

## NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the “Agency”) will hold a public hearing on September 28, 2021 at 10:00 a.m. at the Town of Tonawanda Town Hall located at 2919 Delaware Avenue (Town Board Conference Room #20), Kenmore, NY 14217, regarding:

Sumitomo Rubber USA, LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the “Company”), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 10 Sheridan Drive, Town of Tonawanda, Erie County, New York (the “Land”), (ii) the construction on the Land of an approximately 60,000+/- square-foot facility to be used for manufacturing purposes (the “Improvements”), (iii) the renovation of an existing 15,200+/- square-foot facility (the “Existing Improvements”), and (iv) the acquisition by the Company in and around the Improvements and the Existing Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land, the Improvements, and the Existing Improvements, the “Facility”). The Facility will be initially operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits and real property tax abatement benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. This public hearing is being live-streamed and made accessible on the Agency’s website at [www.ecidany.com](http://www.ecidany.com). Written comments may be submitted at this public hearing, submitted on the Agency’s website, or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes at 4:00 p.m. on October 26, 2021. The project application is available for public inspection at the Agency’s offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

Erie County Industrial Development Agency





## Sumitomo Rubber 2021 Building Expansion

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	Sumitomo Rubber 2021 Building Expansion
<b>Project Summary</b>	Expansion to increase the efficiency and productivity of Sumitomo Rubber USA, LLC's Tonawanda Plant
<b>Applicant Name</b>	Sumitomo Rubber USA, LLC ("SRUSA")
<b>Applicant Address</b>	10 Sheridan Drive
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Tonawanda
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14150
<b>Phone</b>	(716) 879-8200
<b>Fax</b>	
<b>E-mail</b>	timothy_sprunger@sumitomorubber-usa.com
<b>Website</b>	<a href="https://sumitomorubber-usa.com/">https://sumitomorubber-usa.com/</a>
<b>NAICS Code</b>	326211

#### Business Organization

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	1999
<b>State in which Organization is established</b>	Ohio

#### Individual Completing Application

<b>Name</b>	Joseph Boctor
<b>Title</b>	Financial Analyst/Tax Specialist
<b>Address</b>	10 Sheridan Drive
<b>Address 2</b>	
<b>City</b>	Tonawanda
<b>State</b>	New York
<b>Zip</b>	14150
<b>Phone</b>	(716) 879-8885



**Fax****E-Mail** Joseph\_Boctor@sumitomorubber-  
usa.comCompany Contact (if different from individual completing application).**Name****Title****Address****Address 2****City****State****Zip****Phone****Fax****E-Mail**Company Counsel**Name of Attorney** Glenn Leonardi  
**Firm Name** Sumitomo Rubber USA, LLC  
**Address** PO Box 1109**Address 2****City** Buffalo**State** New York**Zip** 14150**Phone** (716) 879-8505**Fax****E-Mail** glenn\_leonardi@sumitomorubber-  
usa.comBenefits Requested (select all that apply).

<b>Exemption from Sales Tax</b>	Yes
<b>Exemption from Mortgage Tax</b>	No
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	No

\* (typically for not-for-profits &amp; small qualified manufacturers)

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**



SRUSA is the successor to the entity formerly known as Goodyear Dunlop Tires North America, Ltd. SRUSA is a single member limited liability company solely owned by SRI America, Inc. SRI America, Inc. is wholly owned by SRI USA, Inc., which is a wholly owned subsidiary of Sumitomo Rubber Industries Ltd ("SRI"). SRI is a publicly traded corporation based in Japan. SRUSA's existing tire manufacturing facility (and U.S. headquarters) is located in Tonawanda, NY ("Facility"). SRUSA's primary business is the manufacturing of tires for passenger vehicle, truck/bus and motorcycle markets. The Facility was established in the 1920s as the first Dunlop Tire manufacturing facility in the United States (then known as Dunlop USA). SRI acquired a majority equity share of Dunlop USA in 1986 and, since that time, has owned and operated the Facility, in whole or in part, through various subsidiaries, affiliates and joint ventures. In October, 2017, SRI re-organized its North American operations and, through the SRI subsidiaries noted above, became the one hundred percent (100%) owner of SRUSA. Products manufactured by SRUSA are sold to its affiliate, Sumitomo Rubber North America, LLC, a California limited liability company ("SRNA"). SRNA sells the products through dealers and distributors throughout North America. The Facility is currently the only existing U.S. tire manufacturing facility owned by SRI's subsidiaries and affiliates. It is significantly less efficient than a modern tire manufacturing plant. SRI is also considering making the investment in other locations, both domestically and outside the U.S.

Estimated % of sales within Erie County	0 %
Estimated % of sales outside Erie County but within New York State	0 %
Estimated % of sales outside New York State but within the U.S.	100 %
Estimated % of sales outside the U.S.	0 %

(\*Percentage to equal 100%)

**For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?**

10

**Describe vendors within Erie County for major purchases**

In connection with operation of the Facility, SRUSA has made over \$100 Million in direct payments to vendors located in Erie County and another approximately \$46 million in direct payments to vendors in other areas of NYS since 2017. A confidential list of SRUSA's major vendors within Erie County can be provided upon request.



## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### **Address of Proposed Project Facility**

10 Sheridan Drive

#### **Town/City/Village of Project Site**

Tonawanda

#### **School District of Project Site**

Ken-Ton UFSD

#### **Current Address (if different)**

#### **Current Town/City/Village of Project Site (if different)**

#### **SBL Number(s) for proposed Project**

65.17-2-1./A, 65.17-2-1.111, 65.17-2-1.111/A, 65.17-2-1.12, and 65.17-2-1.13.

#### **What are the current real estate taxes on the proposed Project Site**

550,585 (estimated)

#### **If amount of current taxes is not available, provide assessed value for each.**

Land

\$ 1,441,500

Building(s)

\$ 4,168,500

If available include a copy of current tax receipt.

#### **Are Real Property Taxes current at project location?**

Yes

#### **If no please explain**

\*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

#### **Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?**

Yes

#### **If No, indicate name of present owner of the Project Site**

#### **Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

#### **Describe the present use of the proposed Project site (vacant land, existing building, etc.)**

Employee Parking Lot/ current manufacturing facility

#### **Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)**

SRUSA is considering a significant capital investment in the Facility, which is the only existing U.S. tire manufacturing facility owned by SRI's subsidiaries and affiliates. The investment would involve major replacement of and upgrades to production and other equipment. The Facility is approximately 100 years old and the proposed investment will enhance its efficiency and solidify the Facility's long-term economic future in WNY. The proposed investment will nearly double output at the Facility, resulting in a significantly lower cost per kg that ensures SRUSA tire products can be sold profitably. To achieve the needed, increased production, SRUSA would purchase new mixing, tire building, curing and miscellaneous equipment. A 60,000 square foot building will be added for new tire building equipment on the site that is currently in use as an employee parking lot. Additional limited capital investments will need to be made for building improvements/construction to an existing building to renovate 15,200 square feet of space at the Facility. Estimated capital investment (approximately \$126 million total) would be made over the next 3 years as follows: 2021 = \$78.4M 2022 = \$41.5M 2023 = \$6M Total = ~\$126.0M

#### **Municipality or Municipalities of current operations**



Tonawanda

**Will the Proposed Project be located within a Municipality identified above?**

Yes

**Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?**

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

**Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

Yes

**If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available**

The Facility is not efficient in its current state and sprawling footprint. A modern tire factory has an efficient linear layout. For the Facility to be competitive, upgrades to production and other equipment is critical. The proposed project will increase production and efficiency, thereby ensuring the Facility is profitable in a competitive market. The financial assistance/incentives are necessary to reduce operating costs for the Facility and provide more certainty regarding operating expenses, such as real property taxes and utilities, including a lower cost water source. SRUSA has been a productive member of the community for nearly 100 years and support from the local and State governments is critical. Without the proposed project, SRUSA is considering making investment in other locations, both domestically and outside the U.S.

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

Yes

**If yes, please indicate the Agency and nature of inquiry below**

Empire State Excelsior Jobs Tax Credit Program: \$3.3MM NY Power Authority: 2,000 Kilowatts of Low Cost Power

**If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:****Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

SRUSA is in a fight for competitiveness in the North American tire market. For the Facility to be competitive, upgrades to production and other equipment is critical. These upgrades will enhance the Facility's efficiency and solidify the Facility's long-term economic future in WNY. The financial assistance/incentives are necessary to reduce operating costs for the Facility and provide more certainty regarding operating expenses, such as real property taxes and utilities, including a lower cost water source. Without the proposed project, the necessary upgrades to the Facility are not likely to be undertaken, and SRUSA is considering making investment in other locations, both domestically and outside the U.S.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency**

Yes

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?**

The financial assistance is a material factor in SRUSA's parent company's decision making process. The Facility is the only existing U.S. tire manufacturing facility owned by SRI's subsidiaries and affiliates. Without the necessary financial assistance, SRUSA is considering making the investment in other locations, both domestically and outside the U.S. Additionally, SRUSA has made over \$100 million in direct payments to vendors located in Erie County and another approximately \$46 million in direct payments to vendors in other areas of NYS since 2017. Financial assistance will help retain the current well-paying jobs, add additional jobs, and continue the hundreds of millions of dollars of direct expenditures with vendors in Erie County and other indirect, positive economic impacts within Erie County and across the State.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics



**Is your project located near public transportation?**

Yes

**If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)**

NFTA Routes 40 and 35 run along River Road and Sheridan Road adjacent to the Site.

**Has a project related site plan approval application been submitted to the appropriate planning department?**

Yes

**If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.**

**If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.**

**Will the Project meet zoning/land use requirements at the proposed location?**

Yes

**Describe the present zoning/land use**

General Industrial District

**Describe required zoning/land use, if different**

No change is required

**If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements****Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?**

No

**If yes, please explain****Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?**

Yes

If yes, please provide a copy.

**Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?**

Yes

If yes, please provide copies of the study.

**If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?**

Yes

**If yes, describe the efficiencies achieved**

Energy efficiency is achieved through the increased production capabilities of the new equipment. The energy deadload (lighting, HVAC load, pipe losses, equipment idle load, equipment efficiency) becomes a smaller percentage of the overall energy consumption reducing the Btu/lb. Upon completion of the expansion project we are forecasting the plants Btu/lb will be reduced by approximately 30%. Energy efficient HVAC equipment and lighting will be utilized in the new building.

You may also attach additional information about the machinery and equipment at the end of the application.

**Does or will the company or project occupant perform research and development activities on new products/services at the project location?**

Yes

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

approximately 3.3% of cost of goods sold. We develop some tires on site.

**Select Project Type for all end users at project site (you may check more than one)**

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax



Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

No Acquisition of Existing Facility	No Assisted Living	No Back Office
No Civic Facility (not for profit)	No Commercial	Yes Equipment Purchase
No Facility for the Aging	Yes Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	Yes Manufacturing
No Other		

			Cost	% of Total Cost
<b>Manufacturing/Processing</b>	75,200 square feet	\$	13,300,000	100%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	square feet	\$	0	0%

7/19



**Estimated costs in connection with Project****1.) Land and/or Building Acquisition**

\$ 0	square feet	acres
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**2.) New Building Construction**

\$ 6,900,000	60,000 square feet
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**3.) New Building addition(s)**

\$ 0	square feet
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**4.) Reconstruction/Renovation**

\$ 6,400,000	15,200 square feet
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**5.) Manufacturing Equipment**

\$ 94,800,000
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**6.) Infrastructure Work**

\$ 2,900,000
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**7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)**

\$ 0
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**8.) Soft Costs: (Legal, architect, engineering, etc.)**

\$ 15,000,000
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**9.) Other Cost**

\$ 0
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<b>Explain Other Costs</b>
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<b>Total Cost</b>	\$ 126,000,000
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Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 16,200,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 8,100,000
<b>% sourced in Erie County</b>	100%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 8,100,000
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<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 708,750
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\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

<b>Project refinancing estimated amount, if applicable (for refinancing of existing debt only)</b>	\$ 0
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<b>Have any of the above costs been paid or incurred as of the date of this Application?</b>	No
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**If Yes, describe particulars:**



Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 122,700,000
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 3,300,000
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0
<b>Total Sources of Funds for Project Costs:</b>	\$126,000,000
<b>Have you secured financing for the project?</b>	No

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	
<b>Lender Name, if Known</b>	
<b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b>	\$0

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):**

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

See attached policy statement from Project Contractor re: participation of certified MWBEs.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

Yes

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location).



You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genesee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
<b>Full time</b>	1,399	1,399	0	0
<b>Part time</b>	0	0	0	0
<b>Total</b>	1,399	1,399	0	

#### Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
<b>Management</b>	21	\$ 169,433	\$ 50,829	\$ 0	\$ 0
<b>Professional</b>	265	\$ 83,422	\$ 25,026	\$ 0	\$ 0
<b>Administrative</b>	59	\$ 45,467	\$ 13,640	\$ 0	\$ 0
<b>Production</b>	1,040	\$ 58,350	\$ 18,672	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	14	\$ 193,825	\$ 58,147	\$ 0	\$ 0

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

#### Employment at other locations in Erie County: (provide address and number of employees at each location):

Address		
<b>Full time</b>	0	0
<b>Part time</b>	0	0
<b>Total</b>	0	0

#### Payroll Information

##### **Annual Payroll at Proposed Project Site upon completion**

100,000,000

##### **Estimated average annual salary of jobs to be retained (Full Time)**

60,000

##### **Estimated average annual salary of jobs to be retained (Part Time)**

0

##### **Estimated average annual salary of jobs to be created (Full Time)**

0

##### **Estimated average annual salary of jobs to be created (Part Time)**



0

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	0



## Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

### General Background Information

#### **Address of Premises**

10 Sheridan Drive, Tonawanda, NY 14150

#### **Name and Address of Owner of Premises**

Sumitomo Rubber USA, LLC, 10 Sheridan Drive, Tonawanda, NY 14150

#### **Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)**

General flat terrain, no wetlands, coastlines, rivers or streams. Coordinates are 42.58 N 78.55W.

#### **Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises**

Multi-building manufacturing facility constructed in 1919-1921

#### **Describe all known former uses of the Premises**

Tire manufacturing only.

#### **Does any person, firm or corporation other than the owner occupy the Premises or any part of it?**

No

#### **If yes, please identify them and describe their use of the property**

#### **Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?**

Yes

#### **If yes, describe and attach any incident reports and the results of any investigations**

Minor petroleum spills have occurred over the years on and near the Premises that were reported to the applicable regulatory agency. A hazardous chemical release occurred on adjacent Polymer Applications property in 1988 and was remediated through the Superfund Program.

#### **Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?**

Yes

#### **If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances**

- There was a consent order issued 4/23/91 to investigate landfills on site. Entered into ROD 4/93. Eventually ended in a 30 year monitoring plan which we are now in year 27 of monitoring.
- Wetlands violation 4/19/19 for putting excavated material into a federally regulated wetland
- There may be other violations that were corrected without consent orders

#### **Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?**

No

#### **If yes, describe in full detail**

### Solid And Hazardous Wastes And Hazardous Substances



**Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?**

Yes

**If yes, provide the Premises' applicable EPA (or State) identification number**

The Facility is a Small Quantity Generator of Hazardous Waste, no treatment or disposal on-Site. NYD 002 111 078

**Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?**

No

**If yes, please provide copies of the permits.**

**Identify the transporter of any hazardous and/or solid wastes to or from the Premises**

Veolia, Covanta, Modern Disposal, and Safety-Kleen

**Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years**

Veolia in West Carrollton, OH, Middlesex, NJ, Flanders, NJ and West Bridgewater, MA Covanta in Niagara Falls, NY Modern Disposal in Model City, NY Safety-Kleen in Smithfield, KY and Linden, NJ

**Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?**

Yes

**If yes, please identify the substance, the quantity and describe how it is stored**

As a Small Quantity Generator the Facility is permitted to store hazardous waste on-Site for 180 days

#### Discharge Into Waterbodies

**Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges**

SPDES Permit NY 0101575 - 3M GPD Storm Permit - surface water run-off TTN San Permit - 1-2M gallons per month

**Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site**

See response above. No septic tanks, or any Underground Storage Tanks are on-Site.

**Is any waste discharged into or near surface water or groundwaters?**

No

**If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste**

#### Air Pollution

**Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?**

Yes

**If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source**

See Title V Air Permit 9-1464-00030/00199 attached.

**Are any of the air emission sources permitted?**

Yes

**If yes, attach a copy of each permit.**



Storage Tanks

**List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks**

Petroleum Bulk Storage Registration 9-067202.

**Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?**

No

**If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved**

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

**Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.**

**Have there been any PCB spills, discharges or other accidents at the Premises?**

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

Yes

**If yes, please identify the materials**

ACM still exists on some piping, window caulk, roof flashing, floor tiles, drywall compound, and cove base adhesives and is encapsulated.



Section IV: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

For Single Use Facility.

- Occupant Name
- Address
- Contact Person
- Phone
- Fax
- E-Mail
- Federal ID #
- SIC/NAICS Code

SS



## Section VI: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

**Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?**

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**



## Section VII: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

**Are you applying for tax incentives under the Adaptive Reuse Program?**

No



## Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

### Current Address

City/Town

State

Zip Code

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

Within New York State

No

Within Erie County

No

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

No

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

**If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?**

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**



## Section IX: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

**Are you applying for tax incentives under the Senior Rental Housing policy?**

No