



October 6, 2017

**VIA E-MAIL (james.mcclymonds@dec.ny.gov)
AND PRIORITY MAIL**

James T. McClymonds
Chief Administrative Law Judge
New York State Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550

Re: Matter of Finger Lakes LPG Storage, LLC (“Applicant”),
DEC Permit Application ID No. 8-4432-00085

Dear Chief Administrative Law Judge McClymonds:

On behalf of Gas Free Seneca (“GFS”), and in compliance with your Ruling of September 8, 2017, we respectfully submit this response to Applicant’s letter of September 22, 2017 (“Sept. 22 Letter”), regarding sites that may serve as alternatives to Applicant’s proposed liquid petroleum gas (“LPG”) storage facility along the western shore of Seneca Lake (“Project”).¹ As is explained below, the Sept. 22 Letter fails to mention some relevant developments that have occurred since the Issues Conference of February 12–13, 2015. Those developments establish that there are or soon will be adequate alternatives to the Project that should be considered by the Commissioner in this proceeding.

First, on August 30, 2017, a unit of Crestwood Equity Partners, LP—Applicant’s parent company—announced the opening of its new, fully operational propane rail terminal in Montgomery, New York.² The 20-acre facility in Orange County “includes a 16-spot rail rack

¹ See Ruling of the Chief Administrative Law Judge on Issues and Party Status, *Matter of Finger Lakes LPG Storage, LLC*, DEC Permit Application No. 8-4432-00085 (Sept. 8, 2017) (“Issues Ruling”); Letter from Kevin M. Bernstein to Hon. James T. McClymonds, dated Sept. 22, 2017.

² See Press Release, Crestwood, *Crestwood Announces the Opening of its New Propane Rail Terminal in Montgomery, New York* (Aug. 30, 2017) (“Press Release,” a copy of which is annexed hereto as Exhibit A); see also *Crestwood Celebrates Propane Rail Terminal Grand Opening in Montgomery, New York* BPN Butane-Propane News (Sept. 7, 2017) (“BPN Report”), <https://www.bpnews.com/index.php/publications/magazine/current-issue/1353-grand-opening-of-crestwood-s-new-propane-rail-terminal-in-montgomery-new-york> (reporting Grand Opening); Clara Richter, *Crestwood Hosts Grand Opening of Propane Rail Terminal* (Sept. 6, 2017) (“LPGas Report”), <http://www.lpgasmagazine.com/crestwood-hosts-grand-opening-of-propane-rail-terminal/> (same).

operating two switches per day, assuring a capacity of up to 100 trucks per day” and is “believed to be the largest propane rail terminal in the United States.”³ According to Crestwood:

This new rail terminal will provide propane marketers across the Northeast with reliable supply on a year-round basis. The convenient location of the terminal offers marketers greater access to product, which is controlled by Crestwood from multiple shale producers in the Marcellus and Utica. Marketers in this region can finally rest easier knowing they’ll have reliable supply, when they need it.⁴

The Montgomery facility thus replaces the Project as a distribution center for propane.⁵

A key reason for locating the Project close to Seneca Lake was the area’s easy access to rail and truck transportation that would be used for product distribution.⁶ Now, such access is irrelevant, because the Project no longer includes either rail or truck transportation and therefore cannot serve as a propane distribution center for New York or any other LPG market.⁷ Instead, a major propane distribution center has been located in Orange County, outside the Finger Lakes region.

The LPG storage should be moved away from Seneca Lake as well. Crestwood’s admitted control of propane “from multiple shale producers in the Marcellus and Utica” undercuts the ostensible need for storage at the Seneca Lake location. According to the DSEIS, the Project would save retailers the expense of importing propane “from sources in Canada, Midwestern US, and Texas at significantly higher transportation costs” and reduce the uncertainty of supplies from distant locations.⁸ Crestwood’s control of product from plays in neighboring states eliminates the supposed advantages of storage at Seneca Lake.

Even if some additional storage were needed in New York to supplement Crestwood’s direct control of sufficient product from nearby sources to serve regional marketers, new capacity at the Savona facility appears to be in the works. In July 2017, Applicant applied to the United States

³ BPN Report; *see* LPGas Report (noting acreage).

⁴ Press Release at 1.

⁵ *See* Issues Ruling at 64 (describing Applicant’s intent “to establish a LPG distribution center . . . to service the New York LPG market”); DSEIS §§ 3.3.3–3.3.4, at 16–18 (describing the supposed need for the Project).

⁶ *See* Transcript of Issues Conference at 470 (statement of Chief Administrative Law Judge); Draft Supplemental Environmental Impact Statement (“DSEIS”) § 3.3.1, at 14 (touting the Project’s ability to make product “immediately available” to the market with “large scale” truck and rail access).

⁷ *See* Issues Ruling at 56 (“Department staff is directed to include in the draft permit a condition confirming that LPG will not be transported to or from the facility by either truck or rail, and that the construction of facilities for the loading and unloading of LPG to or from trucks or rail cars is not authorized.”).

⁸ DSEIS §§ 3.3.1, at 12– 13; 3.3.3, at 17.

Environmental Protection Agency (“EPA”) for permission to expand that capacity.⁹ The EPA notice of the application states:

Applicant has requested that a subset of the wells (Wells #9 through #13 inclusive) have coverage under both the Class IIX and Class III permits, as Applicant plans to inject brine associated with LPG storage operations and also inject freshwater or undersaturated brine *to expand the storage capacities of the caverns*. Applicant is also seeking authorization to construct and operate one new Class III well, Well #14. . . . Fresh water and undersaturated brine will be injected through the Class III injection wells *to create and expand existing and future storage caverns*.¹⁰

On September 1, 2017—three weeks before Applicant submitted the Sept. 22 Letter—EPA granted the permit.¹¹ Applicant thus has received the federal approval it needs to expand LPG storage capacity in salt caverns located on property it owns within 30 miles of the Project site.¹²

The additional storage capacity approved by EPA at the Savona facility, coupled with the large volumes of product controlled by Crestwood and available for distribution from the Montgomery facility, certainly offers a reasonable and feasible alternative to the Project. Those facilities, when considered in light of the community’s continuing concerns about industrialization along Seneca Lake, the possibility of a catastrophic accident at the site, and the implications of those impacts on the Finger Lakes brand, also demonstrate that the no-action alternative best satisfies the requirements of the State Environmental Quality Review Act (“SEQRA”). As even Crestwood reportedly admitted: “Certainly if we were starting from scratch and saying, ‘Where would you build a liquefied petroleum gas facility?’ you probably wouldn’t put it right there over

⁹ See U.S. EPA, Region 2, Notice of Formulation of Draft UIC Permits and Notice of Public Comment Period for Draft Permits, Public Notice No. 2017-24 (July 21, 2017) (a copy of which is annexed hereto as Exhibit B).

¹⁰ *Id.* at 1 (emphasis added). Class III injection wells are used for the active solution mining of salt, whereas Class IIX wells are used for injection of brine displacement fluid associated with LPG storage. See *id.*

¹¹ See Letter from Dore LaPosta, EPA, to Brody D. Smith, Esq., Bond Schoeneck & King, PLLC (Sept. 1, 2017) (a copy of which, with excerpts from the permits, is annexed hereto as Exhibit C). The full permits are too large to send via electronic mail but are available upon request from counsel for GFS.

¹² If there is excess brine removed from the Savona caverns that cannot be handled by the facility’s brine ponds and other disposal facilities, it may be processed at the U.S. Salt plant owned by Crestwood. Local residents who have observed trucks traveling between the two facilities believe that the U.S. Salt plant has been used for that purpose on earlier occasions. See Affidavit of Robert Peter Nilsson, sworn to on Oct. 3, 2017 (a copy of which is annexed hereto as Exhibit D). An on-site salt plant therefore is unnecessary to serve an expanded facility at Savona, as DEC counsel has claimed. See Transcript of Issues Conference at 484. The minor increase in traffic required to transport the brine would be preferable to the construction and operation of a major new propane storage facility at Seneca Lake.

Seneca Lake, near the wine country”¹³ These two alternatives to the Project may not be ignored.

The SEQRA regulations and case law require that “an agency making a final decision about a project . . . make findings that the environmental concerns of the act have been considered and satisfied.” *Jackson v. Urban Dev. Corp.*, 67 N.Y.2d 400, 429, 503 N.Y.S.2d 298, 313 (1986). From this premise, it reasonably may be inferred that environmentally significant new information or changes in circumstances related to the Project must be taken into account before DEC reaches a final decision on the permit. *See Jackson*, 67 N.Y.2d at 429, 503 N.Y.S.2d at 313; *see also Glen Head-Glenwood Landing Civic Council, Inc. v. Town of Oyster Bay*, 88 A.D.2d 484, 494, 453 N.Y.S.2d 484, 453 N.Y.S.2d 732, 739 (2d Dept. 1982) (invoking “an agency’s continuing duty to evaluate new information relevant to the environmental impact of its actions”); *cf.* 6 NYCRR §§ 617.7(e)-(f) (noting relevance of project changes, new information, and changes circumstances to the amendment or rescission of a negative declaration), 617.9(a)(7) (authorizing a supplemental EIS when there are project changes, newly discovered information, or changes in circumstances). The Commissioner must consider the availability of the less damaging alternative presented by an expanded facility at Savona, especially when coupled with Crestwood’s control over propane for the Montgomery facility, when deciding whether to issue a permit for the Project.

Thank you for your consideration.

Respectfully,



Deborah Goldberg
Counsel for Proposed Party Gas Free Seneca

cc: All counsel

¹³ Jesse McKinley, *What Pairs Well with a Finger Lakes White? Not Propane, Vintners Say*, *The New York Times*, Dec. 25, 2014,

Exhibit A

FOR IMMEDIATE RELEASE



**CRESTWOOD ANNOUNCES THE OPENING OF ITS NEW
PROPANE RAIL TERMINAL IN MONTGOMERY, NEW YORK**

Grand Opening set for September 6, 2017

Kansas City, MO (August 30, 2017) – Crestwood Services, the Supply & Logistics unit of Crestwood Equity Partners LP, today announced that its new rail terminal in Montgomery, New York is open and operating. The terminal – believed to be the largest propane rail terminal in the United States – will provide propane marketers across New York, New England and other parts of the Northeast with reliable supply year ‘round. The official Grand Opening of the terminal will take place September 6.

The terminal’s state-of-the-art design includes a 16-spot rail rack operating two switches per day, assuring a capacity of up to 100 trucks per day. The four-spot truck rack with can pumps loads four trucks in 17 minutes, eliminating long wait times during peak winter months and optimizing daily transportation.

“The Montgomery rail terminal signifies a major investment Crestwood has made toward improving the industry’s supply reliability,” said Tucker Perkins, president and CEO of the Propane Education & Research Council. “Its strategic location will support marketers’ number one goal of delivering quality product year ‘round to business and home owners throughout the Northeast who rely on clean-burning American propane for a wide-range of applications. It’s an example of the significant investment that propane providers are making in infrastructure.”

Andy Ronald, vice president of supply and logistics development for Crestwood Services said, “This new rail terminal will provide propane marketers across the Northeast with reliable supply on a year-round basis. The convenient location of the terminal offers marketers greater access to product, which is controlled by Crestwood from multiple shale producers in the Marcellus and Utica. Marketers in this region can finally rest easier knowing they’ll have reliable supply, when they need it.”

The terminal – which is serviced by the Middleton & New Jersey (M&NJ) Railroad – was designed and built by Superior Energy Systems of Columbia Station, Ohio. Ronald added, “We can’t say enough good things about the quality of the work done by the team at Superior Energy Systems. They built a first class facility and the project was completed on-time and to our specifications.”

Propane marketers who would like more information about Crestwood’s Montgomery Rail Facility should contact Noel Meyer, Northeast Marketing & Asset Manager via email at Noel.Meyer@Crestwoodlp.com or by phone at 816.714.5446. Pricing structures are available for varied supply plans and regional uses including, summer-only plans and full-ratio structures to meet any need. To view a short video of the terminal, visit www.montgomerypropaneterminal.com.

About Crestwood Services

The supply and logistics marketing division of Crestwood Services provides reliable product flow to hundreds of propane marketers, refiners and gas processors across the United States. Crestwood's wholesale customers benefit from the market intelligence of its NGL professionals with years of industry knowledge and experience. Crestwood's professionals help propane and NGL marketers assess their needs from a supply and financial perspective and develop a comprehensive business strategy to meet those needs. For more information, visit www.crestwoodlp.com.

###

**For more information, contact:
Debbie Hagen at 913.642.6363
dhagen@hagenandpartners.com**

Exhibit B

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 Broadway, 20th Floor
New York, New York 10007-1866

**NOTICE OF FORMULATION OF DRAFT UIC PERMITS
AND
NOTICE OF PUBLIC COMMENT PERIOD FOR DRAFT PERMITS**

Public Notice No. 2017-24

Permit Numbers: UIC172X001 and NYU397001

Date: July 21, 2017

Finger Lakes LPG Storage, LLC; Two Brush Creek Blvd, Suite 200; Kansas City; Missouri 64112 (Applicant) has applied to the U.S. Environmental Protection Agency (EPA) under the provisions of the Safe Drinking Water Act, 42 U.S.C. 300f et. seq (the Act), for new Underground Injection Control (UIC) permits to continue to operate twelve Class IIX injection wells (Wells #1 through #7, Wells #9 through #13 inclusive) and five Class III injection wells (Wells #9 through #13 inclusive). The injection wells were all previously permitted under EPA Class III Permit NYU397001. A subset of the wells (Wells #1 through #7 inclusive) are used solely in the Liquefied Petroleum Storage (LPG) operations and therefore are no longer categorized as Class III injection wells (wells used for the active solution mining of salt) but rather categorized as Class IIX (wells used for injection of brine displacement fluid associated with LPG storage). Applicant has requested that a subset of the wells (Wells #9 through #13 inclusive) have coverage under both the Class IIX and Class III permits, as Applicant plans to inject brine associated with LPG storage operations and also inject freshwater or undersaturated brine to expand the storage capacities of the caverns. Applicant is also seeking authorization to construct and operate one new Class III well, Well #14. The facility is known as the Savona Storage Facility at approximately 42.308165 north latitude and -77.255138 west longitude, 7535 Eagle Valley Road, Bath, New York.

Brine will be injected through the Class IIX injection wells into LPG storage caverns in order to maintain cavern pressure during LPG withdrawal. Fresh water and undersaturated brine will be injected through the Class III injection wells to create and expand existing and future storage caverns. In addition, the Class III wells will produce saturated brine for injection into the Class IIX wells. All wells inject into the Syracuse Formation which lies at an approximate depth of 3000 feet below the surface. Water injection pressure, measured at the surface shall not exceed a maximum of 400 psig for the Class IIX injection wells and 550 psig for the Class III injection wells.

This notice is being given to inform the public that EPA has prepared draft permits, and to solicit public comment. The permits contain standards, prohibitions and other conditions necessary to carry out the provisions of the Act. Should there be significant interest displayed by written public comment, a Presiding Officer shall conduct a public hearing on the above-identified draft permits. The purpose of this public hearing will be to receive comments from interested parties and the public on the draft permits prepared by EPA. Notification of the Hearing will be published in advance so that all interested parties may participate. Once all public comments are submitted and a public hearing, if necessary, is held, the Director of the Division of Enforcement and Compliance Assistance of EPA Region II will make a final decision on whether or not to issue a permits and if issued the applicant will be required to comply with all conditions of the permits.

Written comments must be submitted within 30 days of the date of this notice (no later than **August 21, 2017**) to the following address:

Douglas McKenna, Chief
Water Compliance Branch
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, New York 10007-1866

All information submitted by the applicant is available as part of the administrative record, subject to provisions of law restricting the public disclosure of confidential information. The administrative record for the draft permit can be inspected at any time between 8:30 am and 4:00 pm. It is recommended that you contact EPA at region2_uic@epa.gov to schedule a date and time to review the administrative record to allow time for EPA to make the necessary arrangements for your visit. Copies of documents comprising the administrative record can be obtained by submitting a Freedom of Information Act (FOIA) request online at <https://foiaonline.regulations.gov/foia/action/public/home> or by mailing a request to:

Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York NY 10007-1866

Please note that, pursuant to 40 C.F.R. Part 2, fees may apply to FOIA requests.

Dore LaPosta
Director
Division of Enforcement and Compliance Assistance

Exhibit C



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP - 1 2017

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Article Number: 7016 2070 0001 1397 5847

Brody D. Smith, Esq.
Bond Schoeneck & King, PLLC
One Lincoln Center
Syracuse, NY 13202-1355

Re: Final Underground Injection Control Permits
Class IIX Permit # UIC172X001 and Class III Permit # NYU397001
Finger Lakes LPG Storage, LLC Savona Storage Facility
7535 Eagle Valley Road, Bath, New York 14810

Dear Mr. Smith:

Enclosed are copies of the final U.S. Environmental Protection Agency (EPA) Underground Injection Control (UIC) permits for the continued operation of the above-referenced injection well facility. This action constitutes issuance of the permits.

The public comment period for the permits opened on July 21, 2017 and closed on August 21, 2017. Public comments were received from the applicant. See the enclosed Responsiveness Summary listing each comment, EPA's response and the modifications that were made to the draft permits. In accordance with 40 Code of Federal Regulations (C.F.R.) §124.15, these permits shall become effective 30 days after the service of notice of the decision unless an appeal is filed pursuant to 40 C.F.R. §124.19 and Part I Section L of the enclosed permits. Permit UIC172X001 will expire 10 years after the effective date and permit NYU397001 will expire 20 years after the effective date.

Please take note of Part I, Section E12(h) (Report on Permit Review) of the permits. This condition requires the permittee to report, within 30 days of receipt of this permit, that it has read and is personally familiar with all terms and conditions of the permits.

If you have any questions on this permit or the UIC program, please contact Nicole Kraft at (212) 637-3093 or at kraft.nicole@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. LaPosta".

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Amanda Trotter (w/enc.)
Chief, Technology & Facilities Section
NYSDEC Division of Mineral Resources
625 Broadway
Albany, NY 12233-6500

105 938

U.S. ENVIRONMENTAL PROTECTION AGENCY
UNDERGROUND INJECTION CONTROL PERMIT: CLASS IIX
Permit Number UIC172X001

Pursuant to the Underground Injection Control ("UIC") regulations of the U.S. Environmental Protection Agency ("EPA") codified at Title 40 of the Code of Federal Regulations ("C.F.R."), Parts 124, 144, 146, and 147, Finger Lakes LPG Storage, LLC, 2440 Pershing Road Suite 600, Kansas City, MO 64108 ("Finger Lakes" or "Permittee") is hereby authorized to continue to operate the Class IIX injection wells listed in Attachment 2 and located at the Savona Storage Facility at approximately 42.308165 north latitude and -77.255138 west longitude, 7535 Eagle Valley Road, Bath, New York into the Syracuse Formation with conditions set forth herein:

Permittee is also authorized to operate one proposed injection well, Well #14. As this well will initially be completed as a Class III salt solution mining injection well, construction requirements are incorporated into EPA permit number NYU397001 for this facility. Permittee shall ensure that Well #14 is in compliance with all requirements of this permit upon conversion of the well to inject brine associated with liquefied petroleum gas ("LPG") storage.

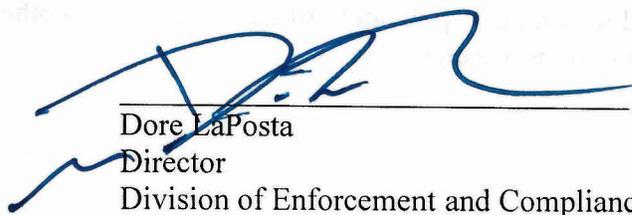
Well Blair #2 (API Number 31-101-02698) is a temporarily abandoned Class IIX injection well. While Permittee is required to comply with all financial responsibility, testing and reporting requirements of this permit, Permittee shall not recommence injection of brine associated with LPG storage activities into this well until Permittee complies with the notification requirements at Part I Section F of this permit and has received written authorization to inject from the Director. Permittee is likewise not authorized to inject brine associated with LPG storage activities into Cavern #2 through any other wellbore since the other wells completed in Cavern #2 were never permitted as injection wells by EPA.

All references to Title 40 of the C.F.R. are to all regulations that are in effect on the date that this permit is effective. The following attachments are incorporated into this permit:

- Attachment 1: Plugging and Abandonment Plan
- Attachment 2: List of existing wells covered by this permit

This permit shall become effective on October 11, 2017. This permit and the authorization to inject shall expire at midnight on October 11, 2027 unless terminated. It will also expire upon delegation of primary enforcement responsibility to the State of New York, unless that State chooses to adopt this permit as a State permit.

Signed this 1st day of September 2017.



Dore LaPosta
Director
Division of Enforcement and Compliance Assistance

**ATTACHMENT #2
CONSTRUCTED WELLS COVERED BY PERMIT**

WELL NAME [#]	WELL AMERICAN PETROLEUM INSTITUTE (“API”) NUMBER
Blair #1	31-101-02679
Blair #2 [*]	31-101-02698
Blair #3	31-101-04835
Blair #4	31-101-04836
Blair #5	31-101-04837
Blair #6	31-101-04848
BPSI #7	31-101-21448
BPSI #9 [^]	31-101-21587
BPSI #10 [^]	31-101-21584
BPSI #11 [^]	31-101-21588
BPSI #12 [^]	31-101-21589
BPSI #13 [^]	31-101-21590

[#] The Well Name registered with New York State. In this permit, wells are referred to by well number, e.g. “Well #1.”

^{*} While Well #2 is subject to the applicable requirements of this permit, Permittee is not permitted to operate the well without the prior written approval of EPA.

[^] As of the date of this permit, Wells #9, #10, #11, #12 and #13 are also permitted for salt solution mining under EPA permit NYU397001. Wells #10, #11 and #12 are not utilized for brine injection associated with LPG storage.

U.S. ENVIRONMENTAL PROTECTION AGENCY
UNDERGROUND INJECTION CONTROL PERMIT: CLASS III
PERMIT NUMBER: NYU397001

Pursuant to the Underground Injection Control ("UIC") regulations of the U.S. Environmental Protection Agency ("EPA") codified at Title 40 of the Code of Federal Regulations ("C.F.R."), Parts 124, 144, 146, and 147, Finger Lakes LPG Storage, LLC, 2440 Pershing Road Suite 600, Kansas City, MO 64108 ("Finger Lakes" or "Permittee") is hereby authorized to continue to operate the Class III salt solution mining injection wells listed in Attachment 2 of this permit and to construct and operate one proposed injection well, Well #14, upon the condition that the Permittee meets the restrictions set forth herein. The facility is located at approximately 42.308165 north latitude and -77.255138 west longitude, 7535 Eagle Valley Road, Bath, New York 14810. Injection is authorized into the Syracuse Salt Formation. Injection into newly constructed wells shall not commence until the Permittee has received written authorization from the Director.

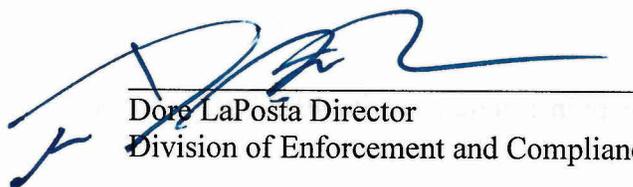
All references to Title 40 of the C.F.R. are to all regulations that are in effect on the date that this permit is effective. The following attachments are incorporated into this permit:

Attachment 1: Plugging and Abandonment Plan

Attachment 2: List of existing wells covered by this permit

This permit shall become effective on October 11, 2017. This permit and the authorization to inject shall expire at midnight on October 11, 2037 unless terminated. It will also expire upon delegation of primary enforcement responsibility to the State of New York, unless that State chooses to adopt this permit as a State permit.

Signed this 25th day of September 2017



Dore LaPosta Director
Division of Enforcement and Compliance Assistance

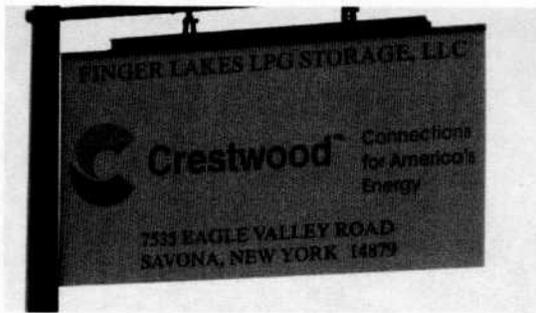
ATTACHMENT #2
CONSTRUCTED WELLS COVERED BY PERMIT

WELL NUMBER [#]	WELL AMERICAN PETROLEUM INSTITUTE (API) NUMBER
BPSI #9*	31-101-21587
BPSI #10	31-101-21584
BPSI #11	31-101-21588
BPSI #12	31-101-21589
BPSI #13*	31-101-21590

[#] The Well Name registered with New York State. In this permit, wells are referred to by well number, e.g. "Well #1."

^{*} As of the date of this permit, Wells #9 and #13 are also utilized for brine injection associated with LPG storage activities and regulated under EPA permit number UIC172X001. Wells #10, #11 and #12 are also permitted under EPA permit number UIC172X001 for brine injection associated with LPG storage, but are not currently utilized for such injection.

Exhibit D



5. On December 7, 2015, I observed and recorded video footage of a Crestwood truck, tractor #478 and trailer #6026, entering the Crestwood facility in Reading, New York, appearing to unload a liquid into a brine pond at that site. I have possession of the video footage and can provide a copy upon request.

Sworn to this 3 day of October, 2017.

Robert P. Nilsson

Sworn to before me this 3
day of October, 2017.

Notary Public

2

COLLEEN WEST HAY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HA6147071
Qualified in Livingston County
My Commission Expires May 30, 2018