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THE AEROSPACE CORPORATION



20030 Century Blvd., Germantown, Maryland 20767, Telephone: (301) 428-2700

7848-02.80.aw.35

11 August 1980

Dr. William E. Mott  
Acting Director  
Environmental & Safety Engineering  
Division  
U.S. Department of Energy  
Germantown, MD 20767

Dear Dr. Mott:

RESTRICTIONS ON THE LEWISTON LAND FORMERLY OWNED BY THE FEDERAL GOVERNMENT

Enclosed please find copies of the restrictions placed on properties that were formerly part of the Atomic Energy Commission portion of the Lake Ontario ordnance works. The restrictions, in the form of Orders, were based on the Atomic Energy Commission surveys and were issued on April 27, 1972 by the New York State Commissioner of Health for:

1. Certain property of the town of Lewiston, Niagara County
2. Certain property of Monroe W. Frank, located in the town of Lewiston, Niagara County
3. Certain property of Sommerset Group, Inc., located in the town of Lewiston, Niagara County
4. Certain property of the Fort Conti Corp., located in part or in whole in the town of Lewiston, Niagara County

As you will note these restrictions require the owner to notify the state prior to sale, prohibit movement or displacement of material or excavation of the properties without state approval and prohibit development of the properties without approved decontamination.

Based upon the information presently available to Aerospace, it appears the M. Frank property has been sold to S. Washuta who has proposed the use of this land for solid waste disposal; some of the Fort Conti property was sold to Chem-Trol and subsequently to Services Corporation of America, this land is being used for hazardous waste disposal. We do not have information clearly indicating that the state reviewed and approved the use of the land as a disposal site or if the excavation associated with these operations was approved. The orders imply the state was aware of the planned use.

*An Equal Opportunity Employer*

GENERAL OFFICES LOCATED AT: 2350 EAST EL SEGUNDO BOULEVARD, EL SEGUNDO, CALIFORNIA

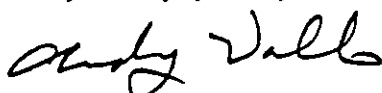
Dr. William E. Mott

7848-02.80.aw.35  
11 August 1980

Our review of the available survey and disposal site records determined that the areas having the highest potential for contamination were in the town of Porter on or near the areas being used by Service Corporation of America for wastes disposal. I expect to have a draft of the report on the former Atomic Energy Commission portion of the ordnance works available later this month.

If you have any questions regarding this matter, please contact me.

Very truly yours,



~~Andrew Wallo III~~  
Environmental Controls and  
Analysis Directorate  
Eastern Technical Division

AW/pa

cc: J. Counts  
D. Mayhew (w/o)  
C. D. Jackson (w/o)  
A. Abriss  
L. C. Brazley  
R. Cooperstein  
A. Whitman  
ESED File

bcc: T. Iura (w/o)  
A. D. Abbott (w/o)  
F. W. Hoch  
J. S. Dock  
R. L. Johnson (w/o)  
S. Rosenzweig (w/o)  
W. McNulty  
E. Vierzba  
C. Young

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
----- X

In the Matter of

CERTAIN PROPERTY OF THE TOWN OF LEWISTON,  
NIAGARA COUNTY, STATE OF NEW YORK.  
----- X

O R D E R

WHEREAS, the Commissioner of Health of the State of New York is directed by the Public Health Law to take cognizance of the interests of health and life of the People of the State, and of all matters pertaining thereto and to exercise the functions, powers and duties of the Department of Health prescribed by law and is directed to enforce the Public Health Law and the State Sanitary Code; and

WHEREAS, Section 16.18 of the State Sanitary Code provides:

"(a) The department may, by rule, regulation or order, impose upon any person possessing a radiation source such requirements, in addition to those set forth in this Part, as it deems appropriate or necessary to protect the public health and safety and to minimize danger to life and property from radiation hazards.";and

WHEREAS, investigation by the Commissioner of Health of the State of New York and those acting by and on his behalf has disclosed hazardous radioactive emissions from the soil of certain lands owned by or under the control of the Town of Lewiston, Niagara County, New York, which said lands were formerly owned by the United States Atomic Energy Commission and used by it, among other things, as a storage area for radioactive materials; and

WHEREAS, the Department of Health has a responsibility concurrent with that possessed by other official agencies having jurisdiction or responsibility to protect the public health and safety and to minimize dangers to life and property from radiation hazards emanating from said lands; and

WHEREAS, it appears necessary to impose reasonable restrictions on the development and use of said lands for the purpose of protecting the public health and safety and to minimize danger to life and property from radiation hazards existing thereon;

NOW BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Public Health Law, the rules and regulations promulgated pursuant thereto and the State Sanitary Code,

IT IS HEREBY ORDERED:

I. THAT the aforesaid lands owned by or under the control of the Town of Lewiston consisting of approximately eighty-nine (89) acres situate on or at the southerly portion of that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area located in the Town of Lewiston, County of Niagara and State of New York, shall not be developed or used for industrial commercial or residential purposes, except that any use thereof existing at the time of the issuance of this Order shall be and hereby is allowed to continue and to be maintained provided, however, that such existing use shall not be expanded or broadened from and after the time of the issuance of this Order.

II. THAT the aforesaid lands may, however, otherwise be used for recreational purposes provided that the owner thereof take adequate and necessary precautions to assure that no person shall be permitted to make greater than an intermittent and occasional recreational use of said lands in order to minimize exposure of such person to radioactive hazards emanating therefrom.

III. THAT any deliberate or intentional movement, displacement or excavation, by whatever means, of the soil of said lands is hereby prohibited unless otherwise expressly permitted after the submission to and approval by the Commissioner of Health, or his authorized representative, of acceptable plans therefor, except that any official agency having jurisdiction or responsibility, whether State or Federal, shall not be subject to such prohibition.

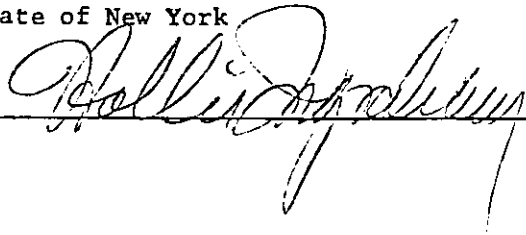
IV. THAT before the owner thereof shall make any sale, transfer or conveyance of said lands, he shall give to the Commissioner of Health, or his authorized representative, not less than five (5) days prior written notice of such proposed sale, transfer or conveyance.

V. THAT the aforesaid restrictions shall continue in full force and effect until such time as the Commissioner of Health, or his authorized representative, shall determine that radioactive emissions from said lands have been reduced to levels deemed acceptably safe to him and that irrespective of any procedures for decontamination of said lands which may be undertaken by any official agency, whether State or Federal, the Commissioner of Health, or his authorized representative,

may require further decontamination procedures to be undertaken for the purpose of achieving levels of radioactivity deemed acceptably safe by him, or his authorized representative, before the aforesaid restrictions are terminated.

VI. THAT no procedures for decontamination of said lands shall be undertaken by other than an official agency having jurisdiction or responsibility, either State or Federal, or its agents, servants or employees, unless application for approval of acceptable plans therefor shall first have been made to and such plans approved by the Commissioner of Health or his authorized representative.

HOLLIS S. INGRAHAM, M.D.  
Commissioner of Health  
State of New York



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DATED: Albany, New York  
April 27, 1972

TO: TOWN CLERK  
Town of Lewiston  
Niagara County, New York

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
----- X

In the Matter of

CERTAIN PROPERTY OF MONROE W. FRANK,  
LOCATED IN THE TOWN OF LEWISTON,  
NIAGARA COUNTY, STATE OF NEW YORK.  
----- X

ORDER

WHEREAS, the Commissioner of Health of the State of New York is directed by the Public Health Law to take cognizance of the interests of health and life of the People of the State, and of all matters pertaining thereto and to exercise the functions, powers and duties of the Department of Health prescribed by law and is directed to enforce the Public Health Law and the State Sanitary Code; and

WHEREAS, Section 16.18 of the State Sanitary Code provides:

"(a) The department may, by rule, regulation or order, impose upon any person possessing a radiation source such requirements, in addition to those set forth in this Part, as it deems appropriate or necessary to protect the public health and safety and to minimize danger to life and property from radiation hazards."; and

WHEREAS, investigation by the Commissioner of Health of the State of New York and those acting by and on his behalf has disclosed hazardous radioactive emissions from the soil of certain lands located in the Town of Lewiston, County of Niagara and State of New York and owned by or in the possession and control of Monroe W. Frank, which said lands were formerly owned by the United States Atomic Energy Commission and used by it, among other things, as a storage area for radioactive materials; and

WHEREAS, the Department of Health has a responsibility concurrent with that possessed by other official agencies having jurisdiction or responsibility to protect the public health and safety and to minimize dangers to life and property from radiation hazards emanating from said lands; and

WHEREAS, it appears necessary to impose reasonable restrictions on the development and use of said lands for the purpose of protecting the public health and safety and to minimize danger to life and property from radiation hazards existing thereon;

NOW BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Public Health Law, the rules and regulations promulgated pursuant thereto and the State Sanitary Code,

IT IS HEREBY ORDERED:

I. THAT the aforesaid lands owned by or in the possession and control of said Monroe W. Frank, consisting of approximately one hundred ninety-nine (199) acres situate on or at that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area located in the Town of Lewiston, County of Niagara and State of New York, shall not be developed or used for industrial commercial or residential purposes, except that any use thereof existing at the time of the issuance of this Order shall be and hereby is allowed to continue and to be maintained provided, however, that such existing use shall not be expanded or broadened from and after the time of the issuance of this Order.



II. THAT the aforesaid lands may, however, otherwise be used for recreational purposes provided that the owner thereof take adequate and necessary precautions to assure that no person shall be permitted to make greater than an intermittent and occasional recreational use of said lands in order to minimize exposure of such person to radioactive hazards emanating therefrom.

III. THAT any deliberate or intentional movement, displacement or excavation, by whatever means, of the soil of said lands is hereby prohibited unless otherwise expressly permitted after the submission to and approval by the Commissioner of Health, or his authorized representative, of acceptable plans therefor, except that any official agency having jurisdiction or responsibility, whether State or Federal, shall not be subject to such prohibition.

IV. THAT before the owner thereof shall make any sale, transfer or conveyance of said lands, he shall give to the Commissioner of Health, or his authorized representative, not less than five (5) days prior written notice of such proposed sale, transfer or conveyance.

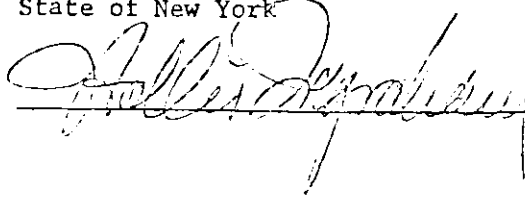
V. THAT the aforesaid restrictions shall continue in full force and effect until such time as the Commissioner of Health, or his authorized representative, shall determine that radioactive emissions from said lands have been reduced to levels deemed acceptably safe to him and that irrespective of any procedures for decontamination of said lands which may be undertaken by any official agency, whether State or Federal, the Commissioner of Health, or his authorized representative,

may require further decontamination procedures to be undertaken for the purpose of achieving levels of radioactivity deemed acceptably safe by him, or his authorized representative, before the aforesaid restrictions are terminated.

VI. THAT no procedures for decontamination of said lands shall be undertaken by other than an official agency having jurisdiction or responsibility, either State or Federal, or its agents, servants or employees, unless application for approval of acceptable plans therefor shall first have been made to and such plans approved by the Commissioner of Health or his authorized representative.

VII. THAT the said lands affected by this Order are those certain lands owned by or in the possession and control of said Monroe W. Frank and more particularly bounded and described as follows: on the north and east by certain lands now or formerly reputedly owned by the Fort Conti Corporation; on the south by certain lands reputedly owned by the United States Air Force; and on the west by certain lands now or formerly owned by the United States Atomic Energy Commission.

HOLLIS S. INGRAHAM, M.D.  
Commissioner of Health  
State of New York



DATED: Albany, New York  
April 27, 1972

TO: MONROE W. FRANK  
152 Lowell Road  
Town of Tonawanda, New York

STATE OF NEW YORK : DEPARTMENT OF HEALTH

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In the Matter of

CERTAIN PROPERTY OF THE SOMERSET GROUP, INC.,  
LOCATED IN THE TOWN OF LEWISTON,  
NIAGARA COUNTY, STATE OF NEW YORK.

----- X

O R D E R

WHEREAS, the Commissioner of Health of the State of New York is directed by the Public Health Law to take cognizance of the interests of health and life of the People of the State, and of all matters pertaining thereto and to exercise the functions, powers and duties of the Department of Health prescribed by law and is directed to enforce the Public Health Law and the State Sanitary Code; and

WHEREAS, Section 16.18 of the State Sanitary Code provides:

"(a) The department may, by rule, regulation or order, impose upon any person possessing a radiation source such requirements, in addition to those set forth in this Part, as it deems appropriate or necessary to protect the public health and safety and to minimize danger to life and property from radiation hazards.";and

WHEREAS, investigation by the Commissioner of Health of the State of New York and those acting by and on his behalf has disclosed hazardous radioactive emissions from the soil of certain lands located in the Town of Lewiston, County of Niagara and State of New York and owned by or in the possession and control of the Somerset Group, Inc., which said lands were formerly owned by the United States Atomic Energy Commission

and used by it, among other things, as a storage area for radioactive materials; and

WHEREAS, the Department of Health has a responsibility concurrent with that possessed by other official agencies having jurisdiction or responsibility to protect the public health and safety and to minimize dangers to life and property from radiation hazards emanating from said lands; and

WHEREAS, it appears necessary to impose reasonable restrictions on the development and use of said lands for the purpose of protecting the public health and safety and to minimize danger to life and property from radiation hazards existing thereon;

NOW BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Public Health Law, the rules and regulations promulgated pursuant thereto and the State Sanitary Code,

IT IS HEREBY ORDERED:

I. THAT the aforesaid lands owned by or under the possession and control of the Somerset Group, Inc., consisting of approximately one hundred thirty-three (133) acres situate on or at that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area located in the Town of Lewiston, County of Niagara and State of New York, shall not be developed or used for industrial, commercial or residential purposes, except that any use thereof existing at the time of the issuance of this Order shall be and hereby is allowed to continue and to be maintained provided, however, that

II. THAT the aforesaid lands may, however, otherwise be used for recreational purposes provided that the owner thereof take adequate and necessary precautions to assure that no person shall be permitted to make greater than an intermittent and occasional recreational use of said lands in order to minimize exposure of such person to radioactive hazards emanating therefrom.

III. THAT any deliberate or intentional movement, displacement or excavation, by whatever means, of the soil of said lands is hereby prohibited unless otherwise expressly permitted after the submission to and approval by the Commissioner of Health, or his authorized representative, of acceptable plans therefor, except that any official agency having jurisdiction or responsibility, whether State or Federal, shall not be subject to such prohibition.

IV. THAT before the owner thereof shall make any sale, transfer or conveyance of said lands, he shall give to the Commissioner of Health, or his authorized representative, not less than five (5) days prior written notice of such proposed sale, transfer or conveyance.

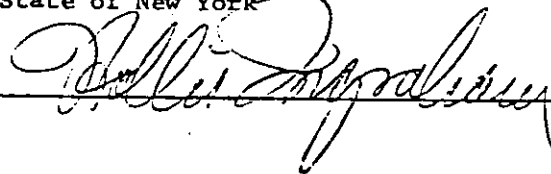
V. THAT the aforesaid restrictions shall continue in full force and effect until such time as the Commissioner of Health, or his authorized representative, shall determine that radioactive emissions from said lands have been reduced to levels deemed acceptably safe to him and that irrespective of any procedures for decontamination of said lands which may be undertaken by any official agency, whether State or Federal, the Commissioner of Health, or his authorized representative,

may require further decontamination procedures to be undertaken for the purpose of achieving levels of radioactivity deemed acceptably safe by him, or his authorized representative, before the aforesaid restrictions are terminated.

VI. THAT no procedures for decontamination of said lands shall be undertaken by other than an official agency having jurisdiction or responsibility, either State or Federal, or its agents, servants or employees, unless application for approval of acceptable plans therefor shall first have been made to and such plans approved by the Commissioner of Health or his authorized representative.

VII. THAT the lands affected by this Order are more particularly bounded as follows: on the east and west by certain lands now or formerly reputedly owned by the Fort Conti Corporation and on the south by certain lands now or formerly owned by the United States Atomic Energy Commission.

HOLLIS S. INGRAHAM, M.D.  
Commissioner of Health  
State of New York



DATED: Albany, New York  
April 27, 1972

TO: SOMERSET GROUP, INC.  
Town of Lewiston  
Niagara County, New York

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
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IN THE MATTER :

Of :

CERTAIN PROPERTY OF THE FORT CONTI :  
CORPORATION LOCATED IN THE TOWN OF :  
LEWISTON, NIAGARA COUNTY, STATE OF :  
NEW YORK. :  
----- X

ORDER

WHEREAS, the Commissioner of Health of the State of New York is directed by the Public Health Law to take cognizance of the interests of health and life of the People of the State, and of all matters pertaining thereto and to exercise the functions, powers and duties of the Department of Health prescribed by law and is directed to enforce the Public Health Law and the State Sanitary Code; and

WHEREAS, Section 16.18 of the State Sanitary Code provides:

"(a) The department may, by rule, regulation or order, impose upon any person possessing a radiation source such requirements, in addition to those set forth in this Part, as it deems appropriate or necessary to protect the public health and safety and to minimize danger to life and property from radiation hazards."; and

WHEREAS, investigation by the Commissioner of Health of the State of New York and those acting by and on his behalf has disclosed hazardous radioactive emissions from the soil of certain lands located in the Town of Lewiston, Niagara County, New York, and owned by or in the possession and the control of the Fort Conti Corporation, which said lands were formerly owned by the United States Atomic Energy Commission and used by it, among other things, as a storage area for radioactive materials; and

WHEREAS, the Department of Health has a responsibility concurrent with that possessed by other official agencies having jurisdiction or responsibility to protect the public health and safety and to minimize dangers to life and property from radiation hazards emanating from said lands; and

WHEREAS, it appears necessary to impose reasonable restrictions on the development and use of said lands for the purpose of protecting the public health and safety and to minimize danger to life and property from radiation hazards existing thereon;

NOW BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Public Health Law, the rules and regulations promulgated pursuant thereto and the State Sanitary Code,

IT IS HEREBY ORDERED:

I. THAT the aforesaid lands owned by or under the control of the Fort Conti Corporation consisting of approximately six hundred fourteen (614) acres situate on or at that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area located in the Town of Lewiston, County of Niagara and State of New York, shall not be developed or used for industrial, commercial or residential purposes, except that any use thereof existing at the time of the issuance of this Order shall be and hereby is allowed to continue and to be maintained provided, however, that such existing use shall not be expanded or broadened from and after the time of the issuance of this Order.

II. THAT the aforesaid lands may, however, otherwise be used for recreational purposes provided that the owner thereof take adequate and necessary precautions to assure that no person shall be permitted to make greater than an intermittent and occasional recreational use of said lands in order to minimize exposure of such person to radioactive hazards emanating therefrom.

III. THAT any deliberate or intentional movement, displacement or excavation, by whatever means, of the soil of said lands is hereby prohibited unless otherwise expressly permitted after the submission to and approval by the Commissioner of Health, or his



authorized representative, of acceptable plans therefor, except that any official agency having jurisdiction or responsibility, whether State or Federal, shall not be subject to such prohibition.

IV. THAT before the owner thereof shall make any sale, transfer or conveyance of said lands, he shall give to the Commissioner of Health, or his authorized representative, not less than five (5) days prior written notice of such proposed sale, transfer or conveyance.

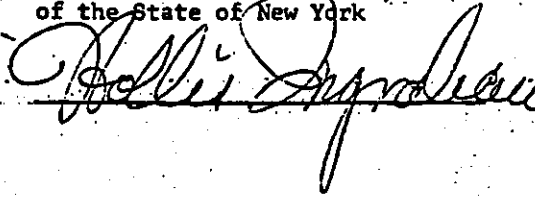
V. THAT the aforesaid restrictions shall continue in full force and effect until such time as the Commissioner of Health, or his authorized representative, shall determine that radioactive emissions from said lands have been reduced to levels deemed acceptably safe to him and that irrespective of any procedures for decontamination of said lands which may be undertaken by any official agency, whether State or Federal, the Commissioner of Health, or his authorized representative, may require further decontamination procedures to be undertaken for the purpose of achieving levels of radioactivity deemed acceptably safe by him, or his authorized representative, before the aforesaid restrictions are terminated.

VI. THAT no procedures for decontamination of said lands shall be undertaken by other than an official agency having jurisdiction or responsibility, either State or Federal, or its agents, servants or employees, unless application for approval of acceptable plans therefor shall first have been made to and such plans approved by the Commissioner of Health or his authorized representative.

VII. THAT more particularly, the lands affected by this Order are those certain lands reputedly owned by the Fort Conti

Corporation adjoining those certain lands reputedly owned by  
Monroe W. Frank on the south and those certain lands reputedly owned  
by the Somerset Group, Inc. on the west.

HOLLIS S. INGRAHAM, M.D.  
Commissioner of Health  
of the State of New York



DATED: Albany, New York  
April 27, 1972

TO: FORT CONTI CORPORATION (Reputed Owner)  
c/o McMahon & Crotty, Esqs.  
1028 Liberty Bank Bldg.  
Buffalo, N. Y.

CHEM-TROL POLLUTION SERVICES, INC. (Reputed Tenant)  
1 Niagara Square  
Buffalo, N.Y.

UNITROL CORP. (Reputed Tenant)  
c/o Hortense Mound  
116 John Street  
New York, N.Y.

C & S MACHINERY, INC. (Reputed Tenant)  
c/o Edward Messing  
1 Niagara Power Bldg.  
North Tonawanda, N.Y.

LEW-FORT ELECTRIC, INC. (Reputed Tenant)  
c/o Edward Messing  
1 Niagara Power Bldg.  
North Tonawanda, N.Y.

LEW-FORT CONSTRUCTION CORP. (Reputed Tenant)  
c/o Edward Messing  
1 Niagara Power Bldg.  
North Tonawanda, N.Y.

JOSEPH J. PFOHL (Possible Grantee of Fort Conti Corp.)  
503 North Forest Road  
Buffalo, New York

Remap Inc. (Possible Grantee of Fort Conti Corp.)  
5833 Main Street  
Williamsville, New York

Attn: Mr. Joseph Pfohl

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
----- X

IN THE MATTER :

OF :

CERTAIN PROPERTY OF THE FORT CONTI CORPORATION :  
LOCATED, IN PART, IN THE TOWN OF LEWISTON,  
NIAGARA COUNTY, STATE OF NEW YORK :  
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SUPPLEMENTARY ORDER

WHEREAS, the Commissioner of Health of the State of New York or those acting by and on his behalf did, heretofore, discover the existence of hazardous radioactive emissions from the soil of certain lands located, in whole or in part, in the Town of Lewiston, and Town of Porter, County of Niagara and State of New York, formerly owned by or in the possession and control of the Fort Conti Corporation, which said lands were formerly owned by the United States Atomic Energy Commission and used by it, among other things, as a storage area for radioactive materials; and

WHEREAS, the Commissioner of Health of the State of New York is directed by the Public Health Law to take cognizance of the interests of health and life of the People of the State, and of all matters pertaining thereto and to exercise the functions, powers and duties of the Department of Health prescribed by law and is directed to enforce the Public Health Law and the State Sanitary Code; and

WHEREAS, section 15.18 of the State Sanitary Code provides:

"(a) The department may, by rule, regulation or order,

impose upon any person possessing a radiation source such requirements, in addition to those set forth in this Part, as it deems appropriate or necessary to protect the public health and safety and to minimize danger to life and property from radiation hazards."; and

WHEREAS, by virtue of the authority vested in the Commissioner of Health of the State of New York and because of the existence of said hazardous radioactive emissions from those certain lands then owned by or in the possession and control of the Fort Conti Corporation, consisting of approximately six hundred fourteen (514) acres situate on or

at that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area located, in whole or in part, in the Town of Lewiston, County of Niagara, State of New York and the Town of Porter, County of Niagara, State of New York, the said Commissioner issued an Order dated April 27, 1972 directing that the development and use thereof be restricted, except for certain specified permitted uses, until such time as said Commissioner should determine that radioactive emissions from said lands had been reduced to levels deemed acceptably safe to him; and

WHEREAS, Chem-Trol Pollution Services, Inc. has either leased or purchased from the Fort Conti Corporation approximately two hundred forty (240) acres of said lands, located in whole or in part in the Town of Lewiston, Niagara County, State of New York and the Town of Porter, Niagara County, State of New York and situate on or at that certain site now or formerly under the jurisdiction and control of the United States Atomic Energy Commission and now or formerly known as the Lake Ontario Storage Area.

NOW, BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Public Health Law, the rules and regulations promulgated pursuant thereto and the State Sanitary Code, it appearing to my satisfaction that radioactive emissions from said lands have been reduced to levels that are acceptably safe for certain uses;

IT IS HEREBY ORDERED:

I. THAT paragraph I of said Order dated April 27, 1972 be and the same hereby is modified to permit the aforementioned lands owned or leased by or under the control of Chem-Trol Pollution Services, Inc., as more particularly hereinafter described, to be used for industrial and commercial development; provided, however, that any industrial or commercial structures hereinafter constructed thereon shall be of slab

construction; that said lands shall not be used or developed for residential, school or hospital purposes, except that any use thereof existing at the time of the issuance of said Order of April 27, 1972 shall be and the same hereby is allowed to continue and be maintained.

II. THAT the provisions of numbered paragraphs II through VII of said Order dated April 27, 1972 shall be continued in full force and effect.

III. THAT the lands affected by this Order are more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Towns of Porter and Lewiston, County of Niagara and State of New York, being part of Lots Nos. 7 and 13, Township 15, Range 9 in the Town of Porter and part of Lots Nos. 14 and 21, Township 14, Range 9 in the Town of Lewiston of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the southerly side of Balmer Road (66 feet in width) 25 feet easterly from the center line of the "A" Line Railroad spur, which point is on the line of a fence which is parallel with and 25 feet easterly from said center line of said spur, said point being 2162.34 feet west of the center line of Porter Center Road; thence southerly along said fence line and 25 feet easterly from the center line of the "A" Line Railroad spur a distance of 4391.61 feet to a point 75 feet southerly from the projected center line of "N" Street; thence north  $89^{\circ}18'54''$  west 1612.45 feet along the line of a fence erected on the southerly line of the bed of the abandoned "G" Line Railroad spur and located 75 feet southerly from and parallel with the projected center line of "N" Street to a point 25 feet easterly from the center line of MacArthur Street, thence northwesterly in a direct line 85 feet to a fence corner in the projected center line of "N" Street and 15 feet westerly at right angles to the center line of MacArthur Street; thence north  $00^{\circ}40'01''$  east along an existin;


fence line and parallel with the center line of MacArthur Street a distance of 299.6 feet to a point, thence continuing along said fence line north  $89^{\circ}18'4''$  west 919.67 feet to a point; thence continuing along said fence line south  $00^{\circ}40'01''$  west 201 feet to a point distant 98.60 feet northerly from the center line of "N" Street; thence westerly 1689.14 feet along the line of a fence located 98.60 feet more or less northerly from and parallel with the center of "N" Street to a point, being the southeast corner of land conveyed to the Somerset Group, Inc. by deed recorded in liber 1503 of Deeds at page 752 on March 16, 1970; thence north  $01^{\circ}06'51''$  east along the Somerset Group, Inc. easterly property line 1585.40 feet to a point 25 feet south of the center line of a spur track; thence south  $89^{\circ}19'59''$  east along a line parallel with and 25 feet southerly from the center line of the aforesaid track 300 feet to a point, 25 feet as measured at right angles to the center line of aforesaid track; thence northerly and parallel with the easterly property line of the Somerset Group, Inc. and measured 300 feet at right angles thereto 402.69 feet to a point 663 feet northerly and measured at right angles to the center line of "M" Street; thence easterly 2289.29 feet to a point 663 feet and measured at right angles to the center line of "M" Street located 20 feet west of the center line of MacArthur Street; thence north  $00^{\circ}40'01''$  east 1126.40 feet and parallel with and measured 20 feet at right angles from said center line of MacArthur Street to a point 20 feet north of the center line of a paved road ("H" Street); thence south  $89^{\circ}19'59''$  east 1477.45 feet to a point 180 feet westerly and measured at right angles from the first course (being a fence line 25 feet east of the center line of the "A" Track Railroad

and parallel thereto) and being at a point 20 feet west of the center line of a 40 foot paved entrance road (Marshall Street) from Balmer Road, thence northerly and parallel with the first course 1104.41 feet to a point in the south line of Balmer Road 180.01 feet westerly of the first course; thence easterly along the south line of Balmer Road 180.01 feet to the point and place of beginning.

DATED: Albany, New York  
*June 21,* 1974

HOLLIS S. INGRAHAM, M.D.  
Commissioner of Health  
of the State of New York

By:

  
ROBERT P. WHALEN, M.D.  
Deputy Commissioner

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