



Memorandum of Understanding (MOU)
Between
US EPA and DESTINY USA
Progress Report
March 2009

 Green font indicates no additional information.

 Red indicates a new update.

Design

Green Building

MOU Highlights:

- Green construction methods will be integrated into buildings at all stages, from design and construction, to renovation and deconstruction.
- Destiny USA will use the GSA *Whole Building Design Guide* to assist in creating a successful, environmentally high-performing facility.
- On October 31, 2005, Destiny USA officially registered the project with the U. S. Green Building Council (USGBC) and is committed to obtaining the highest levels of certification under LEED.

As part of LEED requirements as well as Destiny USA's commitment to Green Building, we strive to use materials and products that are within a 500 mile radius of the project site. Supporting the use of indigenous resources not only is a regional economic booster, but it has immense environmental impacts by reducing fuel usage and emissions. Some of the materials that we use on the Destiny USA Project extracted and manufactured within the region are: concrete, masonry blocks, coal ash, gypsum board, insulation, pre-cast concrete, piles and splicers.

As of February 25th, 2009 we have submitted the Design Phase Review of the LEED Core & Shell Certification Application to the USGBC.

The US Green Building Council has officially pre-certified the 1.3 million square foot first phase at the LEED-CS Gold Level. We are continuing to pursue our goal of Platinum Level certification.

Destiny USA continues to hold regular meetings with our Architects, Engineers and General Contractors to ensure the methodology of green building is being communicated and incorporated into the design and construction phases.

On April 18th, 2007 we held our first LEED for contractors training which educated everyone on the importance of using low emitting materials, regionally sourced materials and materials with recycled content. The training also covered waste management and indoor air quality management for the



construction site.

In our continuing efforts to educate and drive awareness, we are creating a Green Construction Training Manual for our construction partners to help them better understand and meet the projects goals.

As of June 13, 2008 we have provided our contracting partners with a “Destiny USA Contractors Guidebook” regarding our goal of being LEED Certified and addressing specific items that require contractor action or participation. Destiny created this tool as part of our continued our efforts to educate and drive awareness site wide and with all of our construction partners.

Energy Star Program

MOU Highlights:

- Destiny USA is committed to becoming an Energy Star Partner.
- Destiny USA will develop a portfolio of buildings that achieve top energy performance and demonstrate continuous improvement and superior management and environmental leadership.
- EPA will recognize energy conservation achievements by Destiny USA by identifying it as an “Energy Star Leader.”

Update Since Last Reporting Period:

Destiny USA is installing Gen2 Elevators manufactured by Otis, which are 50 percent more efficient than conventional systems. In addition to saving energy, the Gen2 Elevator also reduces the systems environmental impact because its polyurethane coated-steel belts, gearless machine and roller guides eliminate the need to apply lubrication. The Gen2 Elevator has been recognized with a number of environmental awards, attesting to its effectiveness as a green solution.

It is the intent that the building will perform at a minimum of 35%, with a goal of 50%, better than a building that minimally complies with ASHRAE/IESNA Standard 90.1-2004 energy performance requirements.

This project will include an energy management system allowing building operators to monitor, track and control energy use of HVAC and lighting systems. The system will allow continuous metering for: lighting systems, air handling systems, heat recovery, boilers and domestic water systems. The measurement and verification system will incorporate both common and tenant area systems.

Heat island effect will be reduced by incorporating roofing energy efficient roofing technologies such as albedo roofing.

Destiny USA plans to implement a solar power roofing system. Approximately 3.2MW of PV will be installed on the roof of DUSA expansion, offsetting an estimated 13% of the new facilities energy consumption.



WaterSense Program

MOU Highlights:

- Destiny USA is committed to becoming a WaterSense Partner.
- Destiny USA will design and develop a facility that reduces water utilization by adopting water-efficient practices and products which will include water efficient landscaping using captured rain and recycled site water, innovative wastewater technology and high efficiency lavatories.

Update Since Last Reporting Period:

Destiny USA will be utilizing a number of low flow fixtures throughout the 1.3 million square foot expansion. Some of the fixtures being utilized are the “Optima Solis”, which is a solar powered, electronic hand washing faucet. It operates by means of a dual infrared sensor and microprocessor based logic. Also being used is American Standard’s “Washbrook” urinal which has low water consumption using 3.8 Lpf/1.0gpf, American Standard’s “Afall” flush valve toilet will use 6.0Lpf/1.6gpL and Sloan’s “Optima 2Plus” battery powered flushometers which use 1.0gpf/3.8Lpf.

The Rainwater Harvest System we’re implementing will utilize an 116,000 gallon rainwater retention pond collection system to collect, treat, and reuse rainwater. The rainwater piping system will convey the rainwater from the retention pond to dual-flush water closets (104 units) and low-flow urinals (29 units) in both the common core area and tenant area restrooms. Additionally, low-flow lavatories (131 units) and low-flow shower fixtures (15 units) will be installed to reduce water usage. **The rainwater harvest system will reduce the use of the municipal water supply by over 4 million gallons annually.**

As of 5/21/08, Destiny USA requested a “Pilot” Promotional Partnership Agreement with the EPA that will allow Destiny USA to help raise awareness about the importance of water efficiency, ensure water-efficient product performance and promote innovation in product development and support state and local water efficiency efforts.

Low Carbon IT Program

As of 6/12/08, Destiny USA incorporated the “Low Carbon IT Program” through the Energy Star Program - As a result of this implementation, Destiny USA will save 66,015.5 kilowatts of energy; which translates to \$10,680.52 over a one-year period, and pollution prevention of 152.1 tons of CO₂; which is equivalent to 31.36 acres of trees being planted and 25.27 cars being removed from our streets and highways.



Construction

Industrial Materials Recycling.

MOU Highlights:

- The first phase of Destiny USA will use over 3,000 tons of coal ash in construction materials and reduce green house gases by over 3,000 tons.

Update Since Last Reporting Period:

As of 3/18/09, Destiny USA has maintained a goal of using 30% fly ash in various concrete applications such as pile caps, elevator shafts, grade beams and sidewalks throughout the project site. To date, over 38,000 yards of concrete has been used utilizing 2,744 tons of fly ash. In addition, 5,327 tons of bottom ash was used for light-weight fill. Destiny USA continues to maintain a goal of 30% fly ash in all concrete applications on-site and continually looks for additional product applications.

Destiny USA has utilized numerous products in accordance with LEED Core & Shell requirements maintaining a recycled content of 10% or greater. Some of the materials include roof insulation, gypsum board, mineral wool and fiberglass insulation, steel framing, rebar, wiremesh, decking, pile and steel doors and frames.

In 2008, Destiny USA became a C2P2 Partner (Coal Combustion Program Partner) with the EPA.

Destiny USA set a goal to use 30% fly ash in 33,000 cubic yards of their concrete applications including slab-on-grade, pile caps and floors. Destiny USA has also used 5,327.61 tons of bottom/coal ash, as light weight fill in place of typical soil.

Clean Construction Equipment

MOU Highlights:

- Destiny USA will include the use of clean construction equipment in its specifications for contractors working on facility construction and operation.

Update Since Last Reporting Period:

As of 3/18/09, 254,538 gallons of bio-diesel fuel ranging from B05 to B100 blend, has been used in all on-site construction equipment.

We received results from an onsite emission test performed by Southern Research Institute, in partnership with NYSERDA, which showed PM reductions of 68%, CO₂ reduced by 12% and CO down by 59%. As found in the EPA's reports, the NO_x level increased in excess of 10% which is even more pronounced in newer engines.



We are still exploring the use of DPF's (Diesel Particulate Filter). We've received initial concerns regarding performance of some of the equipment using both B100 and DPF's.

We have run a number of tests using waste grease from the food court. Due to unfavorable test results, this will not be a viable option for us because of certain additives found in the grease that could not be properly filtered. Our plan for the future is to experiment with other waste grease sources and/or industrial vegetable oil, likely to be used in onsite generators during construction.

We are also looking at possible emission control solutions for smaller, gas powered equipment that will be on-site, including the use of E85 or some type of filtration. We are working with subcontractors to test different emission technologies.

Enhanced Idling Reduction

MOU Highlights:

- Enhanced idling reduction measures reduce fuel consumption and pollution by setting a reasonable time limit for idling and actively enforcing this limit. Destiny USA will implement idling reduction measures in its own fleets, and encourage or require its contractors and tenants to do the same.

The Destiny USA Idle Reduction Policy has been in place since April 2007.

Destiny USA also plans to test idle reduction technology on the construction equipment. Currently, we are in the exploratory stage of this enhancement.

Destiny USA has empowered every "Innovator" Team Leader to be the eyes and ears of the organization and have a positive influence on those around us. As an "Idle Reduction Policy Leader" we've asked that they assist in controlling unnecessary idling of all onsite vehicles and equipment.

SmartWay Partnership

MOU Highlights:

- The SmartWay Transport Partnership is a voluntary collaboration between EPA and the freight industry designed to increase energy efficiency while significantly reducing greenhouse gases and air pollution.
- Destiny USA will encourage (through, e.g., establishment of incentives) its contractors and tenants to become SmartWay Transport Partners.

On June 4, 2008 Destiny USA joined The SmartWay Community under the umbrella of The SmartWay Partnership Program. During the process of joining The SmartWay Partnership it was determined that



Destiny USA does not fit into any of the categories available to become a Smart Way Transportation Partner so a different avenue was pursued to continue to support and be a part of the SmartWay program.

The SmartWay Community partnership will allow Destiny USA and the partners that it encourages, to benefit the environment in the following ways: by improving fuel efficiency which will produce a double benefit and also improve the company's bottom line, reducing the environmental footprint and reducing energy consumption which will improve national security for America.

(<http://www.epa.gov/smartway/partnerships.htm>)

The SmartWay Transportation Partnership also recommends each company to encourage idle reduction, which Destiny USA has done by implementing the implementation the Idle Reduction Policy in April 2007; as well as creating green parking to recognize those that have purchased sustainable vehicles and to encourage other consumers as well as the local community to purchase sustainable vehicles.

Operations

Environmental Management System (EMS)

MOU Highlights:

- Destiny USA will implement an Environmental Management System (EMS) and a comprehensive set of management tools and principles that will allow the organization to systematically manage environmental and health safety matters.
- The Integrated Environmental Management System is structured for the ISO 14001 framework and the certification is an international standard for EMS.

As of 10/21/08, Destiny USA completed the Master EMS Operations document. After internal audits are conducted, Destiny USA will "self-declare" compliance with ISO 14001 and begin to pursue 3rd party registration for ISO 14001 certification.

Solid Waste Reuse and Recycling

MOU Highlights:

- Solid waste generation is part of daily life. It includes paper, containers, food waste and, increasingly, electronic equipment such as computers.
- Destiny USA is committed to an integrated solid waste reuse and recycling strategy for its facilities, including electronics.

Update Since Last Reporting Period:

As of 3/18/09 Destiny USA maintains on-site recycling efforts and continues to divert between 93%- 95% of all construction waste including blacktop, cardboard, concrete, gypsum board, metal, steel and wood, with almost 7,000 tons from going to landfills.



We are also exploring the possibility of building an on-site renewable energy plant that would utilize all the municipal solid waste generated from Destiny USA, supplemented with feed stock to create enough power to run the facility.

Clean Vehicle Fleets

MOU Highlights:

- Destiny USA will use clean vehicles in its own fleets, and promote the use of clean vehicle fleets by its contractors and tenants.
- To date, Destiny USA has experimented with the use of biodiesel in snow plowing vehicles and has a small fleet of hybrids and a biodiesel vehicle. As the project grows, additional alternative and fuel efficient vehicles will be added to the fleet.

As Destiny USA grows its own fleet, alternative fuel and fuel efficient vehicles will be specified.

We are also exploring the possibility of building an on-site alt fueling station that would provide E85, biodiesel, hydrogen and plug-in options for consumers.

Best Workplace for Commuters

MOU Highlights:

- Best Workplaces for Commuters is an innovative, voluntary business-government program that distinguishes and provides national recognition to employers offering outstanding commuter benefits such as free or low cost bus passes, strong telework programs, carpooling matching and vanpool subsidies.
- Destiny USA will implement a commuter benefits program that qualifies for the EPA National Standard of Excellence in commuter benefits.

We are still in an exploratory stage. We will be researching other corporate programs to find the best solution.

Green Power Partnership

Carousel Center, which is the existing structure that Destiny USA is expanding, has switched 19,500,000 kWhs to 100% Green Power. The company's commitment will prevent the emissions of approximately 958 tons of greenhouse gases.

Additional "Green" Initiatives



Project EverGREEN Schools™

Destiny USA is proud to announce that we've recently become a partner with Clean Green Energy's Project EverGREEN Schools™ to forge a future free of carbon footprints. Destiny USA is proud to donate 17,000 square foot of classroom space located within the 1.3 million square foot expansion, as the future site of *Destiny USA EverGREEN Learning CenterSM*. EverGREEN Learning Centers are located at major development sites that utilize a renewable energy system provided by Partners GREEN.

Project EverGREEN's initiative is *"to provide economically feasible on-site green energy generation systems utilizing renewable energy devices at school facilities for a hands-on learning experience to stimulate discovery of technology advancements by our youth for a GREEN Energy Future"*. "Destiny is committed to energy literacy, and we stand ready to provide a rigorous project-oriented energy curriculum at our learning center", said Destiny USA developer Robert Congel.

Universal Design & Access – "The Living Laboratory"

Destiny USA and Global Universal Design Commission, Inc. (GUDC) signed a Memorandum of Understanding (MOU) that will establish a framework for a collaborative relationship. Destiny USA will seek to become an initial adopter of the GUDC Universal Design standards in commercial development to expand ease of use for diverse audiences.

Within the framework of the MOU, Destiny USA is committed to explore and advocate the following:

- Increase the usability, safety and health environments, products and systems in response to the diversity of people and abilities.
- Accelerate the adoption of Universal Design and access concepts
- Advocate that Universal Design benefits everyone including without limitation women, men and children, people with disabilities and without, and people using different languages.
- Universal Design also broadens markets and increases customer satisfaction because it addresses differences and preferences of all types.

Destiny USA will act as the living laboratory to create, demonstrate and implement exemplary, platinum level models of Universal Design and Access.

Daily "Green" Tips

At Destiny USA the commitment was made to ensure that "every Destiny USA team member would be a green ambassador" equipped and educated in a variety of "green" areas to understand and have the ability to share and discuss with visitors, consumers, partners and the local community about the latest and greatest "green" occurring in the world and here at Destiny USA. On a daily basis "green" educational tips are e-mailed company-wide and located in an electronic central location as a database to decrease the need of printing.



Destiny USA “Green” Parking

On August 29, 2007, over 60 preferred “Green Parking” spaces at Carousel Center with preferred spaces adjacent to parking for individuals with disabilities were provided to owners of environmentally friendly vehicles. Uniquely each Destiny USA “Green Parking” sign is created out of Polyboard, according to the newcityresources.com website polyboard is “is a 400% Environmental Product made from post industrial recycled polymer, which contain product pieces such as plastic from manufactured diapers, sawdust, paper, etc. and can be constantly reused and recycled; the use of polyboard not only eliminates the highly polluting plastic waste, but saves countless trees to maintain the ecological balance of nature.”

This program was created to educate and include the community in the global efforts toward sustaining the environment and purchasing in an environmentally friendly way. Robert J. Congel states “We have made a commitment that Destiny USA will be 100% fossil-fuel free and energy efficient, our goal is to drive global awareness about sustaining our environment and Destiny USA’s green parking program is the next ‘green’ step in our journey.”

Paperless Initiative and Policy

Effective at the close of business Friday, April 4th, 2008 - Destiny USA adopted a *Paperless Initiative Policy* and made the commitment to go paperless. After this date, tasks previously performed on paper are now done in an electronic manner, without the use of paper and unless required by law, avoidance of printing documents.

This policy is being initiated in a sequential process:

The *first* phase of this new policy required replacement of current paper processes with electronic equivalents using systems and devices on-hand, wherever possible.

In the *second* phase, external stakeholders become involved to create a “work flow” system. Destiny USA will introduce more advanced technology to increase accuracy and speed authorizations.

Digital communication is the method of choice wherever feasible. Current business processes are continuously being identified for conversion to non-paper systems. Examples to date include employee timesheet tracking and invoicing for services. Construction management has moved away from the use of paper drawings and now relies on electronic documentation for engineering design reviews.

It is understood that businesses wishing to do business with Destiny USA may still rely on paper based processes and collateral materials. Destiny USA expects these business partners to begin converting to paperless systems over time.



This Paperless Initiative Policy enhances Destiny USA's responsibility to the environment, generates cost-savings from decreasing supplies and time-savings by implementing more efficient technology enabled processes.

Clean Communities of Central New York

Effective June 30th, 2008 Destiny USA voluntarily became a member of Clean Communities of Central New York (CCCNY), an organization formed as part of the Clean Cities Program, sponsored by the US Department of Energy. The goal of this membership is to form partnerships in the developing markets for Alternative Fuel Vehicles (AFV's).

Destiny USA will work with the founding members of CCCNY to:

- Promote the purchase of AFV's and the development of infrastructure for alternative fuels in advance of current legislative mandates
- Provide educational construction of a station to support a variety of AFV's
- Provide educational and demonstration programs consistent with the goal of educating the public regarding AFV's
- Seek funding sources regarding the purchase of AFV's and fueling facilities

Green Awareness

As part of our Green Initiative and continuous learning, Destiny's Green team attends various educational conferences, seminars, expos and webinars sponsored by USGBC, area colleges and numerous green partners. Maintaining Environmental awareness is vital to the Destiny culture and will continue to be essential part of our success.