

# 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

Mr. Wilson Pryne  
President  
American Felt & Filter Company, Inc.  
361 Walsh Avenue  
New Windsor, NY 12553

APR 02 2018

Re: Certificate of Completion  
American Felt & Filter Company, Inc.  
Site No. 336036  
Town of New Windsor, Orange County

Dear Mr. Pryne:

Congratulations on having satisfactorily completed the remedial program at the American Felt & Filter Company, Inc. Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report was approved, allowing the COC to be issued for the above-referenced site.

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. A copy of the recorded notice should be provided to the Department's project manager. 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. 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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.
- 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 September 2019.

If you have any questions regarding any of these items, please contact the project manager for this site, John Spellman at (518) 402-9686.

Sincerely,



Michael J. Ryan, P.E.  
Director

Division of Environmental Remediation

cc w/ enclosure:

J. Spellman

R. Rusinko

Steven Panter – Fleming Lee Shue Inc. LLC – [steve@flemingleeshue.com](mailto:steve@flemingleeshue.com)

Arnold Fleming – Fleming Lee Shue – PVE - [arnie@flemingleeshue.com](mailto:arnie@flemingleeshue.com)

Steven Russo – Greenburg Traurig LLP - [russos@gtlaw.com](mailto:russos@gtlaw.com)

NYSDEC STATE SUPERFUND PROGRAM (SSF)  
**CERTIFICATE OF COMPLETION**

**Name**

American Felt & Filter Company, Inc.

**Address**

361 Walsh Ave., New Windsor, NY 12553

**SITE INFORMATION**

**Site No.:** 336036 **Site Name:** American Felt & Filter Company, Inc.

**Order on Consent: Index No.** W3-0784-04-06 **Order Execution Date:** 11/17/2004

**Site Owner:** American Felt & Filter Company, Inc.

**Street Address:** Walsh Avenue

**Municipality:** New Windsor **County:** Orange **DEC Region:** 3

**Site Size:** 0.545 Acres

**Tax Map Identification Number(s):** Part of 9-1-69.2

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 20170066308.

**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.



### 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 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:  Date: 4/2/18  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

American Felt & Filter Company, Inc., Site ID No. 336036  
361 Walsh Ave.  
New Windsor, New York 12553  
New Windsor, Orange Co., Part of Tax Map Identification Number 9-1-69.2

**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 American Felt & Filter Company, Inc. for a parcel approximately 0.545 acres located at 361 Walsh Ave., New Windsor, New York in the Town of New Windsor, 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 20170066308.

**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 Office located at 21 South Putt Corners Road, New Paltz, NY 12564, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

American Felt & Filter Company, Inc.

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:**  
Wilson Pryne  
American Felt & Filter Company, Inc.  
361 Walsh Ave.  
New Windsor, NY 12553

**Exhibit A**  
**Site Description**



**SCHEDULE "A" PROPERTY DESCRIPTION**

**DESCRIPTION OF SOILS MANAGEMENT AREA & SUB-SLAB  
DEPRESSURIZATION SYSTEM, AN ENVIRONMENTAL EASEMENT TO THE NEW  
YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

GRANT OF EASEMENT over, across and through all that certain plot, piece or parcel of land with the building and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York bounded and described as follows:

BEGINNING at a point at the northwesterly corner of the 1story masonry building of the most northerly complex of buildings located on lands of American Felt & Filter Company Inc., Liber 5730, Page 201, said point of beginning being located South 65 degrees 16 minutes 40 seconds West for a distance of 42.37 feet from a corner in the northerly bounds of lands of the same at the intersection with the municipal boundary between the City of Newburgh and Town of New Windsor and lands now or formerly of Hudson Shipyard Lp, Liber 12960, Page 1797;

THENCE South 72 degrees 57 minutes 34 seconds East for a distance of 103.33 feet along the face of said masonry building to a point;

THENCE South 17 degrees 21 minutes 13 seconds West for a distance of 68.08 feet through said masonry building to a point at the outside corner of said building;

THENCE North 72 degrees 00 minutes 00 seconds West for a distance of 51.17 feet through said masonry building to a point at the outside corner of said building;

THENCE North 72 degrees 57 minutes 52 seconds West for a distance of 51.79 feet to a point at the outside corner of said building;

THENCE South 17 degrees 02 minutes 08 seconds West for a distance of 29.25 feet to a point at the northerly face of a two-story masonry building;

THENCE North 72 degrees 32 minutes 52 seconds West for a distance of 75.55 feet along the northerly face of said building to a point at the corner of said building;

THENCE South 17 degrees 20 minutes 58 seconds West for a distance of 43.06 feet along the westerly face of the two-story masonry building to a point at the corner of said building;

THENCE North 72 degrees 34 minutes 38 seconds West for a distance of 72.17 feet along the northerly face of the two story masonry building to a point at the most northwesterly corner of said building;

THENCE North 17 degrees 02 minutes 17 seconds East for a distance of 140.76 feet through lands of American Felt & Filter Company, Inc. to a point marked by an iron rod set at or near a chain link fence;

THENCE South 67 degrees 51 minutes 22 seconds East for a distance of 123.39 feet through lands of the same and along a chain link fence to a point marked by an iron rod set;

THENCE North 87 degrees 49 minutes 18 seconds East for a distance of 26.52 feet through lands of American Felt & Filter Company, Inc. to the POINT OR PLACE OF BEGINNING.

Together with and subject to covenants, and restrictions of record.

Said area contains 0.5454 acres more or less.



**Exhibit B**

**Site Survey**





**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 3/16/2018



**SITE DESCRIPTION**

**SITE NO.**        **336036**

**SITE NAME** American Felt & Filter Company, Inc.

**SITE ADDRESS:** Walsh Avenue    **ZIP CODE:** 12550

**CITY/TOWN:**    New Windsor

**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	YES
Periodic Review Frequency:        1 year	
Periodic Review Report Submittal Date:    07/30/2019	

**Description of Institutional Control**

**AMERICAN FELT & FILTER**  
 361 Walsh Ave.  
 Environmental Easement  
   Block: 0001  
     Lot: 069  
       Sublot: 2  
         Section: 009  
           Subsection: 000  
             S\_B\_L Image: Part of 9-1-69.2  
               Ground Water Use Restriction  
               IC/EC Plan  
               Landuse Restriction  
               Monitoring Plan  
               O&M Plan  
               Site Management Plan  
               Soil Management Plan

**Description of Engineering Control**

**AMERICAN FELT & FILTER**

361 Walsh Ave.

Environmental Easement

Block: 0001

Lot: 069

Sublot: 2

Section: 009

Subsection: 000

S\_B\_L Image: Part of 9-1-69.2

Vapor Mitigation