its successors and assigns forever.

This conveyance is made pursuant to an Order of the United State Bankruptcy Court, Western District of New York, granted September 23, 2019.

[Signature page to follow]

FILED

OCT 10 2019

**ERIE COUNTY
CLERK'S OFFICE**

IN WITNESS WHEREOF, the Grantor has caused this indenture to be executed the day and year first above written.

TONAWANDA COKE CORPORATION

By: Paul A. Saffrin
Paul A. Saffrin, Chief Executive Officer

STATE OF NEW YORK)
) :SS
COUNTY OF ERIE)

On the 7th day of October, in the year 2019, before me, the undersigned, personally appeared Paul A. Saffrin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

Deborah E. Schmidt
Notary Public

DEBORAH E. SCHMIDT #01SC6055267
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 02/20/ 2023

SCHEDULE A

Real property known as 3705, 3783, 3800, 3875 and 4008 River Road, Tonawanda, New York, as further described below:

3705 River Road (64.12-1-14) – 3.01 acres;
3783 River Road (64.12-1-17) – 5.09 acres;
3800 River Road (64.12-4-3) – 25.99 acres;
3875 River Road (64.08-1-10) – 102.42 acres; and
4008 River Road (64.08-1-2) - 0.13 acres;

the legal descriptions of which are set forth below:

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 98 of the Mile Reserve (so-called), described as follows:

BEGINNING at a point in the easterly line of River Road as a 66 foot right of way, said point being 216 feet southerly of the northerly line of said Lot No. 98 as measured at right angles therefrom; running thence N 66° 12' 55" E parallel with and 216 feet southerly (as measured at right angles) from the northerly line of said Lot No. 98 and along the southerly line of Parcel B as described in said 1929 Power Company deed a distance of 3354.83 feet to the northwest corner of Parcel No. 1 herein described; thence S 24° 00' 39" E along the westerly line of said Parcel No. 1 herein described 66 feet to the northeasterly corner of Parcel A described in said 1937 Atlantic Refining deed; thence S 66° 12' 55" W along a line parallel with the northerly line of Lot No. 98, said line being the northerly line of said Parcel A described in said 1937 Atlantic Refining deed and the extension of said northerly line being the northerly line of lands now or formerly owned by Shell Eastern Petroleum Products, Inc. and by Sun Oil Company, a distance of 3361.09 feet more or less to said easterly line of River Road; thence N 18° 35' 25" W along said easterly line of River Road 66.27 feet more or less to the point or place of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 98 of the Mile Reserve (so-called), described as follows:

BEGINNING at a point in the easterly line of River Road as a 66-foot right of way, said point being 539 feet more or less northerly of the southerly line of said Lot No. 98 as measured at right angles therefrom said beginning point being the southwest corner of the

northerly parcel described in a certain deed from Wonalancet Company to Beacon Oil Company (Incorporated) recorded in said Clerk's Office in Liber 1912 of Deeds at page 464 (hereinafter referred to as "said 1927 Beacon Oil deed"); running thence N 65° 59' 21" E along the south line of said northerly parcel described in said 1927 Beacon Oil Deed and along the easterly extension thereof, 1812.45 feet to a corner of Parcel A described in said 1951 Tide Water Deed; thence S 24° 00' 39" E along the westerly line of said Parcel A described in said 1951 Tide Water deed and along the westerly line of the above described Parcel No. 2, 261 feet to the northerly line of said 1928 60-foot railroad right of way, said point being the southwest corner of said Parcel No. 2; thence S 65° 59' 21" W along said northerly line of said 1928 60-foot railroad right of way 60 feet to the southeast corner of the parcel of lands conveyed by Wonalancet Company to David C. Nethercot by deed recorded in said Clerk's Office in Liber 3820 of Deeds at Page 28 (hereinafter referred to as "said 1946 Nethercot deed"); thence N 24° 00' 39" W along the east line of said lands conveyed by said 1946 Nethercot deed, 195 feet to the northeast corner of said land conveyed by said 1946 Nethercot deed; thence S 65° 59' 21" W along the northerly line of said land conveyed by said 1946 Nethercot deed and along the northerly line of lands now or formerly owned by The Texas Company and by Beacon Oil Company 1746.03 feet more or less to said easterly line of River Road and thence N 29° 34' 09" W along said easterly line of River Road 66.31 feet to the point of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 97 of the New York State Reservation of Mile Strip, bounded and described as follows:

BEGINNING at a point in the south line of Lot 97 at a southwest corner of lands conveyed to Niagara Mohawk Power Corporation by deed recorded in Liber 6142 of Deeds at page 154, said point being 692 feet west of the New York State Reservation line as measured along said Lot Line; thence S 66° 12' 55" W along said south line of Lot 97 a distance of 2184.72 feet to a point; thence along the following 8 courses and distances of lands to be retained by Allied Chemical Corporation: (1) N 23° 47' 05" W 220 feet; (2) S 66° 12' 55" W 120 feet; (3) S 23° 47' 05" E 72.60 feet; (4) S 65° 06' 40" W 290.56 feet; (5) S 88° 49' 40" W 499.65 feet; (6) N 01° 10' 20" W 172 feet; (7) S 88° 49' 40" W 98.27 feet; (8) S 71° 48' 35" W 964.43 feet to the east line of River Road as now laid out; thence along the east line of River Road and now laid out the following 3 courses and distances; (1) N 23° 11' 55" W 52.16 feet; (2) S 71° 48' 35" W 3.62 feet; (3) N 23° 41' 55" W 326.37 feet; thence north 79° 09' 37" E 1033.21 feet to the northeast corner of Parcel 2 described in deed to Allied Chemical Company recorded in Liber 7271 of Deeds at page 65; thence N 01° 10' 20" W 1289.15 feet to the south line of lands of the New York Central Railroad Company, said point being 66 feet south of the north line of Lot 97 as measured at right angles thereto; thence North 88° 49' 40" E along said Railroad Company lands 2752.34 feet to a northwest corner of land conveyed to Niagara Mohawk

Power Corporation by deed recorded in Liber 6142 of Deeds at page 154; thence S 23° 47' 20" E along said Power Corporation's lands 903.70 feet to the point of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being a part of Lot 97 of the New York State Reservation, and more particularly described as follows:

COMMENCING at the northwest corner of lands conveyed to Semet-Solva Company by Indenture dated December 13, 1915, recorded in the Office of the Clerk of the County of Erie in Liber 1341 of Deeds at page 312; thence northerly on an extension of the west line of aforementioned Liber and page and across a parcel of land conveyed to the New York Central Railroad (66.0 feet wide) to a point on the north line of Lot 97; thence westerly along the north line of Lot 97 (as extended), 2865.0 feet to a point; thence along a line drawn at right angles to the aforementioned line 196.5 feet to the true point of beginning; thence continuing along such line, southerly, 75 feet to a point; thence westerly, along a line drawn at right angles to such last mentioned line to a point in the harbor line established by the United States of America, which point is 271.5 feet southerly, measured at right angles, to the said north line of Lot 97 (as extended); thence northerly along such harbor line to a point which is 196.5 feet southerly, measured at right angles from the said north line of Lot 97; thence easterly and parallel with such Lot 97 to the point or place of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie, and State of New York, being part of Lot 97 of the New York State Reservation or Mile Strip so-called and part of Rattlesnake Island and lands now or formerly a part of Rattlesnake Creek and lands under the waters of Niagara River, bounded and described as follows:

BEGINNING at the point of intersection of the westerly Blue Line of the former Erie Canal with the south line of said Lot 97; thence S 66° 12' 55" W along the south line of Lot 97 a distance of 1405.22 feet to the United States Harbor Line as established by the Corporation of Engineers February 27, 1932; thence N 30° 04' 04" W along said Harbor Line 814.04 feet; thence N 16° 53' 56" W along said Harbor Line 44.01 feet; thence N 71° 48' 35" E 1560.52 feet to the westerly Blue Line of the former Erie Canal; thence south along said Blue Line the following 3 courses and distances: (1) S 18° 12' 25" E 599.10 feet to a point; (2) S 21° 07' 05" E 66.40 feet to a point; (3) S 19° 41' 45" E 38.22 feet to the point of beginning.

PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot 97 of the Mile Reserve, bounded and described as follows:

BEGINNING at the intersection of the west line of River Road as acquired by the State of New York, being Parcel 213 as recorded in Liber 2828 of Deeds at page 1 and the south line of said Lot 97; thence S 66° 12' 55" W along said Lot line 51.65 feet to the easterly Blue Line of the former Erie Canal; thence north along said Blue Line the following 4 courses and distances: (1) N 19° 44' 05" W 29.51 feet; (2) N 21° 06' 55" W 64.59 feet; (3) N 18° 12' 25" W 261.12 feet; (4) N 18° 12' 55" W 334.32 feet; thence N 71° 48' 35" E 6.43 feet to the west line of River Road as now laid out; thence along said west line of River Road as now laid out S 22° 18' 32" E 686.17 feet to the point of beginning.

TOGETHER with the right to build and maintain a tunnel under lands of Erie Canal recorded in Liber 3054 of Deeds at page 368 on November 19, 1940 and easements for power lines and sewer and water pipes over said lands recorded in Liber 5012 of Deeds at page 264.

PARCEL

EASEMENT over lands of Roblin Industries for the purpose of operating, maintaining and replacing a 6" emergency water line, a 16" pipeline, the right to use and maintain a brick sewer and open sewer and right to install and maintain two electric lines and a temporary electric line and the additional right to erect and maintain markers, together with a right to install and maintain two effluent retention ponds; all as set out in Agreement recorded in Liber 1630 of Deeds at page 607 on June 27, 1923, confirmed by Agreement recorded in Liber 2917 of Deeds at page 95 on September 14, 1939, modified by Agreement recorded in Liber 7271 of Deeds at page 81 and set out in Easement Agreement recorded in Liber 8278 of Deeds at page 217.

Attachment A-VII
Volunteer Statement

Volunteer Status

Riverview Innovation & Technology Campus, Inc. (Riverview) purchased the facility through the bankruptcy trustee after the former owner closed and filed for protection under Chapter 11 of the bankruptcy regulations (See Attachment A-VI-2). On September 23, 2019 an Order of Sale to Riverview was executed by the Court. On October 10, 2019 the property was transferred to Riverview. At the time the property was transferred to Riverview, all onsite manufacturing operations will have been idled for more than one year. Riverview has, and never will, operate any manufacturing equipment on the property.

Care Taken/Work Completed

Riverview is cooperating with the USEPA following the purchase of the facility containing the Site. The USEPA sent a letter to Riverview on September 23, 2019 outlining the ongoing activities that Riverview will assume when the property sale is completed. It is Riverview's understanding that since October 2018, the USEPA and the NYSDEC have been conducting site stabilization activities following the shutdown by the current owner. Riverview is transferring some roles and responsibilities of the USEPA to its consultants and contractors in coordination with the USEPA. The transfer will include the following:

- Site Security;
- Stormwater Management (including monitoring and sampling);
- Permit Transfer and associated obligations (including sampling);
- Vegetation Management;
- Utilities;
- Hazardous Materials (HazMats) Management and Control;
- ACM Management; and
- Waste Management and proper disposal.

In addition, Riverview has engaged professionals to develop and implement Remedial Investigation Work Plans and Remedial Investigations as soon as the site enters the Brownfield Cleanup Program and there is a Brownfield Cleanup Agreement.

Attachment VIII – 1
Property Eligibility Information

Attachment A - VIII – 1
Property Eligibility Information

This BCP Application includes part of one of five parcels listed in the Chapter 11 filings by Tonawanda Coke Corporation; 3875 River Road (Figure 1). The parcel is not listed on the National Priorities List. Portions of 3875 River Road (S-B-L 64.08-1-10) are included in the NYS Registry of Inactive Hazardous Waste Sites. Those portions of the property that are included on the Registry are excluded from this Application. The proposed Brownfield Cleanup Site is shown in Figure 2 and in Table 1 below:

Table 1						
Tax Map Information						
Proposed Riverview Innovation and Technology Campus Inc. Site						
Parcel Address	Section No.	Block No.	Lot No.	Acreage	Notes	
3875 River Road	64.08	1	P/O 10	102.4152	Main Plant Site	
			Tax Total	102.4152		
Site 109	64.08	1	P/O 10	-8.081	State Superfund Site #915055, part of 3875 River Road	
Site 110	64.08	1	P/O 10	-7.874	State Superfund Site #915055, part of 3875 River Road	
			BCP Total	86.460		

ENGINEER TO ALTER THIS DOCUMENT IN ANY WAY.
 CONTRACTOR TO VERIFY ALL INFORMATION AND TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
 CONTRACTOR TO OBTAIN ALL NECESSARY INFORMATION FROM THE PROPERTY OWNER AND TO VERIFY THE ACCURACY OF ALL INFORMATION.
 CONTRACTOR TO OBTAIN ALL NECESSARY INFORMATION FROM THE PROPERTY OWNER AND TO VERIFY THE ACCURACY OF ALL INFORMATION.
 CONTRACTOR TO OBTAIN ALL NECESSARY INFORMATION FROM THE PROPERTY OWNER AND TO VERIFY THE ACCURACY OF ALL INFORMATION.

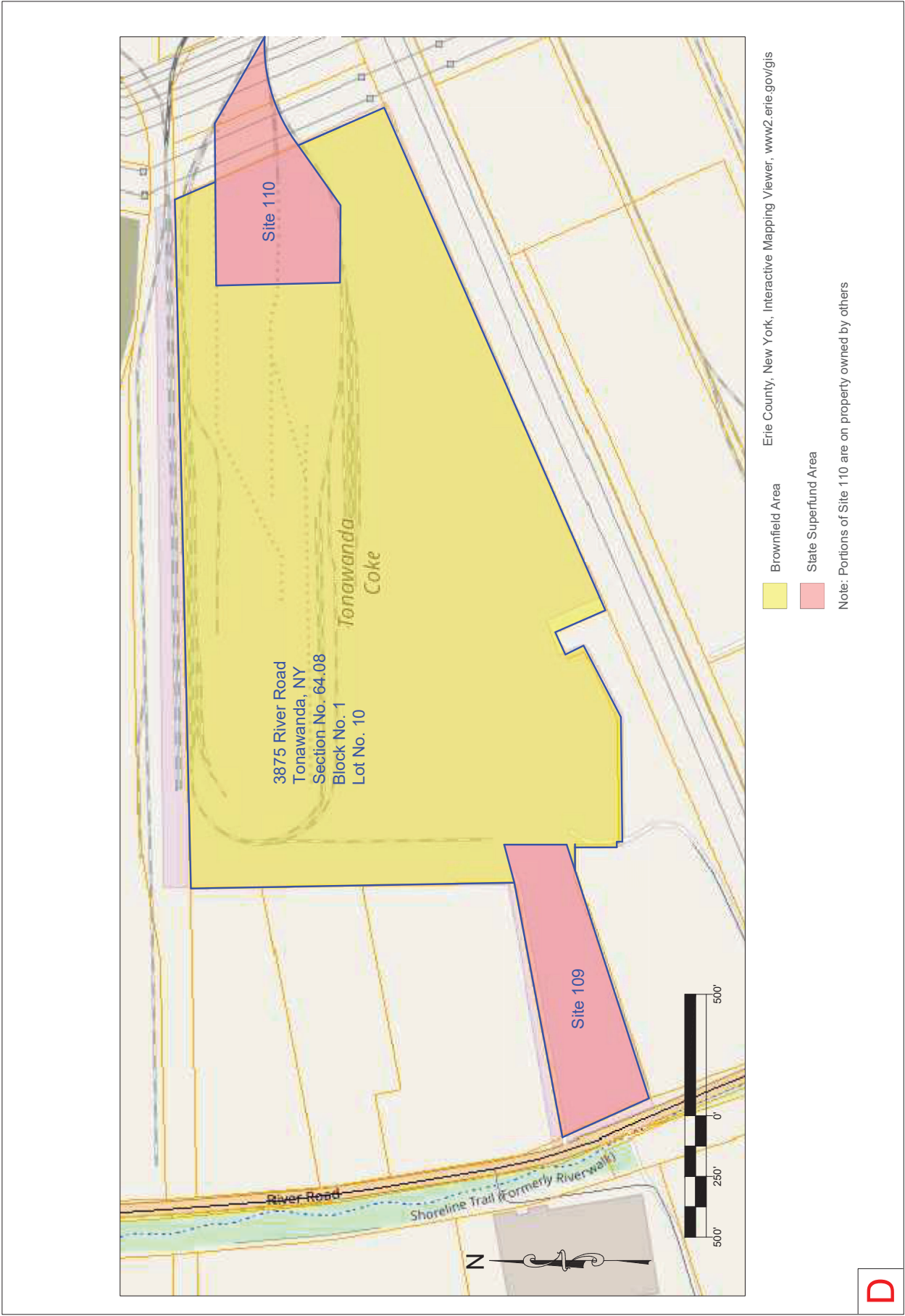
APPROVED BY: J. EDWARDS
 DATE: 11/18/2022

PROJECT: PROPOSED RIVERVIEW CAMPUS
 LOCATION: RIVERVIEW CAMPUS, INC., 3875 RIVER ROAD, TONAWANDA, NY 14150

PROPOSED RIVERVIEW CAMPUS AND
 TECHNOLOGY CAMPUS INC.

INVENTUM ENGINEERING
 481 CARLISLE DRIVE
 SUITE 202
 HERNDON, VIRGINIA 20170
 (703) 722-6049
 www.inventumeng.com

FIGURE - 2
 DRAWING NUMBER: 022205



D

Attachment A-IX-1

Contact Information

Attachment IX – 1
Contact List Information

1. Erie County Executive;

Mark C Poloncarz
Erie County Executive's Office
95 Franklin Street, 16th floor
Buffalo, NY 14202
Phone: 716-858-8500
Fax: 716-858-6679
countyexecutive@erie.gov

2. U.S. Congress

Hon. Brian Higgins
Congressman
Larkin at Exchange
726 Exchange Street, Suite 601
Buffalo, NY 14210
Phone: 716-852-3501
Fax: 716-852-3929

3. New York State Senate

Hon. Timothy M. Kennedy
2239 South Park Ave.
Buffalo, NY 14220

Hon. Chris Jacobs
65 Court Street
Buffalo, NY 14202

4. New York State Assembly

Hon. Crystal Peoples-Stokes
Majority Leader
425 Michigan Ave.
Buffalo, NY 14203

Hon. Robin Schimminger
3514 Delaware Ave.
Kenmore, NY 14217

5. Erie County Legislature

Hon. Kevin R. Hardwick
92 Franklin Street
4th Floor
Buffalo, NY 14202

6. Town of Tonawanda

Joseph H. Emminger
Town Supervisor
2919 Delaware Ave.
Kenmore, NY 14217
Ph: (716) 877-8804
Fx: (716) 877-1261
jemminger@tonawanda.ny.us

John Bargnesi, Jr., Deputy Supervisor, Councilman
jbargnesi@tonawanda.ny.us

Daniel J. Crangle, Councilman

Shannon Patch, Councilwoman
spatch@tonawanda.ny.us

William Conrad, Councilman
wconrad@tonawanda.ny.us

7. Library

a. Kenmore Branch

160 Delaware Rd.
Kenmore, NY 14217
Phone: 716-873-2842
Library Director: Mary Muscarella

b. Central Library

Attention: April Tompkins
Re: Repository Documents
Buffalo and Erie County Library
1 Lafayette Square
Buffalo, NY 14203

8. Residents and surrounding property owners

- a. See Attachment A-IX-2

9. Local News Media

a. Buffalo News

i. Business Desk

1. 716-849-4434

2. fin@buffnews.com

ii. Potter, Grove (Business Editor)

1. 716-849-3492

2. gpotter@buffnews.com

iii. Epstein, Jonathan (Development)

1. 716-849-4478

2. jepstein@buffnews.com

b. Ken-Ton Bee

i. Alan Rizzo, Editor

1. arizzo@beenews.com

10. Town of Tonawanda, Water and Sewer Maintenance Division; Michael Kessler, Director of Water Resources, Email mkessler@tonawanda.ny.us;

a. J. Kirk Rowland, Division Head

(716) 874-0490

Belmont Ave.

Buffalo, NY 14223

11. Local School Contact

a. Riverview Elementary School

55 Taylor Drive

Tonawanda, NY 14150

716.694.7172

Principal: Claudia Panaro

b. PS #65 – Roosevelt ECC

249 Skillen Street

Buffalo, New York 14207

716.816.3430

Principal: Michelle Hope Barnes

- c. Charter School for Applied Technologies
2303 Kenmore Avenue
Buffalo, New York 14207
716.876.7505
Principals: Sue Jurewicz (K-6); Gregory Mott (6-8); Ann Morgante (9-12)

- d. Tonawanda Middle School/High School
600 Fletcher Street
Tonawanda, New York 14150
HS: 716.694.7670; MS: 716.694.7660
Principals: David Sellan (MS); Michael Brown (HS)

12. Community Associations

Jackie James-Creedon
Citizen Science Community Resources
3200 Elmwood Ave. Room 212
Kenmore, NY 14217
(716) 873-6191
jackie@csresources.org

The Clean Air Coalition of W.N.Y.
52 Linwood
Buffalo, NY 14209
phone: (716) 852-3813
fax: (716) 852-2741
email: info@cacwny.org

13. Parties Who Expressed an Interest through Correspondence

Lynda Schneekloth
Address Unknown
e-Mail: lh1@buffalo.edu

Richard C. Cummings
President
The Black Chamber of Commerce of Western New York
836 East Delavan Avenue
Buffalo, New York 14215
716-995-0622
e-Mail: wnyblackchamber@yahoo.com

Diana Strablow
Vice Chair
Sierra Club - Niagara Group
PO Box 1127
Williamsville, NY 14221

Melissa Foster
President
Kenmore Village Improvement Society (KVIS)
16 Warren Avenue
Kenmore, NY 14217
716-877-0477

Peter Stuhlmiller
President
Kenmore Teachers Association
205 Yorkshire Road
Tonawanda, NY 14150
716-837-3710
e-Mail: KTA205a@gmail.com

Jim Serafin
Historic East Side Neighborhood Initiative
115 Avery Place
Buffalo, NY 14225

Jeanette Koncikowski
Executive Director
Grassroots Gardens WNY
30C Essex Street
Buffalo, NY 14213
716-783-9653

Justin Booth
Executive Director
GoBike Buffalo
98 Colvin Avenue
Buffalo, NY 14216
716 218 7161

Stephanie Crockatt
Executive Director
Buffalo Olmsted Parks Conservancy
Parkside Lodge
84 Parkside Avenue
Buffalo, NY 14214
716-838-1249

Cornelius Johnson
Executive Director
Citizens Alliance, Inc.
836 E. Delavan Avenue
Buffalo, NY 14215
716-597-0262

Pastor Ruth E. Snyder
Church of the Nativity
1530 Colvin Boulevard
Buffalo, NY 14223
716-875-3365
e-Mail: ruth@nativityucc.org

Rev. Matt Nycz
Pastor
Blessed Sacrament Parish Community
263 Claremont Avenue
Buffalo, NY 14223
716-834-4282

Barbara Ciepiela
President
Big Wheels Bicycle Club
4456 Beach Ridge Road
Lockport, NY 14094

Attachment A-IX-2

Surrounding Properties

NOTICE: THIS DRAWING HAS BEEN REVISIONED UNDER THE
 PROVISIONS OF THE SURVEYING AND MAPPING ACT OF 1991.
 ANY REVISIONS TO THIS DRAWING SHALL BE INDICATED BY
 A REVISION TABLE AND SHALL BE MADE IN ACCORDANCE
 WITH THE SURVEYING AND MAPPING ACT OF 1991.
 THE SURVEYOR'S RESPONSIBILITY IS TO PROVIDE AN
 ACCURATE REPRESENTATION OF THE REALITY AS OF THE
 DATE OF THE SURVEY. THE SURVEYOR DOES NOT
 WARRANT OR GUARANTEE THE ACCURACY OF THE
 INFORMATION CONTAINED HEREIN OR THE RESULTS OF
 ANY ANALYSIS OR INTERPRETATION THEREOF.
 THE SURVEYOR'S LIABILITY IS LIMITED TO THE
 PROFESSIONAL SERVICES PROVIDED BY THE SURVEYOR.
 THE SURVEYOR'S LIABILITY DOES NOT EXTEND TO
 ANY OTHER SERVICES PROVIDED BY THE SURVEYOR.
 THE SURVEYOR'S LIABILITY DOES NOT EXTEND TO
 ANY OTHER SERVICES PROVIDED BY THE SURVEYOR.

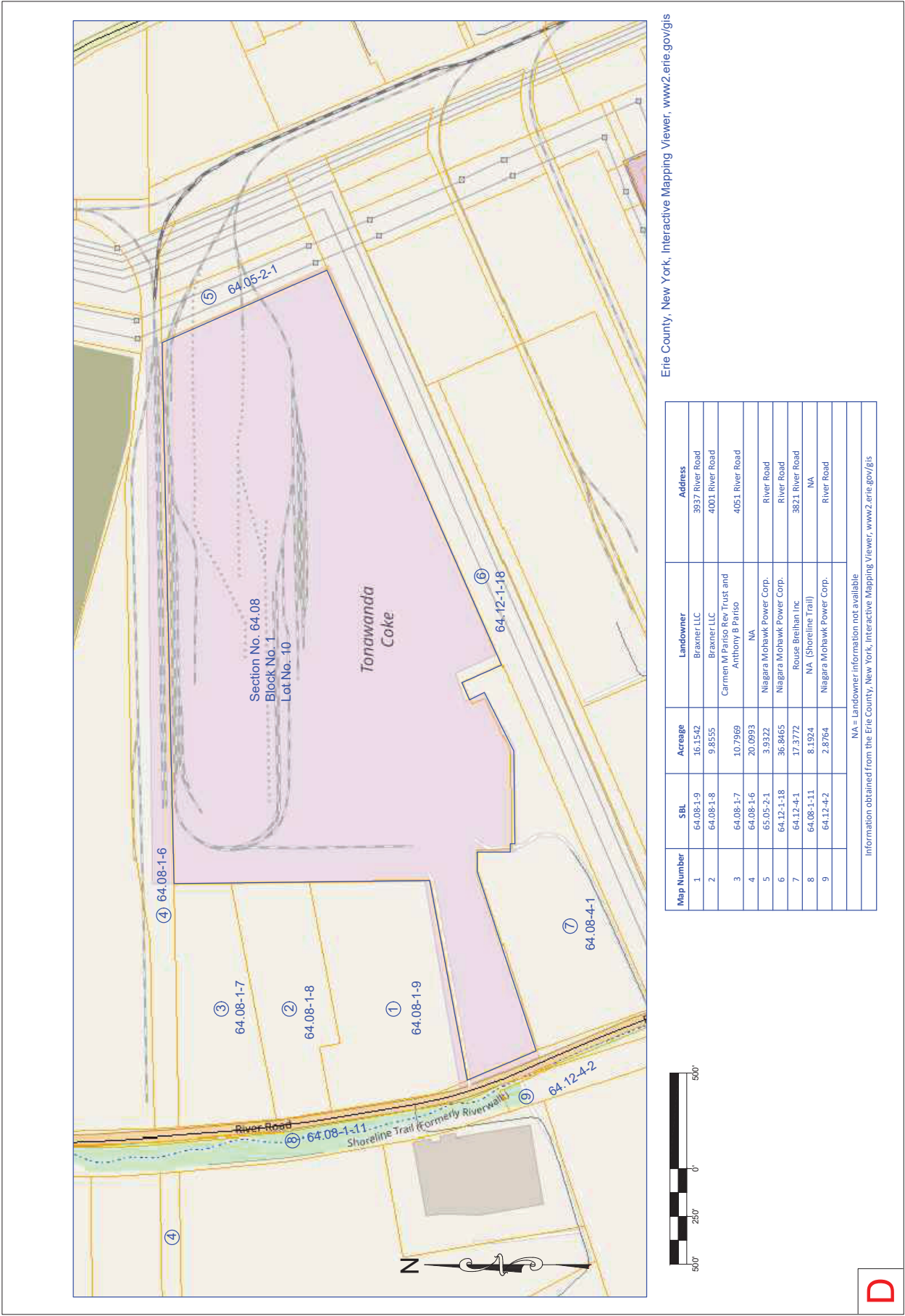
APPROVED:
 J. EDWARDS
 J. BLACK II

DESIGNED BY:
 J. EDWARDS

Surrounding Property Owners
 Campus Inc.
 Riverview Innovation and Technology

INVENTUM ENGINEERING
 481 CARLISLE DRIVE
 SUITE 202
 HERNDON, VIRGINIA 20170
 (703) 722-6049
 www.inventumeng.com

FIGURE - 5
 DRAWING NUMBER: 02-05



Erie County, New York, Interactive Mapping Viewer, www2.erie.gov/gis

Map Number	SBL	Acreage	Landowner	Address
1	64.08-1-9	16.1542	Braxner LLC	3937 River Road
2	64.08-1-8	9.8555	Braxner LLC	4001 River Road
3	64.08-1-7	10.7969	Carmen M Pariso Rev Trust and Anthony B Pariso	4051 River Road
4	64.08-1-6	20.0993	NA	
5	65.05-2-1	3.9322	Niagara Mohawk Power Corp.	River Road
6	64.12-1-18	36.8465	Niagara Mohawk Power Corp.	River Road
7	64.12-4-1	17.3772	Rouse Breihan Inc	3821 River Road
8	64.08-1-11	8.1924	NA (Shoreline Trail)	NA
9	64.12-4-2	2.8764	Niagara Mohawk Power Corp.	River Road

NA = Landowner information not available
 Information obtained from the Erie County, New York, Interactive Mapping Viewer, www2.erie.gov/gis



Table 3
Surrounding Property Owners
Proposed Riverview Innovation and Technology Campus Inc. Site

Parcel 64.08-1-10

Number	SBL	Acreage	Landowner	Address
1	64.08-1-9	16.1542	Braxner LLC	3937 River Road
2	64.08-1-8	9.8555	Braxner LLC	4001 River Road
3	64.08-1-7	10.7969	Carmen M Pariso Rev Trust and Anthony B Pariso	4051 River Road
4	64.08-1-6	20.0993	NA	
5	65.05-2-1	3.9322	Niagara Mohawk Power Corp.	River Road
6	64.12-1-18	36.8465	Niagara Mohawk Power Corp.	River Road
7	64.12-4-1	17.3772	Rouse Breihan Inc	3821 River Road
8	64.08-1-11	8.1924	NA Shoreline Trail	
9	64.12-4-2	2.8764	Niagara Mohawk Power Corp.	River Road

NA = Landowner information not available

Information for Table 3 obtained from the Erie County, New York, Interactive Mapping Viewer,
www2.erie.gov/gis

Attachment A-IX-3

Buffalo and Erie County Library
Document Repository

Todd Waldrop

From: April Tompkins
Sent: Friday, August 30, 2019 12:15 PM
To: todd.waldrop@inventumeng.com
Subject: FW: Document Repository Permission Request

Good afternoon Todd,

Your message was forwarded to me by Jeannine Doyle.

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company, Inventum Engineering, for the Brownfield Cleanup Program for a property located in Tonawanda, New York, and will be made available for public review at the Central Library and Kenmore Library, and/or any other library of your choice. Please refer to our procedure below:

We prefer that you do not take documents to individual libraries. Please bring or send your document(s) to the Central Library and we will process according to our procedure and distribute to the location of your choice.

Please keep the following in mind:

- Documents (including updates) for public review should be either brought in person (to my attention) to the Central Library's **administrative reception desk located on the second floor** or sent via mail carrier. Documents sent via e-mail will not be accepted. The mailing address is:

Attention: April Tompkins
Re: Repository Documents
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or two after receipt. If received by Friday morning, they are usually made available the following Monday.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribute accordingly. We do not make copies for distribution.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. **If CD's are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disc in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print. Patrons are not allowed to take original repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,

April

April Tompkins, Sr. Library Clerk

Office of Chief Operating Officer & Technical Support
Buffalo and Erie County Public Library
1 Lafayette Square | Buffalo, NY 14203
Voice: 716-858-7129 | Fax: 716-858-6211
E-mail: tompkinsa@buffalolib.org

From: Jeannine Doyle <doylejm@buffalolib.org>
Sent: Friday, August 30, 2019 11:52 AM
To: Andrew Maines <mainesa@buffalolib.org>; April Tompkins <tompkinsa@buffalolib.org>
Subject: FW: Document Repository Permission Request

Jeannine M. Doyle
Chief Operating Officer
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, New York 14203
(716) 858-7191

From: Todd Waldrop <todd.waldrop@inventumeng.com>
Sent: Friday, August 30, 2019 11:51 AM
To: Jeannine Doyle <doylejm@buffalolib.org>
Cc: Dawn Peters <petersd@buffalolib.org>; Dorinda Darden <Dardend@buffalolib.org>
Subject: Document Repository Permission Request

Inventum Engineering is requesting permission from the Buffalo and Erie County Public Library to be the repository for all present and future documents related to an upcoming New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for a property located in Tonawanda, New York.

The nearest Area Library to the project is the Kenmore Branch. Inventum is requesting permission for documents provided by Inventum to be made available for public inspection/review at both the Central and Kenmore Branches.

Please let me know any additional information that may be required to obtain the permission or if his request should be directed to another individual.

Thank you for your time

Todd Waldrop, P.E.
Partner
INVENTUM ENGINEERING
481 Carlisle Drive
Suite 202
Herndon, Virginia 20170
todd.waldrop@inventumeng.com
Cell: 571.217.3627
www.inventumeng.com

Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [*All Booked Up!*](#) Information: 716-858-8900 or <http://www.buffalolib.org>.

Attachment A-X

Project Redevelopment Vision

Attachment A-X

Land Use and Redevelopment Strategy

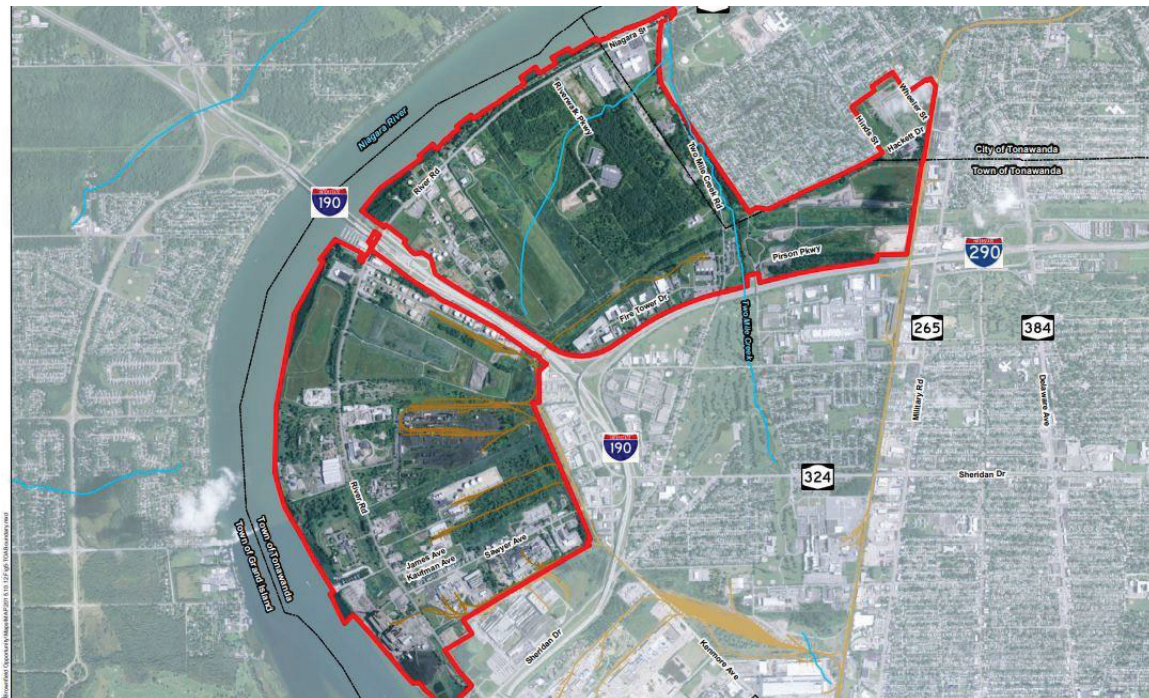
The project is designed to unlock the Riverview Innovation & Technology Campus Site and allow the overall property development to support multiple commercial and academic tenants. The strategy is to integrate the Riverview Innovation & Technology Campus Site into the overall development of the region. The plans for this site will be coordinated with the ongoing development of the Town of Tonawanda Brownfield Development Area. The key targets for this portion of the development area are data management, data users, and associated academic institutions. The site will support, even with potential groundwater management and monitoring, commercial data management and use operations.

Current Uses

The site is idle. The current Owner, Tonawanda Coke Corporation, filed for bankruptcy protection in October 2018 and has closed its businesses. There are ongoing stabilization and site stewardship activities by the U.S. Environmental Protection Agency (U.S. EPA) and the New York State Department of Environmental Conservation. Riverview Innovation & Technology Campus, Inc. has been in contact with the U.S. EPA and has initiated discussion for transition of the care, custody and control of the site as soon as the sale closes.

Proposed Uses

The development teams' vision is to work with the Town of Tonawanda, local business and the local universities to create a sustainable integrated facility that includes a technology/data center campus, technology support center and commercial offices, and training center. The development will be coordinated with the Town of Tonawanda Brownfield Development Area, as the Riverview Innovation & Technology Campus Site forms the southern boundary of the Area.



The TOA Pre-determination study recognizes:

“At the same time, the advantages of the TOA location are constrained by several factors. Twenty-nine properties, or approximately 14 percent of all the properties and 47 percent of the land area in the TOA, are classified as brownfield, underutilized or vacant parcels. Brownfield and underutilized properties are deterrents to development in the area because they create a perception of decline. Some active heavy industrial properties also hinder development as their appearance and production processes are incompatible with certain commercial and light industrial uses.”

The Riverview Innovation & Technology Campus and associated properties represent nearly 10 percent of the TOA and therefore more than 20 percent of the brownfield property.

Regionally, the Lumber City Development Corporation is working to revitalize over 540-acres in North Tonawanda with funding from the New York Department of State’s Brownfield Opportunity Areas Program (BOA). The southern boundary of this NT Momentum Project¹ is separated from the northern boundary of the TOA and the RITC Site by under 2-miles. Within that 2-miles are several residential communities who would benefit from both redevelopment successes. Brownfield redevelopment successes in the North Tonawanda community include recent groundbreaking on the construction of a \$20M River’s Edge Housing Complex². The development teams’ vision for the Riverview Innovation & Technology Campus Site integrates with this larger regional push to redevelop stranded assets in the immediate surrounding areas. Although our proposed redevelopment program is not dependent on the BOA program, the TOA and the NT Momentum Project show a clear driver for redevelopment in this area from the local community, businesses, and government.

The TOA’s objectives are to restore properties to productive reuse and reconnect the community’s residential areas to the Niagara River.³ Critical to meeting this objective is the ability to redevelop and market all parcels within the opportunity area, as portions of properties left undeveloped can serve as an unbroken link in an otherwise continuous chain and inhibit the path to success of the larger development.

Sustainable Redevelopment

Technology parks and especially data centers are energy intensive, but the surrounding campus and auxiliary buildings could be designed to achieve Gold Leadership in Energy and Environmental Design (LEED) Certification to attract clients and to be consistent with the current New York leadership. This requires careful design, energy efficiency, high indoor air quality, and selection of recycled and renewable materials. From the categories listed below we must design to obtain a cumulative score of 60 or higher:

Category	Available Points
Sustainable Sites	26
Water Efficiency	10
Energy and Atmosphere	35
Materials and Resources	14

¹ <http://www.ntmomentum.com/>

² <http://www.ntmomentum.com/construction-beings-on-20-m-rivers-edge-housing-complex/>

³ <http://www.tonawandaopportunity.com/project-information.html>

Indoor Environmental Quality	15
Innovation in Design	6
Regional Priority	4

We believe that there is no greater demonstration of the transformation of the site than achieving LEED Certification for the buildings on a property that was considered an environmental risk to the community.

Target Markets

Our economy has moved to be dominated by the Internet of Things (IoT). The numbers of jobs in western New York has transitioned from manufacturing to services; medical, academics, banking and away from steel, chemicals, and transportation. The opportunity to provide a gateway between the major economic drivers in western New York, Toronto and the US will drive the major users of the facility.

Phased Redevelopment

The phased development of the site will complement the operable unit approach to the remedial program. The phasing will allow generation of jobs, tax revenues, interest in the site and income while the more final portions of the site are being remediated.

The development plan and existing infrastructure provides complementary and beneficial uses to the community:

- Potential for additional commercial development adjacent to the Tonawanda Technology Centre that will bring people off I-190 to the area;
- The Tonawanda Technology Support Centre will bring office space and opportunities to complement the local universities and medical campus;
- The training center will allow the local University system to provide real world training for their students; and
- The data center campus will demonstrate the capabilities of housing major IoT commerce in Western New York.

The redevelopment program will be integrated with the remediation and implemented in phases as the investigation/remediation progresses:

Phase I

The first phase of redevelopment is likely to involve largely infrastructure and supporting the development of natural conservancy along the Niagara River on the nearby NYS Superfund Site (Site 108). Upgrading and stabilizing the river intake, the outfall(s) and development of the natural areas along the Niagara River, west of River Road will provide the stormwater and cooling water infrastructure required for the Riverview Site.

The ecological resources along the Niagara River and the feeding tributary will be incorporated into the site planning. The resources will be enhanced but will coexist with the intake and outfalls to and from the river.

The data centers require significant cooling demand. Use of the existing river intake and use of river water for cooling will increase the efficiency of the center, and therefore the financial and business attractiveness of the site and to the TOA.

Phase II

The second phase of development will be improvement of access to and the frontage to the site. This area will provide the most visible transformation of the Site, will allow early development, and will be the entrance to the remainder of the property. The redevelopment of this property closest to River Road will set the tone for the development. This area is part of the NYS Superfund Site #109 that had previously been granted a No Further Action Required determination. The Tonawanda Technology Support Centre, will provide a catalyst to bring Buffalo State, UB, ECC and other universities; the medical campus; and banking and high information users to the technology park. The facility will also allow data center users to locate staff and data users in immediate proximity to their servers. These facilities can bring 50 to 200 jobs to the campus.

The development will target support of up to a Tier III data center which supports 99.982% availability (max. 1.6 hours of downtime annually). The facility will require the entire property west of River Road to ensure enough space for the support buildings, data Center, security Perimeter and auxiliary facilities.

Phase III

Phase III includes the expansion of the data centers across the Riverview Innovation & Technology Campus Site, including the Plant Site, Coal Yard and Coke Yard. This will be the dramatic renaissance of the site from a health risk to the community to the most advanced data center in the state. While these areas will be high security and not as visible to the community, the elimination of the background, coke battery, stacks and coke plant infrastructure will, none the less, be a dramatic turnaround.

Phase III includes the Tonawanda Data Innovation Centre which envisions to be a multiphase development of a full-scale data center campus to allow up to five (5) 50,000 to 100,000 square foot Tier I to Tier III data centers. Tier 3 data centers are commonly seen as the most cost-effective solutions for the vast majority of medium to large businesses

- Significantly cheaper than Tier IV facilities, allowing us to attract medical, university and banking clients;
- Tier III facilities offer the most cost-effective solution for the majority of businesses;
- Planned outages will not cause disruption to equipment; and
- Unplanned outages unlikely to cause disruption to equipment especially if we couple onsite storage and small-scale generation.

These data centers require technical support, administration, and security. The first phase of development will bring 40 to 60 jobs to the site. This will transform the frontage of the property from an industrial relic to an attractive modern high technology campus. It will be highly visible, and the aesthetics will completely transform the image of the site.

There are a handful of data centers owners/operators in the Buffalo area that market availability to low-cost power and location to their clients. This facility will be able to attract and service a larger clientele. The scale will be the largest in Western New York and will be consistent with the data center services offered in Toronto, New York, and Washington.

Phase IV

Phase IV includes the development of a small-scale generation station; battery storage; and, if other property can be acquired, solar to support the onsite development. If available, solar facilities can be sited on the adjacent closed landfills. The goal would be to provide the 40 MW of energy required for the campus

and would create 15 to 20 additional jobs. Excess power will be stored onsite or used to help balance the grid due to the loss of the contiguous Huntley facility. The power system can be integrated into the TOA to enhance the value of contiguous properties.

While connection to the New York Independent System Operator (NYISO) grid is required, there will be opportunity for onsite generation and storage to provide the required redundancy for the class of data center envisioned. If available, the addition of a complimentary solar field with battery storage would provide the ideal blend of energy resources. The dependability of the energy supply is not only critical to the data center, but it will provide an additional attraction for other properties in the TOA.

Summary

The vision is built on the emergence of Western New York and the IoT markets. With the development of the TOA, the Riverview Property will provide a catalyst for development in the area. The availability and ability to remediate the entire Riverview Innovation & Technology Campus properties is fundamental to realization of the vision. These facilities require massive investment and must compete with other sites, some built on greenfield properties. The access to the site must attract high technology users, not remind the investors or community of the taint that the site represented.