WCBC NORTH, LLC
36 Center Street, Suite D
Warsaw, New York 14569

Telephone: 585-786-3764       E-mail: jpierce@wycoida.org

Alison Devine
Brownfields Project Officer
US Environmental Protection Agency Region 2
290 Broadway – 25th Floor
New York, NY 10007

WCBC North, LLC is pleased to submit this proposal for a $500,000 hazardous substances
Brownfields Cleanup grant to the U.S. Environmental Protection Agency for the former Emkay
Trading Corporation Site located at 58 Church Street in Arcade, New York.

Since 1819, the Village of Arcade has been a hub for industrial development. The earliest industries
used Cattaraugus Creek water to power mills. Through the 1900s, various industries were established
in the Village, supported by the railroad which connected Arcade to Buffalo in 1867. However, the
sale of the former Motorola plant in the 1980s resulted in 1,000 good paying manufacturing jobs being
lost. Afterwards, former industrial sites were abandoned. Between 1990 and 2019, the number of
Village residents employed in manufacturing dropped 25%.

The 10.5 acre site proposed for brownfield cleanup is located in a residential area, bordered by single
family dwellings and Cattaraugus Creek. The site was used for dairy processing and manufacturing
since at least 1912. Remnants of several buildings on the site are in various states of disrepair.
Asbestos was found in the buildings and in the piles of demolition debris throughout the site. The site
is less than 500 feet from the Main Street business district and the Pioneer Arcade Elementary School
and is easily accessible to children and others, raising significant concerns about health and safety.

The proposed cleanup of the site is a part of a larger cleanup plan. When the EPA-funded demolition
and asbestos removal is completed, a designated developer will enter into the New York State
Department of Environmental Conservation Brownfields Cleanup Program (BCP) to complete the
cleanup and to develop the site into a mix of business uses and an 80-unit senior housing project. This
will put this tax delinquent property back on the tax rolls and eliminate the risk to human health and
the environment.

Neither WCBC North, LLC nor the Village of Arcade can afford to carry out this cleanup without EPA
grant assistance.

Sincerely yours,

James Pierce, Manager, WCBC North, LLC

Disclosure: The WCBC North, LLC does not and shall not discriminate on the basis of race, color, religion (creed),
gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military
status, in any of its activities or operations.
Narrative Information Sheet

1. Applicant Identification

   WCBC North, LLC
   36 Center Street, Suite D
   Warsaw, New York 14569

2. Funding Requested
   a. Grant Type: “Single Site Cleanup”
   b. Federal Funds Requested
      i. $500,000 requested from EPA
      ii. $100,000 20% cost share
      iii. WCBC is not requesting a waiver of the $500,000 limit

3. Location
   a. Village of Arcade
   b. Wyoming County
   c. New York State

4. Property Information

   Emkay Trading Corp. Site
   58 Church Street
   Arcade, New York 14009

5. Contacts
   a. Project Director: James Pierce, Manager, WCBC North, LLC 36 Center Street
      Warsaw, New York 14569. Phone: 585-786-3764, e-mail: jpierce@wycoida.org
   b. Chief Executive: James Pierce, Manager, WCBC North, LLC 36 Center Street
      Warsaw, New York 14569. Phone: 585-786-3764, e-mail: jpierce@wycoida.org

6. Population
   a. WBWC North serves all of Wyoming County, population 40,531 (according to
      the 2020 Decennial Census)
   b. The Village of Arcade’s population is 1,908 (2020 Decennial Census)

Disclosure: The WCBC North, LLC does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
### 7. Other Factors

<table>
<thead>
<tr>
<th>Other Factor Checklist</th>
<th>Response</th>
<th>Page #</th>
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<tbody>
<tr>
<td>Community population is 10,000 or less.</td>
<td>Yes – <em>The Village of Arcade’s population is 1,908</em></td>
<td>1</td>
</tr>
<tr>
<td>The applicant is, or will assist, a federally recognized Indian tribe or United States territory.</td>
<td>Not applicable</td>
<td>NA</td>
</tr>
<tr>
<td>The proposed brownfield site(s) is impacted by mine-scarred land.</td>
<td>Not applicable</td>
<td>NA</td>
</tr>
<tr>
<td>Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/reuse; secured resource is identified in the Narrative and substantiated in the attached documentation.</td>
<td>Yes – <em>Per Designated Developer Agreement, Great Lakes Development will enter into NYS Brownfields Cleanup program after EPA-funded cleanup is completed to address subsurface contamination and will develop site with a mix of residential and business uses. Anticipated financial commitment is estimated at $400,000 for the cleanup and $10 million for redevelopment.</em></td>
<td>4</td>
</tr>
<tr>
<td>The proposed site(s) is adjacent to a body of water.</td>
<td>Yes – Site adjoins Cattaraugus Creek</td>
<td>1</td>
</tr>
<tr>
<td>The proposed site(s) is in a federally designated flood plain.</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy.</td>
<td>Yes. <em>Reuse plan to incorporate solar on rooftops and potentially ground- or air-source heat pumps</em></td>
<td>3</td>
</tr>
<tr>
<td>The reuse of the proposed cleanup site(s) will incorporate energy efficiency measures.</td>
<td>Yes. <em>Reuse plan to incorporate</em></td>
<td>3</td>
</tr>
<tr>
<td>The target area(s) is located within a community in which a coal-fired power plant has recently closed (2011 or later) or is closing.</td>
<td>No</td>
<td>NA</td>
</tr>
</tbody>
</table>

8. **Letter from New York State DEC** acknowledging that the applicant plans to conduct cleanup activities at one or more sites and is planning to apply for FY22 federal brownfields grant funds – *attached*

9. **Releasing copies of application** – Not applicable. Application does not contain any confidential, privileged or sensitive information
November 18, 2021

James Pierce, Manager
WCBC North, LLC
36 Center Street, Suite D
Warsaw, NY 14569

Dear Mr. Pierce:

This is to acknowledge that the New York State Department of Environmental Conservation (DEC) received a request from WCBC North, LLC, dated October 29, 2021, for a state acknowledgement letter for a Federal Year 2022 United States Environmental Protection Agency (USEPA) Brownfields grant.

I understand that WCBC North, LLC, a 501(c)(3) nonprofit, plans to submit a Brownfield Cleanup grant application for $500,000. Focus of the funding will be the cleanup of a former cheese plant at 58 Church Street in the Village of Arcade, NY that ceased production in 1998. Funding will also be allocated for reuse planning and community involvement activities.

DEC encourages initiatives to redevelop brownfields with the goal of mitigating any environmental and health impacts that they might pose.

Sincerely,

Karen Diligent
Director, Bureau of Program Management

ec: T. Wesley, USEPA Region 2
A. Devine, USEPA Region 2
P. Clappin, USEPA Region 2
M. Cruden, DEC Albany
A. Caprio, DEC Region 9
S. Radon, DEC Region 9
M. Mcintosh, DEC Region 9
1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION
   
a. Target Area and Brownfields
      
i. Background and Description of Target Area

The target area comprises a residential neighborhood and nearby business and civic uses in the Village of Arcade, Wyoming County, New York. Located approximately 40 miles southeast of Buffalo, the Village was incorporated in 1871 and today has a population of 1,908.

Industrial development in the Village dates from 1819 when water flowing in Cattaraugus Creek powered mills that manufactured wool, lumber and other products. Once the railroad connected Arcade with Buffalo in 1867, manufacturing boomed and Arcade became a regional manufacturing hub. However, the sale of the former Motorola plant in the 1980s resulted in the relocation of more than 1000 jobs. The number of Village residents employed in manufacturing dropped by 25% between 1990 and 2019. Many former industrial sites have been abandoned.

In part due to the loss of high paying industrial jobs, Arcade residents are less financially well-off than people in New York State and the nation as a whole. The poverty rate among Arcade households is 22% higher than that of the U.S. and 16% higher than New York State (NYS). Median household incomes are 47% lower than those in the U.S. and 33% lower than NYS as a whole. Nearly one-half (43%) of the Village’s housing units are in structures built before 1939, compared to 12% nationwide and 31% in NYS. The median value of owner-occupied homes is 47% lower than that of homes nationwide and 63% lower than the average in NYS.

<table>
<thead>
<tr>
<th>Demographic Information</th>
<th>Village of Arcade</th>
<th>Wyoming County</th>
<th>New York State</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (Source: 2020 Decennial Census)</td>
<td>1,908</td>
<td>40,531</td>
<td>20,201,249</td>
<td>331,449,281</td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>2.6%</td>
<td>5.5%</td>
<td>2.8%</td>
<td>3.4%</td>
</tr>
<tr>
<td>Poverty Rate (% below poverty)</td>
<td>16.4%</td>
<td>10.5%</td>
<td>14.1%</td>
<td>13.4%</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>$45,868</td>
<td>$58,052</td>
<td>$68,486</td>
<td>$62,843</td>
</tr>
<tr>
<td>Median House Value</td>
<td>$114,500</td>
<td>$115,900</td>
<td>$313,700</td>
<td>$217,500</td>
</tr>
<tr>
<td>Houses Built in 1939 or earlier (% of occupied units)</td>
<td>43.1%</td>
<td>43.0%</td>
<td>31.4%</td>
<td>12.2%</td>
</tr>
<tr>
<td>Bachelor's degree or higher</td>
<td>10.6%</td>
<td>9.8%</td>
<td>16.8%</td>
<td>11.2%</td>
</tr>
<tr>
<td>Employed year-round civilian population 16+ yrs</td>
<td>679</td>
<td>12,711</td>
<td>6,700,120</td>
<td>109,260,870</td>
</tr>
<tr>
<td>Employed in manufacturing</td>
<td>158</td>
<td>2,118</td>
<td>479,689</td>
<td>13,508,215</td>
</tr>
<tr>
<td>%</td>
<td>23.3%</td>
<td>16.7%</td>
<td>7.2%</td>
<td>12.4%</td>
</tr>
</tbody>
</table>


   
ii. Description of the Proposed Brownfield Site(s)

The proposed brownfield cleanup site consists of two contiguous parcels owned by WCBC North, LLC (WCBC North) located at 58 Church Street within a primarily residential neighborhood in the Village of Arcade. The site adjoins single family dwellings and an affordable housing complex to the north. To the south, Cattaraugus Creek separates the site from Main Street business district and the Pioneer Arcade Elementary School.

The site was used for dairy processing and manufacturing since at least 1912. A former wastewater treatment facility constructed circa 1963 occupies the western portion of the site. A filling station in the northwestern portion of the site included a dispensing island and four underground storage tanks.
Other previous uses include machine shops, blacksmith, paint shop, tin shop, cooper shop and oil house.

The site is currently vacant and abandoned. Selective and unpermitted demolition and salvage operations over the last decade left the remnants of a building complex on the site in a substantially deteriorated state. Piles of demolition debris are located throughout the site.

The Phase II investigation documented hazardous materials in the site’s buildings, debris piles, surface and subsurface soils and fill, and groundwater. Friable asbestos-containing material (ACM) was confirmed in demolition debris and in the remaining structures. Soil and groundwater in the vicinity of UST’s and the former fuel dispensing island is contaminated with petroleum constituents commonly associated with gasoline at concentrations above applicable Standards, Criteria and Guidance levels (SCGs). Due to the petroleum contamination, the New York State Department of Environmental Conservation (NYSDEC) assigned an active spill file (#1908745) to the site.

Surface and subsurface soil and fill throughout the site are contaminated with toxic metals at concentrations exceeding NYSDEC Soil Cleanup Objectives (SCOs). In the area north of the manufacturing complex, the level of arsenic exceeded the Industrial Use SCO and Polychlorinated Biphenyl (PCB) contamination was detected. Levels of arsenic, lead and mercury exceed the Unrestricted Use and/or Restricted Residential Use SCOs in other areas of the site. Subsurface soil and fill in the area between the former manufacturing complex and Cattaraugus Creek are contaminated with multiple Polycyclic Aromatic Hydrocarbons (PAHs).

The chemical and physical hazards at the site threaten the community health and safety and the environment. The partially demolished building complex and debris piles constitute both an eyesore and attractive nuisance. The site is easily accessible on foot from North Street and Church Street, as well as from land adjoining Cattaraugus Creek which is used recreationally by Village residents and is classified as a trout stream by New York State. Elementary school students can easily walk to the site from the Pioneer Elementary school located approximately 250 feet to the south.

The Arcade Police Department has reported more than 70 complaints involving the site since 1999. In 2021, juveniles on the roof of the Emkay Factory structure were warned about trespassing; in 2018, an individual found removing copper wire from the site was charged with Criminal Trespass; in 2016, an individual who drove an off-road vehicle onto the site and removed copper wire from the factory building was charged with Petit Larceny. Despite fencing around the building, the site is physically accessible and poses risks to children and others.

b. Revitalization of the Target Area

i. Reuse Strategy and Alignment with Revitalization Plans

Remediation of the contamination at the site is needed to eliminate hazards to children and others who may come in contact with contaminants. Cleanup will allow for redevelopment of the site for residential and business uses that align with the Village’s land use plans.

A mix of residential and business uses is proposed. The proposed redevelopment plan envisions 80 market-rate apartments with attractive amenities and features targeted to seniors. A 2021 Market Study reported that there is market support for up to 80 units. Business uses are proposed on a portion of the site. Land adjoining Cattaraugus Creek will be preserved for natural resource conservation and recreation.
Village officials, neighboring residents and community partners support the cleanup and redevelopment plans. The Arcade Village Board of Trustees, in conjunction with WCBC North, hosted a public meeting during its regular Village Board meeting on November 16, 2021 to inform neighboring residents and project partners about the cleanup plan and proposed reuse strategy and to review the draft EPA Brownfield Cleanup Application and Analysis of Brownfield Cleanup Alternatives. WCBC North staff contacted project partners directly to discuss the cleanup plan and proposed reuse. Enclosed letters from project partners document their support.

By establishing new housing within walking distance of downtown businesses, the proposed reuse would advance the recommendations of the Village of Arcade’s 2005 Downtown Revitalization Plan. Although the site is currently zoned Light Industrial, the Village Board intends to rezone the site to accommodate a mix of residential and business uses.

ii. Outcomes and Benefits of Reuse Strategy

EPA-funded cleanup will remove hazards posed by friable asbestos and other contaminants in demolition debris and structures throughout the site. Cleanup through the NYS DEC Brownfields program will mitigate groundwater and subsurface soil contamination as well as soils throughout the site contaminated with arsenic, lead, mercury, PAHs, and PCB aroclor-1254. By addressing these hazards, the project and redevelopment will protect the health and safety of neighboring residents and schoolchildren. The cleanup will reduce risks of harm to residents of adjoining neighborhoods, including children at the nearby elementary school and youth who may trespass on the site or access the banks of Cattaraugus Creek for fishing and other recreation.

The redevelopment of the site will help to revitalize the downtown business district and provide needed senior housing. By adding 80 apartments within walking distance of the Village’s central business district, the project will support retail and service businesses along Main Street.

Remediation of contamination in the groundwater and surface soils will address potential ongoing contaminant migration from the site into the adjacent trout stream and nearby State and Federal wetlands to the west. The redevelopment will incorporate a vegetated buffer along the north side of Cattaraugus Creek to prevent erosion and provide natural filtration of any contaminants that may be carried in stormwater runoff. The site is not within a FEMA-designated Flood Zone.

The developer intends to incorporate rooftop solar and energy efficient building techniques. Geothermal and air-source heat pumps will be considered to take advantage of the low-cost electricity provided through Arcade Electric Department, a municipally-operated utility.

The project is located within a Potential Environmental Justice Area delineated by the NYS DEC. Redevelopment will support construction jobs for the low-income residents of this area, stimulate the retail and service economy of the downtown business district which employs many local residents. Site cleanup will protect the health of children attending the Pioneer Elementary School as well as other vulnerable residents and community members.

C. Strategy for Leveraging Resources

i. Resources Needed for Site Reuse

In addition to EPA Brownfield Cleanup Grant funds, redevelopment of the site requires partnerships among WCBC North, private developer and the Village of Arcade as well as effective communications with neighboring residents and others who may be impacted by the contamination and/or will benefit...
from the redevelopment. WCBC North has executed a redevelopment agreement with a private developer and is working closely with the Village of Arcade to ensure that all development approvals are obtained. In cooperation with the Village, WCBC North informed neighboring residents and the community about the proposed cleanup project and redevelopment plans and will continue to maintain effective communications throughout the cleanup and redevelopment process.

As a local development corporation, WCBC North is eligible to leverage funding from developers and other public sources. In addition, the Wyoming County Industrial Development Agency (WCIDA) can provide tax relief for industrial as well as housing development on the site. WCBC North has entered into a Designated Developer Agreement with Great Lakes Industrial Development, LLC (GLID), which wholly owns Frontier Group of Companies, to redevelop the site.

The EPA Brownfields Cleanup grant will be used for asbestos removal and demolition. The demolition is required because given the condition and deterioration of the buildings, separation of the asbestos is not possible. Upon completion of the EPA-funded project, GLID will enter the NYS Brownfield Cleanup Program to address subsurface contamination, including removal of the underground storage tanks and remediation of contaminants in subsurface soils/fill and groundwater. In addition to the $50,000 pledged as a cost share, Frontier intends to invest approximately $400,000 to complete the subsurface cleanup and $10 million to redevelop the site (see attached letter.)

ii. Use of Existing Infrastructure

The site is currently served by public water and sewer lines, high-speed internet and access to State highways. The existing infrastructure has sufficient capacity to serve additional customers. The project will benefit from the availability of low-cost electricity (currently less than $0.04/ kWh) provided by the Arcade Electric Department, a municipal utility supplied with renewable/clean electricity from the NY Power Authority. No infrastructure upgrades will be needed to support the site reuse.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

a. Community Need

i. The Community’s Need for Funding

Neither WCBC North nor the Village of Arcade has sufficient resources to carry out the asbestos removal and demolition without EPA grant funding. The Village's population is just 1,908 according to the 2020 Decennial Census. The total Taxable Assessed value of parcels in the Village of Arcade was $119,780,861 in 2021. Household incomes of Village and Wyoming County residents are significantly lower than those of residents statewide and in the nation as a whole, and the poverty rate among Village households is 16.4%.

ii. Threats to Sensitive Populations

(1) Health or Welfare of Sensitive Populations

Sensitive populations affected by the contamination include school children at the nearby elementary school and neighborhood residents. There is a high risk associated with the asbestos and dilapidated structures on this site being in close proximity to the Pioneer Elementary School. As asbestos fibers can be dispersed from the site by wind currents, nearby residents and other community members could be exposed. Children are particularly susceptible as they travel to and from the nearby elementary school. According to the National Cancer Institute, airborne asbestos fibers that are inhaled can accumulate in the lungs, cause scarring and inflammation, affect breathing and lead to serious health
problems. Youth may be attracted to the derelict site and become exposed more directly by inadvertently disturbing asbestos-containing materials in demolition debris and partially demolished buildings.

Elevated concentrations of arsenic as well as SVOC’s and metals in the surface and subsurface soil/fill at the site present a threat to the health of neighboring residents. As children and other sensitive populations may inhale contaminated dust and/or accidentally ingest or have skin contact with the contaminated materials, health risks are significant.

Arsenic and inorganic arsenic compounds are classified as “carcinogenic to humans” by the World Health Organization (WHO)’s International Agency for Research on Cancer (IARC). The US EPA’s Integrated Risk Information System (IRIS) classified inorganic arsenic as a “human carcinogen,” based on evidence in human studies of links to lung, bladder, kidney, skin, and liver cancers. According to the International Journal of Environmental and Residential Health, most SVOCs can cause cancer, reproductive disorders, nervous system damage, and immune system disruption.

Many residents of Arcade are financially disadvantaged as well as negatively affected by health impacts associated with living in close proximity to a vacant brownfield site. These impacts are felt disproportionately by sensitive populations such as children, the elderly and people with other health problems. The low income rate in the village is double the state average, which can result in amplified rates of other health indices over time.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions

By eliminating the risk that nearby residents and schoolchildren will come in contact with asbestos fibers, the removal of ACMs will significantly reduce the risk of health impacts. By reducing the risk of exposure to arsenic as well as SVOC’s and metals in the surface and subsurface soil/fill at the site, the cleanup will significantly reducing the risk of health impacts from these materials on neighboring residents and schoolchildren.

(3) Promoting Environmental Justice

The project is located within a Potential Environmental Justice Area delineated by the NYS DEC. Redevelopment will support construction jobs for the low-income residents of this area, stimulate the retail and service economy of the downtown business district which employs many local residents, and protect the health and safety of children attending the Pioneer Elementary School and those who reside in the adjoining neighborhood.

b. Community Engagement

Incorporating Community Input. WCBC North conducted a public informational meeting on November 16, 2021 in conjunction with a regular meeting of the Arcade Village Board to present and request public input on site cleanup plan, the proposed reuse plan and the requested EPA Brownfields Cleanup Grant. WCBC North will provide periodic updates to neighbors and interested organizations throughout the cleanup and redevelopment process. If public meetings are not viable due to COVID 19 restrictions, meetings will be held online via Zoom or similar service. Village of Arcade officials fully support the grant application and the proposed cleanup and redevelopment plans. The Village will post

information on its website to inform residents and other interested parties about the progress of the cleanup and redevelopment.

**Project Involvement.** WCBC North has communicated via phone with project partners and will maintain contact with these parties throughout the cleanup and redevelopment process.

**Project Roles.** The following table summarizes project partner roles. Partner letters are attached.

<table>
<thead>
<tr>
<th>Project Partner</th>
<th>Point of Contact</th>
<th>Specific Role in the Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pioneer Central Schools</td>
<td>Ben Halsey, Superintendent, 716-492-9300, <a href="mailto:bhalsey@pioneerschools.org">bhalsey@pioneerschools.org</a></td>
<td>Pioneer Central School owns the Arcade Elementary School located less than 500 feet from the site. The Superintendent will play an integral role in the remediation and reuse strategy along with safety planning measures needed for the students who walk by the site to get to school.</td>
</tr>
<tr>
<td>Tri-County Kiwanis</td>
<td>Donna Schiener, Member, 585-492-1111, <a href="mailto:wdcsheiner@verizon.net">wdcsheiner@verizon.net</a></td>
<td>Community Service entity will help plan the remediation and reuse and will provide volunteers when needed such as working to improve the aesthetic of the site.</td>
</tr>
<tr>
<td>Genesee Finger Lakes Regional Planning Council</td>
<td>Paul Gavin, Executive Director 585-454-0190, <a href="mailto:pgavin@gflrpc.org">pgavin@gflrpc.org</a></td>
<td>Support project with expert advice and technical assistance, assist with identification and pursuit of additional resources and funding.</td>
</tr>
<tr>
<td>United Church of Christ</td>
<td>Pastor Josh Bower, 585-492-4530;</td>
<td>Will provide meeting space for the community engagement and public gatherings regarding the project.</td>
</tr>
<tr>
<td>Wyoming County Health Department</td>
<td>Rob Jines, Director of Environmental Health, 585-786-8890, <a href="mailto:rjines@wyomingco.net">rjines@wyomingco.net</a></td>
<td>Health monitoring, consultation and community outreach.</td>
</tr>
<tr>
<td>Arcade Chamber of Commerce/ Wyoming County Chamber of Commerce and Tourism</td>
<td>Eric Szucs, Director on both organizations, 585-786-0307, <a href="mailto:eric@gowyomingcountyny.com">eric@gowyomingcountyny.com</a></td>
<td>Will support business recruitment and community outreach on progress of the project.</td>
</tr>
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</table>

3. **TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS**

a. **Proposed Cleanup Plan**

The proposed cleanup plan includes the controlled demolition of structures on the site, removal and disposal of all asbestos containing materials (ACM). ACMs to be remediated include: the uncontrolled friable and non-friable ACMs found within the demolition debris located on the western portion of the site; uncontrolled friable and non-friable ACM in window glazing, pipe insulation, felt paper debris and roofing material located within the remnants of the Barn Structure; and numerous friable and non-friable ACM including readily visible Galbestos and Transite siding at the Tank building. As the demolition debris piles contain ACM comingled with building demolition debris, all the debris piles will be considered to contain asbestos and will be handled and disposed of accordingly.
The proposed EPA-funded cleanup plan is a portion of a larger cleanup plan documented in the attached Analysis of Brownfield Cleanup Alternatives (ABCA) - Alternative 2 – Spill Remediation, Hot Spot Removal and Cover System. In addition to asbestos abatement (the funding request), this remedy includes: removal of USTs and associated petroleum soil/fill; in-situ treatment of residual petroleum impacted groundwater; implementation of a surface soil/fill sampling program to identify areas of the Site not intended to be covered by impermeable surfaces; construction of a clean soil cover system in area not covered by impermeable surfaces that have been identified with contaminant levels in surface soil/fill exceeding Restricted Residential Use SOC's; implementation of a Site Management Plan (SMP); the placement of an environmental easement on the property; and the annual certification of the engineering and institutional controls. The non-EPA grant funded tasks will be addressed under the NYSDEC Brownfield Cleanup Program after the EPA funded cleanup is complete.

**Task 1: Cooperative Agreement Oversight**
This task includes procurement, grant management, and communications/ coordination with US EPA and NYS DEC. **Lead:** WCBC North will: coordinate a competitive procurement process to select a qualified environmental professional (QEP), asbestos abatement contractor and demolition contractor (40 CFR 30); participate in the EPA Region 2 NY Brownfields Roundtable in Albany; and work with the QEP to prepare and submit all required reports. The QEP will enter data into ACRES and prepare and submit quarterly progress and M/WBE reports on behalf of WCBC North. **Outputs:** Procure QEP and Remediation contractor, up to 12 Quarterly reports; MBE/WBE reporting; maintain ACRES data. **Schedule:** 36 months (duration of the grant)

**Task 2: Community Outreach & Engagement**
This task includes preparation of a Community Relations Plan; three public meetings; communications with neighboring property owners, residents, elected officials and other interested parties; and documentation of community engagement. Expenses will include WCBC North staff time, supplies, mileage to attend public meetings, and contractual services of the QEP. **Lead:** The PM & QEP will work together to prepare the Community Relations Plan, attend public meetings, and communicate as needed with local businesses, residents, elected officials and other interested parties. **Outputs:** Community Relations Plan, 3 public meetings, handouts, meeting minutes and documentation of public comments, communications with elected officials/ businesses/ school community/local stakeholders. **Schedule:** The Community Relations Plan will be prepared in Month 3. Public meetings will be held prior to, during and upon completion of the controlled demolition and asbestos abatement, approximately during Months 5, 11, and 17.

**Task 3: Site Specific Activities/Cleanup**
This task includes preparation of the Asbestos Abatement Plan and the site cleanup. Expenses include staff time and contractual costs of remediation contractor. **Lead:** WCBC North will procure a qualified asbestos abatement contractor to perform the site cleanup. The QEP will develop scope of work and facilitate EPA approval. The Asbestos Abatement contractor to complete the site cleanup in compliance with NYS Industrial Code Rule 56 and all other applicable codes & regulations. **Outputs:** Meet, complete asbestos abatement/controlled demolition consistent with the approved scope of work and in accordance with all State asbestos abatement requirements. **Schedule:** Month 9: Procure contractor; Month 11: Obtain EPA Approval of scope; Months 12-16: Demolition and Asbestos abatement.

**Task 4: Oversee Site Plan Cleanup/Redevelopment**
This task includes project monitoring, closeout, and redevelopment planning. **Lead:** Working together, the PM & QEP will coordinate with developer to prepare redevelopment plans. The QEP will: monitor project to ensure abatement is progressing in accordance with approved scope of work and NYS Code Rule 56; participate in weekly project
US EPA Brownfields Cleanup Grant Application Narrative  
WCBC North – 58 Church Street, Arcade NY

Updates; coordinate with NYSDEC and EPA; and assure all required reporting and closeout documentation is completed. **Outputs:** Weekly project meetings; QEP site monitoring; submission of all state-required reporting until achievement of final closeout. **Schedule:** Monitoring of abatement: Months 10 – 15; redevelopment planning: Months 13- 17; close-out: Months 18-36.

**Project Implementation**

WCBC North staff will manage a portion of the public engagement, procurement and programmatic oversight activities and will retain a QEP via a competitive procurement process to perform project oversight and grant administration. The QEP will ensure that asbestos abatement is proceeding in accordance with NYS Industrial Code Rule 56, and that removal and disposal of asbestos containing materials is handled in accordance with 6 NYCRR Part 362.3 (Registered Transfer Facility Inspection Report) and 6 NYCRR Part 363 (Landfills). The QEP will also prepare required financial and progress reports for submittal to US EPA. An Asbestos Abatement plan, Community Relations Plan and a Health and Safety Plan (HASP) will be prepared. The Wyoming County Health Department will be review and comment on all plans and provide input during the cleanup.

In accordance with the Developer Agreement with WCBC North, Frontier Group of Companies will enter the NYSDEC BCP to address subsurface contamination and implement the required engineering and institutional controls. Frontier Group of Companies will ensure that provisions for ongoing operation and maintenance are incorporated into future lease or property transfer agreements.

**Anticipated Project Schedule.** WCBC North anticipates completing the demolition and asbestos removal component of the cleanup within two years of receiving notice of the grant award. WCBC North does not foresee any obstacles that would prevent it from completing implementation of the EPA-funded components within the required 3-year period of performance. Milestones within each task are noted above.

**b. Cost Estimates**

**Salary and fringe benefit** personnel costs are based on the actual rates of the Project Manager (WCBC North Manager) and the WCBC North Operations Director (see table.)

<table>
<thead>
<tr>
<th>Hours per Task</th>
<th>Task 1</th>
<th>Task 2</th>
<th>Task 3</th>
<th>Task 4</th>
<th>Total</th>
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<tbody>
<tr>
<td><strong>Project Mgr:</strong> $47.15/hr; $9.02/hr fringe</td>
<td>7</td>
<td>7</td>
<td>3</td>
<td>3</td>
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<tr>
<td><strong>Operations Dir:</strong> $34.92/hr; $3.44/hr fringe</td>
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<td>5</td>
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<td>1</td>
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<tr>
<td><strong>Total Salary</strong></td>
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<td>$64.00</td>
<td>$26.00</td>
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<tr>
<td><strong>Total Fringe</strong></td>
<td>$73.46</td>
<td>$17.20</td>
<td>$3.44</td>
<td>$3.44</td>
<td>$97.54</td>
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</table>

**Travel costs** include mileage (@ $0.56/ mile) for travel from the WCBC North office in Warsaw, New York to the project site in Arcade, NY for meetings and site visits in Task 1 [54 miles roundtrip x $0.54/mile x 5 trips = $151.20] and travel from Warsaw, NY to Albany for the Regional EPA Brownfields Roundtable/ Workshop in Task 2 [536 miles (roundtrip) x $0.56/mile = $300.15].

**Supplies** costs include $50.00 for postage and paper for mailings, meeting materials, and bid documents in Task 1.

**Contractual** costs include:
US EPA Brownfields Cleanup Grant Application Narrative
WCBC North – 58 Church Street, Arcade NY

- Qualified environmental professional (QEP) services. Task 1: 14 hours @ $100/hr plus 12 quarterly reports @$175 = $16,500; Task 2: $4,200; Task 3: $8,000; Task 4: $10,000
- Contractor to remove and dispose of Asbestos Containing Material (Task 3) [Excavation of 3,750 tons of ACM @$120/ton = $450,000]
- Equipment rental (Task 3): $50,000 (Cost Share)
- Grading of site (Task 3): $31,293 (EPA grant: $6,293; Cost Share: $25,000)
- Asbestos & Air Monitoring (Task 4): Project management, travel, mileage, sample analysis [$3,500/week for 8 weeks = $28,000] (EPA grant: $3,000; Cost Share: $25,000)

Contractual costs for the demolition contractor and asbestos abatement contractor assume prevailing Davis Bacon wage rates as appropriate. Contractual costs for remediation line items and the QEP are standard engineering costs for these type of tasks, based on estimates from local contractors performing similar work in the Western NY region.

EPA funds will be used for all direct costs in Tasks 1 and 2. In Task 3, $75,000 in Cost Share funds will be used for equipment rental ($50,000) and a portion of the grading ($25,000) and in Task 4 for a portion of the Asbestos and Air monitoring costs ($25,000.)

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<table>
<thead>
<tr>
<th>Project Tasks ($)</th>
<th>Task 1</th>
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<th>Task 3</th>
<th>Task 4</th>
<th>Total</th>
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<td><strong>Budget Categories</strong></td>
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<td>Community Outreach &amp; Engagement</td>
<td>Site Specific Activities/ Cleanup</td>
<td>Oversee Site Plan Cleanup/ Redevelopment</td>
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<tr>
<td><strong>Total Budget (Direct + Indirect + Cost Share)</strong></td>
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<td>$4,984.99</td>
<td>$539,499.87</td>
<td>$38,206.87</td>
<td>$600,000</td>
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c. Measuring Environmental Results

WCBC North will work with the QEP to prepare the quarterly reports, MBE-WBE and Federal Financial Reports within 30 days after the close of the respective reporting periods. ACRES will be updated regularly with current information on site progress and outputs. WCBC North will work closely with the EPA Region 2 Project Officer to ensure all work plans are approved by EPA before commencing and to inform EPA on a regular basis of any potential issues, project delays and successes. WCBC North will be responsible for the reporting of the outputs of the project through the quarterly reports and ACRES updates. The outputs detailed in the task descriptions will lead to specific outcomes, including funds leveraged, acres of greenspace created, acres remediated, infrastructure investments leveraged, and temporary and permanent jobs created.
4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

a. Programmatic Capability

Organizational Structure. WCBC North will be responsible for managing the expenditure of funds and completing all technical, administrative, and financial requirements of the project and grant. WCBC North was organized as a New York limited liability company under the New York Limited Liability Company Law on October 10, 2019. Wyoming County Business Center, Inc. (WCBC), a New York not-for-profit local development corporation, is the sole member and manages all business and affairs of WCBC North. The WCBC has a board consisting of five business representatives and community minded individuals. Through Management Agreements, WCIDA staff oversees the activities of the WCBC North and two other 501(c)3 organizations.

Description of Key Staff. James Pierce, WCBC North Manager, President of the WCBC and Executive Director of the WCIDA, will act as Project Manager for the site cleanup and redevelopment. Mr. Pierce has overseen several site redevelopment projects and has experience working with the business community, local officials and developers on a variety of complex projects. Robin Marschilok, WCIDA Director of Operations, will assist with project administration. She is experienced with compliance reporting and managing the daily finances of the agencies. The five members of the WCBC Board of Directors have extensive business and community development experience. If any key staff members should leave before the completion of the requested grant activities the Board has the experience to fill in and complete any necessary items of the project.

Acquiring Additional Resources. WCBC North will procure services from and oversee the work of qualified consultants with extensive knowledge in the redevelopment of Brownfield Projects as well as a Brownfields QEP to help with community outreach and EPA reporting.

b. Past Performance and Accomplishments

WCBC North is a newly-created organization and has not received an EPA Brownfields Grant. However, its staff have administered many Federal and State grants for economic development and redevelopment projects. In addition to accomplishing the grant objectives, the management of these grant funds included procuring necessary professional services, preparing required reports, managing contracts and community outreach. WCBC North staff have administered:

- $1.4 million in in federal Community Development Block Grant (CDBG) economic development funds over the past 15 years which supported more than $12 million in capital improvement projects for a variety of manufacturing, agricultural processing and repair businesses and created more than 86 new jobs.
- $200,000 CDBG grant from NYS OCR for the Rural Arts Initiative Micro Enterprise Program which provided grants to 12 art related small businesses. (2017)
- $1.3M Multi-Modal Rail Grant which helped fund a $1.8M Capital investment project with multiple site developments, including the relocation of 2,200 feet of rail to allow Koike-Aronson, a manufacturer located in Arcade, to expand its facility and create 35 new jobs. (completed 2018)

Compliance with Grant Requirements. WCBC North staff have consistently complied with all requirements of previous Federal grant awards.
Threshold Criteria Responses

1. **Statement of applicant eligibility**

   WCBC North, LLC (hereafter “WCBC North”) is a not-for-profit entity with tax-exempt status under 501(c)(3) of the Internal Revenue Code. To document the organization’s tax-exempt status, please see the attached letter from the U.S. Internal Revenue Service. A copy of the Operating Agreement is also attached.

2. **Information on previously awarded Cleanup Grants**

   The proposed cleanup site at 58 Church Street, Arcade New York has not received any funding from a previously awarded EPA Brownfields Cleanup Grant.

3. **Documentation of the available balance on an open Multipurpose Grant; or an affirmative statement that the applicant does not have an open Multipurpose Grant**

   WCBC North does not have any open EPA Brownfields Multipurpose Grants.

4. **Site ownership information**

   WCBC North, LLC is the legal owner of the site. The deed (attached) was recorded on 11/18/21.

5. **Basic site information**

   - Name of the site: Emkay Trading Corporation site
   - Address of the site: 58 Church Street, Arcade, NY 14009
   - Current owner of the site: WCBC North, LLC

6. **Status of history of contamination at the site**

   - The site is contaminated with **Hazardous Substances**.
   - Historical uses of the site include a dairy processing and manufacturing facility since at least 1912 which includes machine shops, a blacksmith, paint shop, tin shop, copper shop and oil house as part of on-site operations; filling station with USTs since 1944, and a wastewater treatment plant since 1963.
   - **Environmental concerns**: Friable asbestos-containing material (ACM) was confirmed in demolition debris and in the remaining structures. Soil and groundwater in the vicinity of UST’s and former fuel dispensing island is contaminated with petroleum.

*Disclosure: The WCBC North, LLC does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.*
constituents commonly associated with gasoline at concentrations above applicable Standards, Criteria and Guidance levels (SCGs). Surface and subsurface soil and fill throughout the site are contaminated with toxic metals at concentrations exceeding NYSDEC Soil Cleanup Objectives (SCOs). In the area north of the manufacturing complex, the level of arsenic exceeded the Industrial Use SCO and Polychlorinated Biphenyl (PCB) contamination was detected, Exceedances of the Unrestricted Use and/or Restricted Residential Use SCOs for arsenic, lead and mercury were also documented in other areas of the site. Furthermore, subsurface soil and fill in the area between the former manufacturing complex and Cattaraugus Creek are contaminated with multiple Polycyclic Aromatic Hydrocarbons (PAHs).

- The site became contaminated through neglect and abandonment and through selective and unpermitted demolition and salvage operations. As documented in the Phase II ESA completed in March 2020, friable and non-friable ACM are present in the debris piles and within the remnants of the building structures. Soil and groundwater contamination exceeded the applicable SOGs on the site. An ABCA completed in November 2021 recommends remedial actions and preliminary costs.

7. **Affirmative statement that site meets the definition of a brownfield site.**

   The Emkay Trading Company site at 58 Church Street, Arcade NY meets the definition of a brownfield site, as it is:

   - not listed or proposed for listing on the National Priorities List;
   - not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
   - not subject to the jurisdiction, custody, or control of the U.S. government

8. **Description of the environmental assessment conducted at the site.**

   A Phase 1 Environmental Site Assessment, prepared by LaBella Associates, DPC, was completed on March 4, 2020. The Phase I report was updated on September 22, 2021 by LaBella Associates, DPC. A Phase II Environmental Site Assessment, prepared by LaBella Associates, DPC, was completed on March 4, 2020.

9. **Information on enforcement or other actions or an affirmation that there are no enforcement or other actions**

   There are no known ongoing or anticipated environmental enforcement or other actions related to the site for which Brownfields Grant funding is sought.

10. **Property-specific determination information or an affirmative statement that a Property-specific determination is not required**

    The site does not require a Property-Specific Determination.
11. Threshold Criteria Related to CERCLA/Petroleum Liability

a. Property Ownership Eligibility – Hazardous Substances Sites

iii. LANDOWNER PROTECTIONS FROM CERCLA LIABILITY

WCBC North, LLC is eligible for liability exemption under Bona Fide Prospective Purchaser Liability Protection per CERCLA § 101(40)).

(a) Information on the Property Acquisition

WCBC North, LLC acquired the property via a tax delinquency foreclosure, where the property was deeded from the CADRE, Inc and the Emkay Trading Co. to WCBC North. The site is vacant and tax delinquent and its current state poses a threat to human health and the environment. The previous owner was CADARE, Inc and the Emkay Trading Company.

The property was acquired on 11/18/2021.

WCBC North is the sole fee simple owner of the site.

The property was deeded from CADRE, Inc and the Emkay Trading Company to WCBC North, LLC.

WCBC North does not have any familial, contractual, corporate, or financial relationships or affiliations with any or all prior owners or operators.

(b) Pre-purchase Inquiry

All hazardous substances were disposed on the site before WCBC North acquired the site. Prior to acquiring the site, WCBC North conducted a Phase 1 Environmental Site Assessment which was completed on March 4, 2020, and updated on September 22, 2021.

The Phase 1 assessment was completed by LaBella Associates, DPC, an engineering firm with substantial experience in performing Phase 1 ESA, Phase 2 ESA, and ABCAs. LaBella Associates has managed Brownfields assessments and cleanups for numerous municipalities.

The Phase 1 ESA updated on September 22, 2021, which is less than 180 days prior to acquisition of the site by WCBC North.

(c) Timing and/or Contribution Toward Hazardous Substances Disposal

The contamination on the site occurred prior to acquisition of the property by WCBC North. During the last decade, selective demolition and salvage operations were performed on the site and the structures are in a substantially
deteriorated state. The debris piles contain friable ACM. WCBC North affirms that they have not, at any time, arranged for the disposal of hazardous substances at the site nor transported hazardous substances to the site.

(d) Post-Acquisition Uses

The property was acquired on November 18, 2021 for the purpose of remediating and redeveloping the site. The site was vacant when acquired. The site has not been used for any purpose since acquisition.

(e) Continuing Obligations

As WCBC North now owns the property, it will install a perimeter fence on the property to prevent any unlawful access with “no trespassing” signage. The Village of Arcade police department will patrol the site at regular intervals for the purpose of preventing vandalism to the perimeter barrier and preventing unlawful entry.

WCBC North commits to complying with any land use restrictions and will not impede the effectiveness or integrity of any institutional controls. WCBC North will assist and cooperate with those performing the cleanup and provide access to the property. WCBC North will comply with all information requests and administrative subpoenas that have or may be issued in connection with the property and will provide all legally required notices.

i. Exceptions to Meeting the Requirements for Asserting an Affirmative Defense to CERCLA Liability - Not Applicable

ii. Landowner Protections from CERCLA Liability – Not Applicable

b. Property ownership eligibility information for petroleum sites – Not Applicable

12. Cleanup Authority and Oversight Structure

a. Describe how you will oversee the cleanup at the site.

WCBC North will retain a Qualified Environmental Professional (QEP) through a competitive procurement process, in accordance with 2 CFR§§ 200.317, to oversee and manage the asbestos abatement at the site. An Asbestos Abatement Plan will be prepared and submitted to USEPA Region 2 for review and approval. All required approvals for the asbestos abatement and controlled demolition will be secured from the NYS Department of Labor prior to initiation of asbestos removal activities. Once the plan is approved, WCBC North will select a qualified contractor via a competitive procurement process to carry out the asbestos abatement and demolition.
WCBC North’s procurement process involves distribution of a Request for Qualifications to several qualified contractors with experience on similar projects in the region. WCBC North will review proposals and select a qualified contractor based on objective criteria. Based on the proposed project schedule, WCBC North will procure the QEP by Month 3. Upon completion of the Asbestos Abatement Plan by Month 9, WCBC will conduct a competitive procurement process to select an Asbestos abatement contractor and a demolition contractor to carry out the EPA-funded cleanup.

b. Plan to access adjacent or neighboring properties

If access to neighboring properties is needed to conduct the cleanup, perform confirmation sampling, or monitor offsite migration of contamination, WCBC North will obtain temporary access agreements from neighboring landowners. As neighboring residents and property owners will be kept informed of all on-going cleanup activities, via direct mailings, flyers, and neighborhood meetings, WCBC North does not foresee any obstacles to obtaining access easements.

In addition, WCBC North and Wyoming County are currently collaborating through the tax foreclosure process to acquire an adjoining 5.1 acre parcel. This parcel will provide additional access to the site and opportunities to test for migration of contaminants.

13. Community Notification documents

WCBC North conducted a public meeting on November 16, 2021 in conjunction with a regular meeting of the Arcade Village Board. The community was notified of the public meeting through a published notice in the Batavia Daily News on November 12, 2021 (see attached Affidavit of Publication.) In addition, Village staff distributed flyers to each residence in the adjoining neighborhood (copy attached.) Both the Village of Arcade and WCBC North posted notices and links to the ABCA and draft narrative on their websites (see https://www.villageofarcade.org/files/Files/Emkay-Public-Meeting-Notice-v4.pdf and https://wycoida.org/176/WCBC-Reports-Budgets). Copies of the ABCA (attached) and the draft Brownfield Cleanup Grant narrative were available for public review 10 days prior to the public meeting.

Participants in the public meeting expressed concern about the asbestos and other contaminants and their impact on public health and safety. WCBC North Manager James Pierce responded that the EPA-funded cleanup will result in removal of all buildings and debris, including asbestos containing materials, and that subsequent cleanup will prepare the site for redevelopment. Meeting minutes and a copy of the sign-in sheet area attached.

Attached Documentation of Community Notification:

a) Affidavit of Publication of meeting notice in the Batavia Daily News, November 12, 2021
b) Copy of flyer hand-delivered to neighboring households

c) Sign-in sheet and meeting minutes – Public Meeting conducted on November 16, 2021

d) Copy of the Analysis of Brownfield Cleanup Alternatives (ACBC) report

14. Discussion on how the cost share will be met

WCBC North will provide $50,000 in cost share. This commitment is documented in the attached Designated Developer Agreement, page 2, paragraph 4.3. This commitment was authorized by the WCBC Board of Directors on August 9, 2021 (see attached letter and meeting minutes.)

Great Lakes Industrial Development, LLC will provide an additional $50,000 in cost share. This commitment is documented in the attached Designated Developer Agreement, page 2, paragraph 3.2.

15. Waiver request of the $500,000 limit, if applicable

Not applicable. WCBC North, LLC is not requesting a waiver of the $500,000 limit.

16. Discussion on named contractors and sub-recipients; or an affirmative statement that a contractor/subrecipient has not been procured/named

WCBC North, LLC has not procured nor named any contractors or sub-recipients to undertake any work funded through the EPA Brownfields Cleanup Grant. WCBC North will issue Requests for Qualifications for all professional services required for the EPA-funded activities and will comply with all applicable procurement requirements to ensure competitive bidding.

Attachments

1. Applicant Eligibility
   a. IRS Letter confirming 501(c)(3) tax-exempt status
   b. WCBC North, LLC Operating Agreement

4. Copy of recorded deed

14. Community Notification documents
   • Affidavit of publication of meeting notice
   • Documentation of posting on Village of Arcade and WCBC websites
   • Copies of notices distributed to neighboring residents
   • sign-in sheet from public meeting
   • meeting minutes
   • Draft ABCA