

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

Charles N Elmendorf
President
Stauffer Management Company LLC.
on behalf of Bayer CropScience
1800 Concord Pike
FOP3-415
PO Box 15437
Wilmington, DE 19850-5437

OCT 06 2017

Tom Ei
Leader - DuPont Corporate Remediation Group
on behalf of E.I DuPont deNemours and Company
Chestnut Run Plaza 730/ 3170-5
PO Box 2915
974 Centre Road
Wilmington, DE 19805

Re: Certificate of Completion and Registry Reclassification from Class 2 to Class 4
DuPont-Stauffer Landfill, City of Newburgh, Orange County, Site No 336009

Dear Mr. Elmendorf and Mr. Ei:

Congratulations on having satisfactorily completed the remedial program at the DuPont- Stauffer Landfill Site ID No. 336009. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) 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. This also results in the reclassification of the site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") from Class 2 to Class 4. The effective date of the classification change shall be 20 days from the date of this letter.

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

- If you are the site owner, you must 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; or if you are a prospective purchaser of the site, you must record a notice of the COC 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 COC 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 COC in the document repository for the site within 10 days of issuance of the COC; and



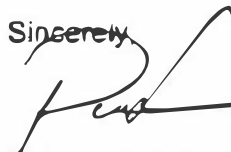
Department of
Environmental
Conservation

- Implement the Department-approved Site Management Plan (SMP) 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 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 the Department in January 2019.

The Department will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site, and notifications relating to the reclassification or delisting of the site on the Registry.

If you have any questions regarding the reclassification or any of the above tasks, please contact Salvatore F. Priore at 518-402-9665 or by e-mail at salvatore.priore@dec.ny.gov.

Sincerely,



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

Enclosure

Ec w/ Enc:

Charles N. Elmendorf - Charles.elmendorf@astrazeneca.com

Tom Ei - Tom.A.Ei@dupont.com

Salvatore F. Priore

Andrew Guglielmi

NOTICE OF CERTIFICATE OF COMPLETION

Inactive Hazardous Waste Disposal Site Program

Pursuant to 6 NYCRR Part 375-1.9(d)

DuPont-Stauffer Landfill, Site ID No. 336009

Site Address: 700 South Street and 121 Pierces Road, City of Newburgh, NY, 12550

City of Newburgh, Orange County, Tax Map Identification Numbers 5.1.1 & 5.2.1

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 Stauffer Management Company, LLC and E.I. DuPont de Nemours and Company for a parcel approximately 49.05 acres located at 700 South Street and 121 Pierces Road in the City of Newburgh, Orange 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 Orange County as ENV.E-20160052176.

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 3 located at 21 South Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Stauffer Management Company, LLC

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:
Charles Elmendorf
Stauffer Management Company, LLC
1800 Concord Pike, FOP3-415
P.O. Box 15437
Wilmington DE 19850-5437

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).

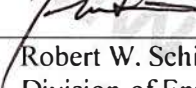
CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §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;
- (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, the remedial work plan, site management plan, or the certificate of completion 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 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 of completion, 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 is not 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
Commissioner
New York State Department of Environmental Conservation

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

Date: October 6, 2017

NYSDEC STATE SUPERFUND PROGRAM (SSF)
CERTIFICATE OF COMPLETION

Name

Stauffer Management Company, LLC
E.I. DuPont deNemours and Company

Address

1800 Concord Pike, Fop3-415, Wilmington, DE 19850-5437
Chestnut Run Plaza 730/ 3170-5, Wilmington, DE 19805

SITE INFORMATION

Site No.: 336009 **Site Name:** DuPont-Stauffer Landfill

Order on Consent: Index No. CO W3-3988-02-04 **Order Execution Date:** 07/29/2005 and 12/27/2006

Site Owner: Stauffer Management Company, LLC

Street Address: 700 South Street and 121 Pierces Road

Municipality: Newburgh **County:** Orange **DEC Region:** 3

Site Size: 49.050 Acres

Tax Map Identification Number(s): 5-1-1, 5-2-1

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 6 NYCRR §375-1.9.

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 the Site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for 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 Orange County with recording identifier Env.E -20160052176.

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 6NYCRR §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 6NYCRR §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.

Exhibit A
Site Description

Metes and Bounds from the Easement

All those certain lots, pieces or parcels of land situate in the City of Newburgh, County of Orange, State of New York, denominated below as Parcel A and Parcel, and being more accurately bounded and described as follows:

PARCEL A

BEGINNING at the intersection of the northerly line of South Street with the westerly line of Pierce's Road, said point of beginning being located South 51°20'25" East 0.64' from a corner fence post; thence from said point of beginning and along the northerly line of South Street, North 71°58'50" West 835.76' to the intersection of the northerly line of South Street with the center line of lands now or formerly of Newburgh Gardens, North 25°26' West 73.49' to an angle point in creek; thence North 39°43' West 184.40' to a monument in the center line of the creek; thence North 16°26' West 77.99' to the intersection of the center line of the creek with the southerly line of Old Pierce's Road, said point being on the southerly face of the old bridge over the creek; thence along a portion of the southerly face of the bridge and along a portion of the southerly line of Old Pierce's Road, South 84°42' West 35.74' to a point; thence crossing Old Pierce's Road North 30°44' East 36.07' to a point in the westerly line of the old bridge; thence along a portion of the westerly line of the old bridge North 14°25' West 11.47' to the northwest corner of the old bridge, said point being in the northerly line of Old Pierce's Road; thence along the northerly line of the Old Pierce's Road, following a portion of the northerly face of the old bridge, North 84°42' East 9.33' to the intersection of the northerly face of the old bridge with the center line of the Gidney Town Creek; thence along the center line of the creek as it existed in 1912 and along the lands formerly of Newburgh Gardens on the next several courses and distances, North 24°45'30" East West 112.89' to a point; thence North 1°00'20" East 98.09' to a point; North 35°45'30" East 30.60' to a point; thence North 13°07'30" East 91.78' to a point; thence North 73°00'30" East 90.69' to a point; thence North 32°01' East 30.28' to a point; thence North 9° 30' 40" East 31.05' to a point; thence North 33°02' East 104.87' to a point; thence North 10°24'50" East 30.59' to a point; thence North 4°48'50" West 67.09' to a point; thence North 21°44'30" East 90.00' to a point; thence North 11°09' East 109.73' to a point; thence North 30°40'30" West 53.53' to a point; thence North 13°35'40" East 198.08' to a point; thence North 41°39'20" East 152.21' to a point; thence North 54°46'50" East 103.54' to a point; thence North 34°25'40" East 66.45' to a point; thence along the southerly line of Interstate Route 84, thence along the southerly line of Interstate Route 84, on the next several courses and distances, North 57°43'20" East 156.10' to a point in the center line of the Gidney Town Creek, as it now exists; thence passing over a highway monument at 71.70', and following a fence South 82°08'10" East 308.96' to a highway monument; thence following a fence South 58°40'10" East 14.48' to the intersection of a stone wall with said fence, said point being the northwest corner of lands of City of Newburgh; thence along the westerly line of lands City of Newburgh, following a stone wall South 37°27'50" West 33.12' to an angle point in the wall; thence still following a wall South 12°00'20" East 455.40' to a monument in the wall; thence still following a wall South 15°59'50" East 430.65' to a monument set in a stone wall corner; thence following a stone wall and along the line of lands now or formerly of the City of Newburgh North 84°57'50" West 270.45' to a nail set in concrete; thence South 01°21'40" West 289.00' to a monument; thence South 02°10'50" East. Passing over a monument at 342.77' a

total distance of 352.80' to a monument to a monument in the northerly line of Pierce's Road; thence along the northerly and westerly line of Pierce's Road on the remaining courses and distances, North 88°03'30" West, passing over a monument at 81.33' a total distance of 90.13' to an angle point; thence South 29°44'10" West 287.06' to an angle point; thence South 18°01'10" West 268.70' to the point of beginning.


PARCEL B

BEGINNING at a monument in the easterly line of Pierce's Road, said monument being located North 18°01'10" East 258.33' from the intersection of the easterly line of Pierce's Road with the northerly line of the South Street; thence from said point of beginning and along the easterly line of Pierce's Road, North 29°44'10" East 269.62' to a point, said point being located South 55°05'40" West 66.93' from a monument on the northerly line of Pierce's Road, said monument being in the easterly line of Parcel A described above; thence along the westerly line of lands now of formerly of Lowden, South 7°44'10" West 258.70' to a point; thence along the northerly line of lands now or formerly of Overhiser North 76°44'50" West 100.34' to the point beginning.

Exhibit B

Site Survey



		DATE: <u>11/18/92</u> BY: <u>11/18/92</u>		REGIONAL FORM DESCRIPTION: <u>NO. 1001</u>		SAFT: <u>NO</u> SDO: <u>NO</u>		LOTS: <u>NO</u>		COMMENTS: <u>NO</u>	
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
10/5/2017



SITE DESCRIPTION

SITE NO. 336009

SITE NAME DuPont-Stauffer Landfill

SITE ADDRESS: 700 South Street and 121 Pierces Road **ZIP CODE:** 12550

CITY/TOWN: Newburgh

COUNTY: Orange

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 NO

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 02/27/2019

Description of Institutional Control

Atkemix Thirty Seven Inc.

700 South Street

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 5

Subsection:

S_B_L Image: 5-1-1

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Surface Water Use Restriction

ATKEMIX THIRTY-SEVEN INC

121 Pierces Road

Environmental Easement

Block: 2

Lot: 1

Sublot:

Section: 5

Subsection:

S_B_L Image: 5-2-1

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Surface Water Use Restriction

Description of Engineering Control

Atkemix Thirty Seven Inc.

700 South Street

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 5

Subsection:

S_B_L Image: 5-1-1

Cover System

Fencing/Access Control

ATKEMIX THIRTY-SEVEN INC

121 Pierces Road

Environmental Easement

Block: 2

Lot: 1

Sublot:

Section: 5

Subsection:

S_B_L Image: 5-2-1

Cover System

Fencing/Access Control