

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

November 30, 2021

Mr. Tim Troutman
Covestro LLC
1 Covestro Circle
Pittsburgh, PA 15205

Mr. Stephen E. Fitzgerald
Occidental Chemical Corporation
Glenn Springs Holding, Inc.
Occidental Tower
5005 LBJ Freeway
Dallas, TX 75244

RE: Certificate of Completion
RUCO Polymer Corp. (Hooker Chem) – Operable Unit 05
Town of Oyster Bay, Nassau County
Site No. 130004

Dear Mr. Troutman and Mr. Fitzgerald:

The remedial program at the RUCO Polymer Corp. (Hooker Chem) site – Operable Unit 05 has satisfactorily been completed. The New York State Department of Environmental Conservation (Department) hereby approves the Final Engineering Report, allowing the Certificate of Completion to be issued for Operable Unit 05. This approval letter also serves as the Certificate of Completion. A description of the property subject to this Certificate of Completion is attached as Exhibit A and a site survey is attached as Exhibit B.

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to 6 NYCRR § 375-1.9. The Department, Occidental Chemical Corporation, and Bayer MaterialScience, LLC (n/k/a Covestro LLC) executed Order on Consent and Administrative Settlement Index No. A1-0799-12-10 on September 30, 2013 (the "Order on Consent") for the investigation and potential remediation of off-Site soil vapor impacts associated with activities at the Site. The Department identified the investigation and remediation of off-Site soil vapor impacts as Operable Unit 05 for the Site. 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 Order on Consent as well as any other relevant information regarding Operable Unit 05 for the Site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6 NYCRR Part 375 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan. Notwithstanding the Liability Limitations provided by this Certificate of Completion for Operable Unit 05, the Department reserves any and all rights and authority, including rights concerning any claim for response costs and natural resource damages or the authority to engage in or require any further investigation or remediation the Department deems necessary, regarding groundwater contamination at and migrating from the RUCO Polymer Corp. (Hooker Chem) Site.



Department of
Environmental
Conservation

The remedial program for Operable Unit 05 at the site has achieved a cleanup level that would be consistent with the following categories of uses:

Allowable Uses under the SSF: 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 Nassau County with recording identifier 2017-00063963.

LIABILITY LIMITATION

Upon issuance of this Certificate, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in 6 NYCRR § 375-2.9 for the investigation and remediation of Operable Unit 05. 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 6 NYCRR § 375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL § 27-1321 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 6NYCRR § 375-1.9(f)-(g).

CERTIFICATE MODIFICATION/REVOCATION

This Certificate may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6 NYCRR § 375-1.9(e)(2) upon a finding that:

(1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;

(2) there has been a failure to comply with the terms and conditions of the Order on Consent;

(3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;

(4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;

(5) for good cause;

(6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;

(7) non-compliance with the terms of the Order on Consent, the remedial work plan, site management plan, or the Certificate after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 6 NYCRR § 375-1.9(e)(2);

(8) fraud related to the remedial program for the site committed by the Certificate holder;

(9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or

(10) a change in the site's use subsequent to the Department's issuance of the Certificate, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

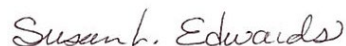
The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the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

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of this letter/Certificate in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the Certificate; or if you are a prospective purchaser of the site, you must record a notice of the Certificate within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of Certificate is recorded within the time frame specified. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- Place the notice of the Certificate in the document repository for the site within 10 days of issuance of this Certificate; and
- Implement the Department-approved Site Management Plan (SMP) for Operable Unit 05 which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. You must report the results of these activities to the Department per the SMP.

If you have any questions regarding any of the above tasks, please contact Mr. Steven Scharf at 518-402-9702.

Sincerely,



Susan Edwards, P.E.
Acting Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Timothy Duffy, Coughlin Duffy, TDuffy@coughlinduffy.com
John Pentilchuk, GHD, John Pentilchuk@GHD.com
Andy Smith, Pictor Logistics Acquisition, LLC c/o Brookfield Property Group,
andy.smith@brookfield.com
C. Vooris – NYSDOH
P. Mannino- USEPA
R. Ockerby
C. Bethoney

ec w/o enc:

S. Scharf
J. Swartwout
R. Mustico
C. Engelhardt
M. Murphy

NOTICE OF CERTIFICATE OF COMPLETION
Inactive Hazardous Waste Disposal Site Program
Pursuant to 6 NYCRR Part 375-1.9(d)

RUCO Polymer Corp. (Hooker Chem), Site ID No. 130004
125 New South Road, Hicksville, NY 11801
Town of Oyster Bay, Nassau County, Tax Map Identification Numbers 46-N-30 and 46-N-31

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 Covestro LLC and Occidental Chemical Corporation for Operable Unit 05 associated with a parcel approximately 15 acres located at the 125 New South Road in the Town of Oyster Bay, Nassau 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 Order on Consent, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 13 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 Nassau County as 2017-00063963.

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 the NYSDEC, 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 6 NYCRR Part 375-2.9. 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 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of

law.

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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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, a copy of the Certificate can be reviewed at the NYSDEC's Region 1 located at SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/130004/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Pictor Nassau Logistics Center, LLC c/o Brookfield
Property Group

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:
OXY Glenn Springs Holdings LLC
Two Tower Center Blvd, 8th Floor
East Brunswick, NJ 08816

4/20/2020

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Address: 125 New South Road
Hicksville, Nassau County, New York

Tax Map Nos.: 46-N-30 & 46-N-31

SURVEYOR'S DESCRIPTION OF TOTAL ENVIRONMENTAL EASEMENT:

All that tract or parcel of land situated in the Town of Oyster Bay, County of Nassau, and State of New York, and being bounded and described as follows:

BEGINNING at a point formed by the intersection of the northeasterly line of the Long Island Railroad right of way with the easterly side of New South Road (Ketcham Road);

Running thence along said easterly side of New South Road North 05 Degrees 47 Minutes 25 Seconds East a distance of 25.81 feet to a point;

Thence still along said easterly side of New South Road North 04 Degrees 27 Minutes 15 Seconds East a distance of 271.88 feet to land now or formerly Zirk;

Thence along the last mentioned line, South 84 Degrees 37 Minutes 30 Seconds East a distance of 892.43 feet to a point;

Thence along the land now or formerly K & T Realty Corporation, South 05 Degrees 03 Minutes 22 Seconds West a distance of 1,019.86 feet to a point;

Thence North 85 Degrees 00 Minutes 00 Seconds West a distance of 160 feet, to a point.

Thence North 55 Degrees 35 Minutes 00 Seconds West a distance of 90.86 feet to a point on the northeasterly line of the Long Island Railroad right of way;

Thence along said Long Island Railroad right of way North 38 Degrees 32 Minutes 45 Seconds West a distance of 942.85 feet to the easterly side of New South Road and the point or place of BEGINNING.

The above described parcels contain 657,138 square feet or 15.1 acres, more or less.

Exhibit B

Site Survey

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in more detail in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at www.derweb@dec.ny.gov.

SURVEYOR'S DESCRIPTION - ENVIRONMENTAL EASEMENT,
ENTIRE PROPERTY - TAX MAP PARCEL #S: 46-N-30 & 31

ON ALL THAT CERTAIN PLOT, PIECES OR PARCELS OF LAND, situate in the Town of Oyster Bay, County of Nassau, and State of New York, being bounded and described as follows;

BEGINNING at a point formed by the intersection of the northeasterly line of the Long Island Railroad right of way with the easterly side of New South Road (Ketcham Road);

Running thence along said easterly side of New South Road North 05 Degrees 47 Minutes 25 Seconds East a distance of 25.81 feet to a point;

Thence still along said easterly side of New South Road North 04 Degrees 27 Minutes 15 Seconds East a distance of 271.88 feet to land now or formerly Zirk;

Thence along the last mentioned line, South 84 Degrees 37 Minutes 30 Seconds East a distance of 892.43 feet to a point;

Thence along the land now or formerly K & T Realty Corporation, South 05 Degrees 03 Minutes 22 Seconds West a distance of 1,019.86 feet to a point;

Thence North 85 Degrees 00 Minutes 00 Seconds West a distance of 160 feet, to a point;

Thence North 55 Degrees 35 Minutes 00 Seconds West a distance of 90.86 feet to a point on the northeasterly line of the Long Island Railroad right of way; and

Thence along said Long Island Railroad right of way North 38 Degrees 32 Minutes 45 Seconds West a distance of 942.85 feet to the easterly side of New South Road and the point or place of BEGINNING.

The above described parcel contains 657,138 Square Feet or 15.1 Acres.

ABBREVIATION:

L.I.R.R.	LONG ISLAND RAIL ROAD
P.O.B.	POINT OF BEGINNING
F.K.A.	FORMERLY KNOWN AS
Sq. Ft.	SQUARE FEET
O/H	OVERHEAD UTILITIES

LEGEND:

ENVIRONMENTAL EASEMENT AREA

ENVIRONMENTAL EASEMENT LINE

LOT LINE

CHAIN LINK FENCE

RAILROAD TRACKS

CURB

OVERHEAD UTILITIES (O/H)

PROPERTY LINE BEARING

UTILITY POLE

GUY WIRE

WATER VALVE

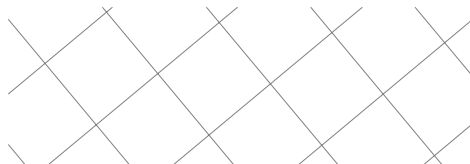
FIRE HYDRANT

SIGN

UNKNOWN UTILITY MANHOLE

GAS VALVE

ELECTRIC BOX



N 85°00'00" W

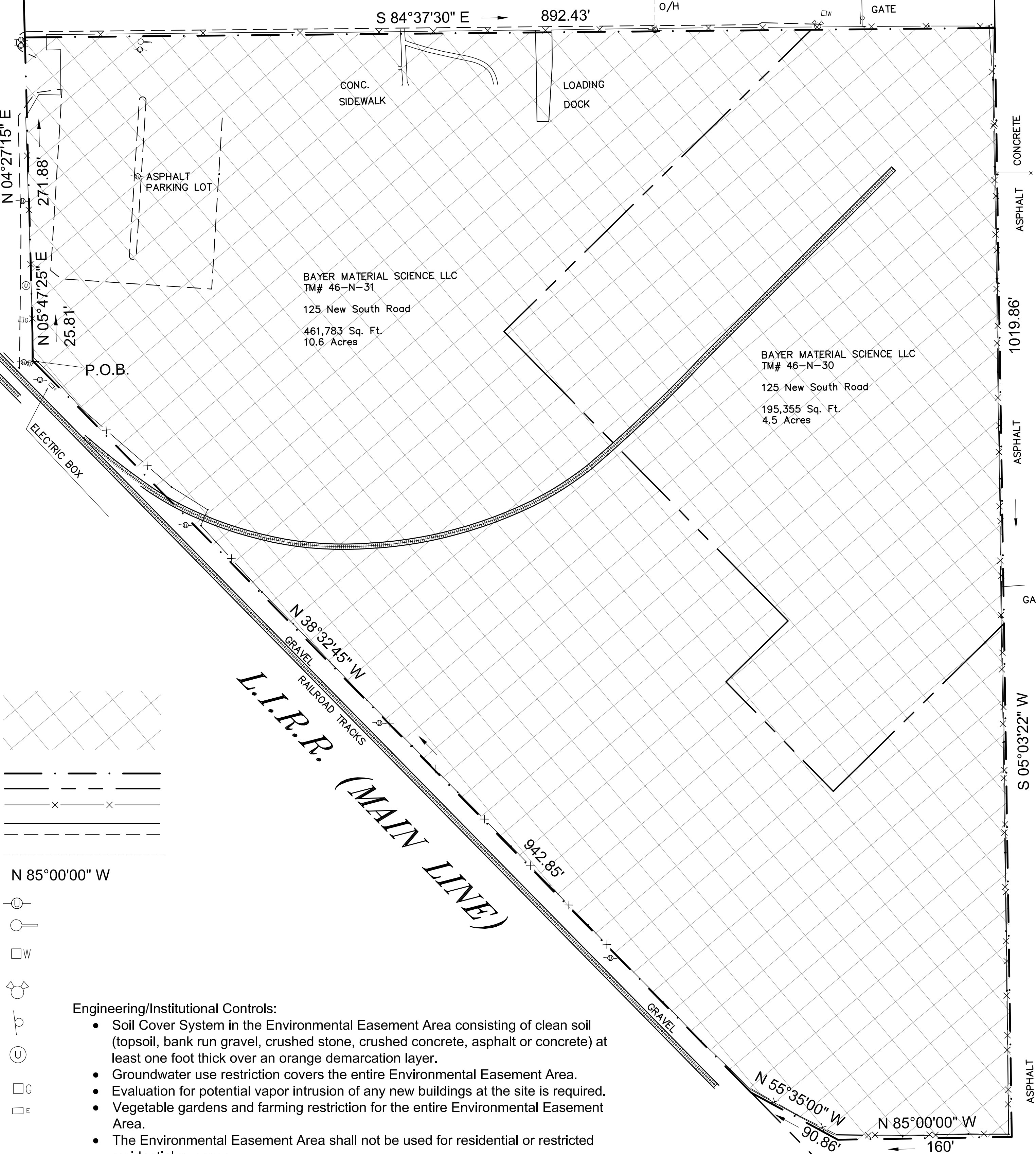
Engineering/Institutional Controls:

- Soil Cover System in the Environmental Easement Area consisting of clean soil (topsoil, bank run gravel, crushed stone, crushed concrete, asphalt or concrete) at least one foot thick over an orange demarcation layer.
- Groundwater use restriction covers the entire Environmental Easement Area.
- Evaluation for potential vapor intrusion of any new buildings at the site is required.
- Vegetable gardens and farming restriction for the entire Environmental Easement Area.
- The Environmental Easement Area shall not be used for residential or restricted residential puposes.

NEW SOUTH ROAD
(F.K.A. KETCHAM ROAD)

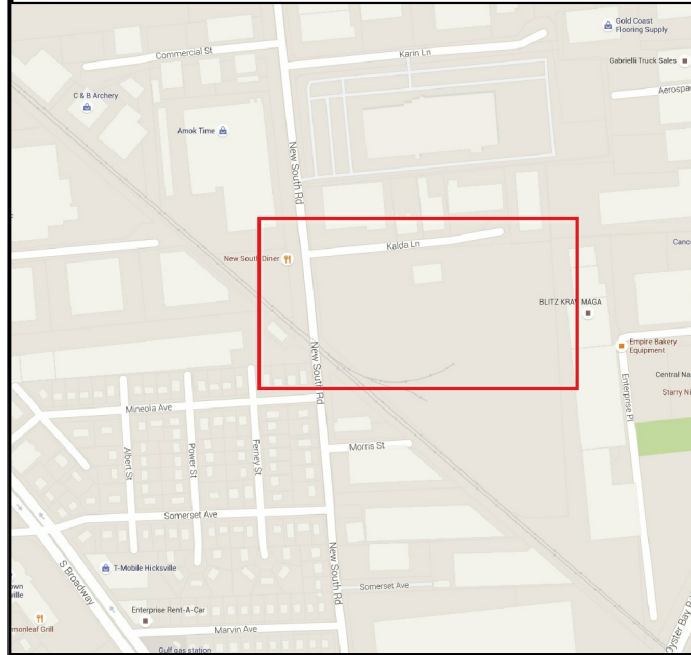
LAND N/F ZIRK

COMMERCE PLACE
(F.K.A. KALDA LANE)

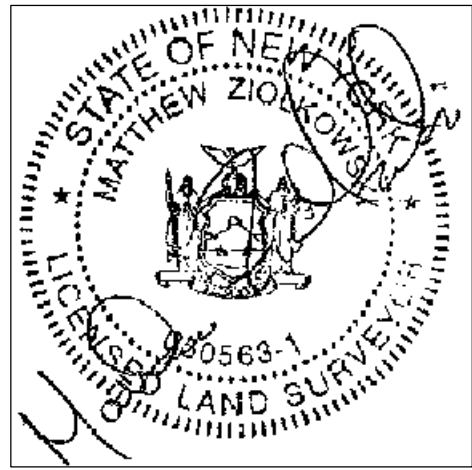
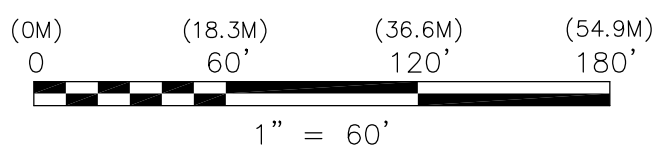


F:\PRJCT\41327\DWG\41327 BOUNDARY-SURVEY.DWG

VICINITY MAP



SCALE



CERTIFIED BY

ZIOLKOWSKI MATTHEW
PROFESSIONAL LAND SURVEYOR
NY STATE LIC No. 050563-1
NJ STATE LIC No. 246504223800

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF ARTICLE 134 SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW"

"Copies from the original of this survey map not marked with an original of the land surveyor's inked seal or his embossed seal shall not be considered a valid true copy."

1	1/21	LAND N/F OWNER	BR	MZ
NO.	DATE	DESCRIPTION	BY	APPR'D

REVISIONS

MUÑOZ
ENGINEERING P.C.
505 EIGHTH AVENUE
NEW YORK, N.Y. 10018
TEL. (212) 967-6588

**ENVIRONMENTAL
EASEMENT PLAN
NYSDEC SITE #130004
125 NEW SOUTH ROAD
HICKSVILLE,
TOWN OF OYSTER BAY,
NASSAU COUNTY, NEW YORK**

Date 1/21/16	Project No. 41327	Drawn CFA	Approv. MZ
Survey Date: FEBRUARY, 2014		Drawing No. B-1	
Survey Crew:		Sheet No. 1 OF 1	



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
6/14/2021

SITE DESCRIPTION

SITE NO. 130004

SITE NAME RUCO Polymer Corp. (Hooker Chem)

SITE ADDRESS: 125 New South Road **ZIP CODE:** 11801

CITY/TOWN: Hicksville

COUNTY: Nassau

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan	YES
Monitoring Plan	YES
Operation and Maintenance (O&M) Plan	YES

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date:

Description of Institutional Control

Covestro LLC

125 NEW SOUTH ROAD

Environmental Easement

Block: N

Lot: 30

Sublot:

Section: 46

Subsection:

S_B_L Image: 46-N-30

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan
Site Management Plan

Lot: 31

Sublot:

Section: 46

Subsection:

S_B_L Image: 46-N-31

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

Covestro LLC

125 NEW SOUTH ROAD

Environmental Easement

Block: N

Lot: 30

Sublot:

Section: 46

Subsection:

S_B_L Image: 46-N-30

Cover System

Vapor Mitigation

Lot: 31

Sublot:

Section: 46

Subsection:

S_B_L Image: 46-N-31

Cover System

Vapor Mitigation