

SEQRA RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on October 15, 2010, at 9:00 a.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

PRESENT: Jonathan Daniels, Donald H. Kunzwiler, Arthur W. Ospelt,
Carolyn A. Rush, Morris Sorbello and Gary T. Toth

ABSENT: H. Leonard Schick

ALSO PRESENT: L. Michael Treadwell, David S. Dano and Kevin C.
Caraccioli

The following resolution was duly offered and seconded:

**RESOLUTION CLASSIFYING THE ACQUISITION,
RECONSTRUCTION, RENOVATION AND EQUIPPING OF
A CERTAIN PROJECT AND APPROVING FINANCIAL
ASSISTANCE IN THE FORM OF SALES AND USE TAX
EXEMPTIONS AS AN UNLISTED ACTION PURSUANT TO
THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
AND DETERMINING THAT THE PROJECT WILL NOT
HAVE A SIGNIFICANT EFFECT ON THE
ENVIRONMENT**

WHEREAS, the County of Oswego Industrial Development Agency (the “*Agency*”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “*State*”), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, the “*Act*”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, Sunoco, Inc., a Pennsylvania corporation (the “*Company*”), submitted an

application to the Agency on or about August 2, 2010 (“*Application*”), a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “*Project*”) consisting of: (A) (i) the acquisition of a leasehold interest, or the continuation thereof, in approximately 91 acres of improved real property located at 376 Owen Road in the Town of Volney, New York, Oswego County (the “*Land*”); (ii) certain renovations to the approximate 300,000 square foot building for the ongoing operation and production of ethanol for blending with gasoline (collectively the “*Facility*”), all located on the Land; (iii) the acquisition, installation and renovation of machinery and equipment located in the Facility to be used in the production of ethanol (collectively the “*Equipment*”) (the Land, Facility and Equipment are hereinafter collectively referred to as the “*Project Facility*”); (B) the granting of certain financial assistance in the form of exemption from sales and use taxation (collectively, the “*Financial Assistance*”); and (C) the lease of the Project Facility by the Agency pursuant to a lease agreement and the lease of the Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, pursuant to SEQRA, the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

WHEREAS, to aid the Agency in determining whether the acquisition, construction, and equipping of the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the “*EAF*”), a copy of which is attached hereto as **Exhibit “A”**, and copies of said EAF are on file in the office of the Agency and are readily accessible to the public; and

WHEREAS, the Agency has examined and reviewed the EAF in order to classify the Project and make a determination as to the potential significance of the Project pursuant to SEQRA; and

NOW, THEREFORE, be it resolved by the members of the County of Oswego Industrial Development Agency, as follows:

(1) Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the second **WHEREAS** clause of this resolution;

(b) The Project constitutes an “Unlisted Action” (as said quoted term is defined in SEQRA);

(c) The Project will not have a significant effect on the environment, and the Agency hereby issues a negative declaration for the Project pursuant to SEQRA, which shall be filed in the office of the Agency in a file that is readily accessible to the public.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

(3) The Chief Executive Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jonathan Daniels	X			
Donald H. Kunzwiler	X			
Arthur W. Ospelt	X			
Carolyn A. Rush	X			
H. Leonard Schick				X
Morris Sorbello	X			
Gary T. Toth	X			

The foregoing resolution was thereupon declared duly adopted.

EXHIBIT "A"

SHORT ENVIRONMENTAL ASSESSMENT FORM

State Environmental Quality Review For UNLISTED ACTIONS Only

PART I Project Information (To be completed by Applicant or Project sponsor)

1. Applicant/Sponsor Summit, Inc. (R&M)	2. Project Name Fulton Ethanol Facility
3. Project Location, Municipality: _____ County: Oswego	
4. Is proposed action Modification/alteration <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/>	
5. Describe project briefly: Ethanol production for blending with gasoline.	
6. Precise location (road intersections, prominent landmarks, etc. or provide map) 375 Owen Road Fulton, NY	
7. Amount of land affected Initially _____ acres Ultimately _____ acres	
8. Will proposed action comply with existing zoning or other existing land use restrictions? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. What is present land use in vicinity of project? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park land/open space <input type="checkbox"/> Other	
10. Does action involve a permit/approval or funding now or ultimately from any other governmental agency (Federal, state or local)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. Does any aspect of the action have a currently valid permit or approval? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency and permit/approval type:	
12. As result of proposed action, will existing permit/approval require modification? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: <u>Richard F. Butler, Esq.</u>	Date: <u>8/12/10</u>
Signature: <u>Richard F. Butler/psd</u>	