

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

MAR 23 2016

Honorable Debra Preston
Broome County Executive
P.O. Box 1766
Binghamton, New York 13902

Re: Certificate of Completion
Site Name: 312 Maple Street
Site No. B00168
SAC No.: NYWII-B00168-12-14
Village of Endicott, Broome County

Dear County Executive Preston:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the County of Broome undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (DEC) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result, DEC is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The County of Broome is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the County of Broome fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide DEC with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

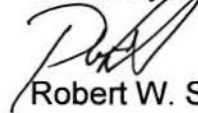
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in June 2017.

DEC will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Gary Priscott, the DEC project manager for this site, at (607) 775-2545 extension 116.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Frank Evangelisti, Broome County (fevangelisti@co.broome.ny.us)
Daniel Troy, GZA GeoEnvironmental of New York (daniel.troy@gza.com)
Krista Anders, DOH
Maureen Schuck, DOH
Bridget Boyd, DOH
Gary Priscott, DOH
Harry Warner, DOH
William Daigle, DEC
Dolores Tuohy, DEC
Brad Burns, DEC
Andrew Guglielmi, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
Broome County	P.O. Box 1766, Binghamton, NY 13902

SITE INFORMATION

Site No.: B00168 **Site Name:** 312 Maple Street Site
State Assistance Contract No.: C302753
Site Owner: Broome County
Street Address: 312 Maple Street
Municipality: Endicott **County:** Broome **DEC Region:** 7
Site Size: 0.924 Acres
Tax Map Identification Number(s): 156.12-4-11, 156.12-4-12

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the ERP: Restricted-Residential, Commercial, and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County with recording identifier 201600001369.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

CERTIFICATE MODIFICATION/REVOCAION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

(1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;

(2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;

(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

(5) the environmental easement as implemented, if applicable, is not protective or enforceable;
or

(6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Acting Commissioner
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date: MARCH 23, 2016

**NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

312 Maple Street, Site ID No. B00168
312 Maple Street and 1-3 Duane Avenue North, Endicott, NY 13760
Village of Endicott, Broome County, Tax Map Identification Number(s) 156.12-4-11 and
156.12-4-12

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Broome County for a parcel approximately 0.924 acres located at the 312 Maple Street and 1-3 Duane Avenue North in the Village of Endicott, Broome County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as County Recording Identifier number 201600001369.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to DEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

312 Maple Street, Site B00168, 312 Maple Street and 1-3 Duane Avenue North, Endicott, NY 13760

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at DEC's Region 7 office located at 615 Erie Blvd. West, Syracuse, NY 13204 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Broome County

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__ , before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Broome County
60 Hawley Street
Binghamton, NY 13902



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 Site Management Form
 1/29/2016



SITE DESCRIPTION

SITE NO. B00168

SITE NAME 312 Maple Street Site

SITE ADDRESS: 312 Maple Street ZIP CODE: 13760

CITY/TOWN: Endicott

COUNTY: Broome

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 06/12/2017

Description of Institutional Control

Broome County
 1-3 North Duane Avenue
 Environmental Easement
 Block: 4
 Lot: 12
 Sublot:
 Section: 156
 Subsection: 12
 S_B_L Image: 156.12-4-12
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 O&M Plan
 Site Management Plan
 Soil Management Plan

312 Maple Street
Environmental Easement
Block: 4
Lot: 11
Sublot:
Section: 156
Subsection: 12
S_B_L Image: 156.12-4-11
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

Broome County
1-3 North Duane Avenue
Environmental Easement
Block: 4
Lot: 12
Sublot:
Section: 156
Subsection: 12
S_B_L Image: 156.12-4-12
Vapor Mitigation

312 Maple Street
Environmental Easement
Block: 4
Lot: 11
Sublot:
Section: 156
Subsection: 12
S_B_L Image: 156.12-4-11
Vapor Mitigation

Exhibit A

Site Description

EXHIBIT A – SITE DESCRIPTION

312 MAPLE STREET, ERP SITE NO. B00168
VILLAGE OF ENDICOTT, BROOME COUNTY

ALL THAT TRACT OR PARCEL OF LAND situate in Village of Endicott, in the Town of Union, County of Broome, and the State of New York, and described as follows:

BEGINNING at point at on the southerly boundary Maple Street at its intersection with the division line between the property of Susan M. Barnes and Karl E. Spencer (reputed owners) on the west and the property of the County of Broome on the east;

RUNNING THENCE South $86^{\circ}46'25''$ E along the southerly boundary of Maple Street a distance of 268.61 feet to a point at the intersection the southerly boundary of said Maple Street and the westerly boundary of North Duane A venue;

RUNNING THENCE South $10^{\circ}53'25''$ W along the westerly boundary of North Duane Avenue a distance of 134.81 feet to a point at the intersection the westerly boundary of said North Duane A venue with the northerly Right of Way of Pennsylvania Lines LLC (Formerly Erie Railroad Company);

RUNNING THENCE South $83^{\circ}24'56''$ W along the northerly Right of Way of Pennsylvania Lines LLC (Formerly Erie Railroad Company) a distance of 255.85 feet to a point at the intersection with the division line between the property of Susan M. Barnes and Karl E. Spencer (reputed owners) on the west and the property of the County of Broome on the east;

RUNNING THENCE North $03^{\circ}42'14''$ E along said division a distance of 177.21 feet to the POINT OF BEGINNING.

The above described parcel contains $40248\pm$ sq. ft. or $0.9240\pm$ acres.

Exhibit B

Site Survey

