

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
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February 23, 2024

Paul Gallagher
Global Manager - Remediation
Avery Dennison
8080 Norton Parkway
Mentor, Ohio 44060
paul.gallagher@averydennison.com

RE: Certificate of Completion
Dennison Monarch Systems Facility Site
Operable Unit 01
New Windsor, Orange County
Site No. 336090

Dear Mr. Gallagher:

The remedial program at the Dennison Monarch Systems Facility – Operable Unit 01 has satisfactorily been completed. The New York State Department of Environmental Conservation (Department) hereby approves the Final Engineering Report for Operable Unit 01, allowing the Certificate of Completion to be issued for Operable Unit 01. This approval letter 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 and Avery Dennison Corporation executed Order on Consent and Administrative Settlement Index No. CO 3-20180905-156 on September 17, 2018 (the “Order on Consent”) for the investigation and remediation of soil, groundwater and vapor impacts associated with activities at the Site. The Department identified the investigation and remediation of on-site impacts as Operable Unit 01 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 01 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 01, 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 contamination at and migrating from the Dennison Monarch Systems Facility Site.



Department of
Environmental
Conservation

The remedial program for Operable Unit 01 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 Orange County as Instrument # 20190057373.

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 01. 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. John Spellman, project manager at 518-402-9696.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Kevin C. Murphy, kmurphy@wladislawfirm.com
George Lester, glester@vhb.com
Christine Vooris, christine.vooris@health.ny.gov
Melissa Doroski, melissa.doroski@health.ny.gov
Anthony Perretta, anthony.perretta@health.ny.gov

ec w/o enclosure:

John Spellman, john.spellman@dec.ny.gov
Amen Omorogbe, amen.omorogbe@dec.ny.gov
Sarah Saucier, sarah.saucier@dec.ny.gov
Dan Bendell, daniel.bendell@dec.ny.gov
Dave Pollock, david.pollock@dec.ny.gov
Michael Murphy, michael.murphy1@dec.ny.gov

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

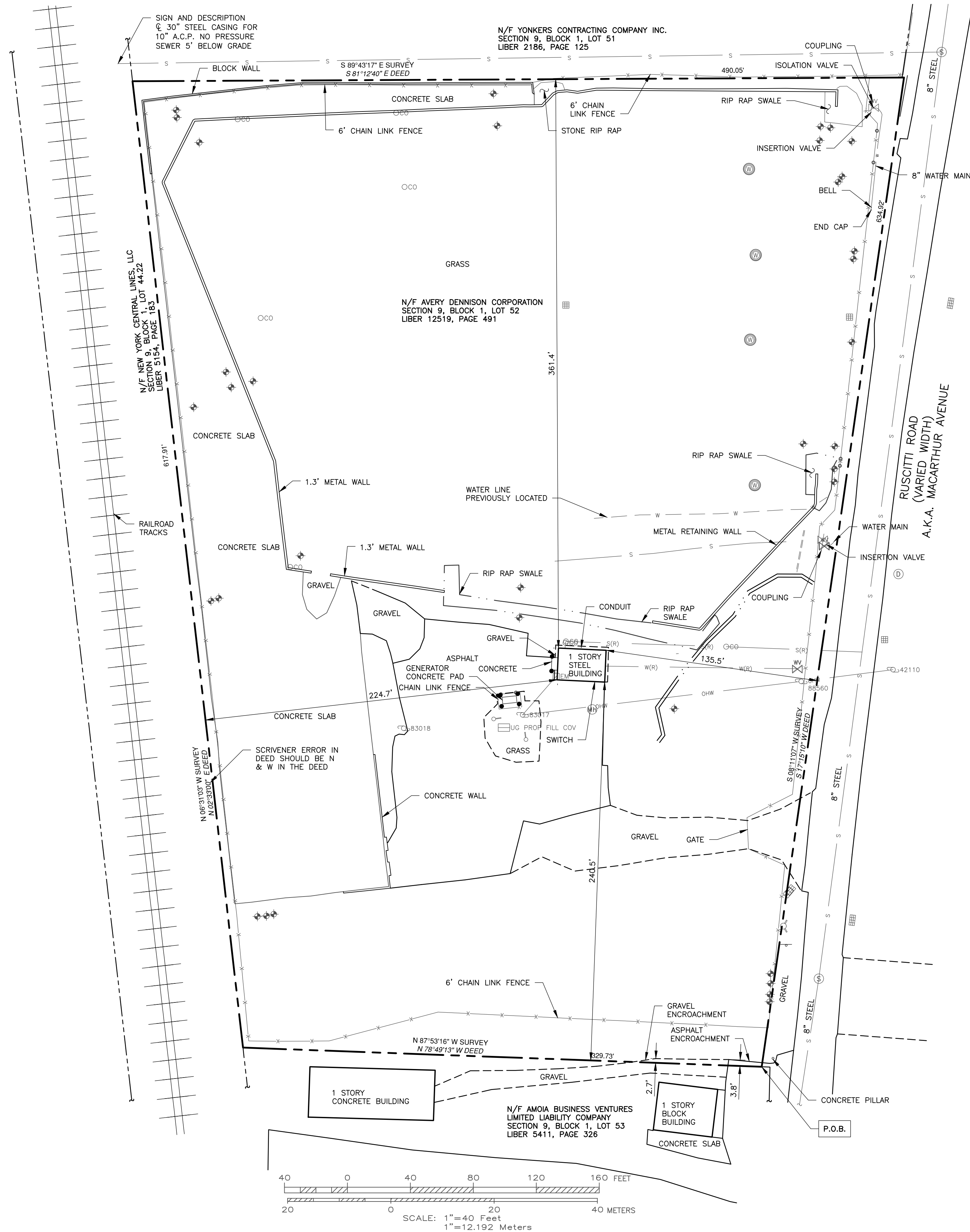
BEGINNING at a point in the westerly line of Ruscitti Road (a/k/a MacArthur Avenue) where said line is intersected by the northerly line of lands now or formerly Amoia, running thence, the following courses:

1. Along said northerly line of lands now or formerly of Amoia, N 87° 53' 16" W. (Deed N 78° 49' 13" W) 329.73' to a point in the easterly line of lands now or formerly of Consolidated Rail Corp.;
2. Along said line, N 06 31' 03" W. (Deed N 02° 33' 00" E) 617.91' to a point;
3. Along the southerly line of lands now or formerly of Yonkers Contracting Company, Inc., S 89° 43' 17" E. (Deed S 81° 12' 40" E) 490.05' to a point in the westerly line of Ruscitti Road;
4. Along said line, S 08° 11' 07" W. (Deed S 17° 15' 10" W) 634.92' to the point or place of BEGINNING.

Containing 5.845± acres of land, more or less.

Exhibit B

Site Survey



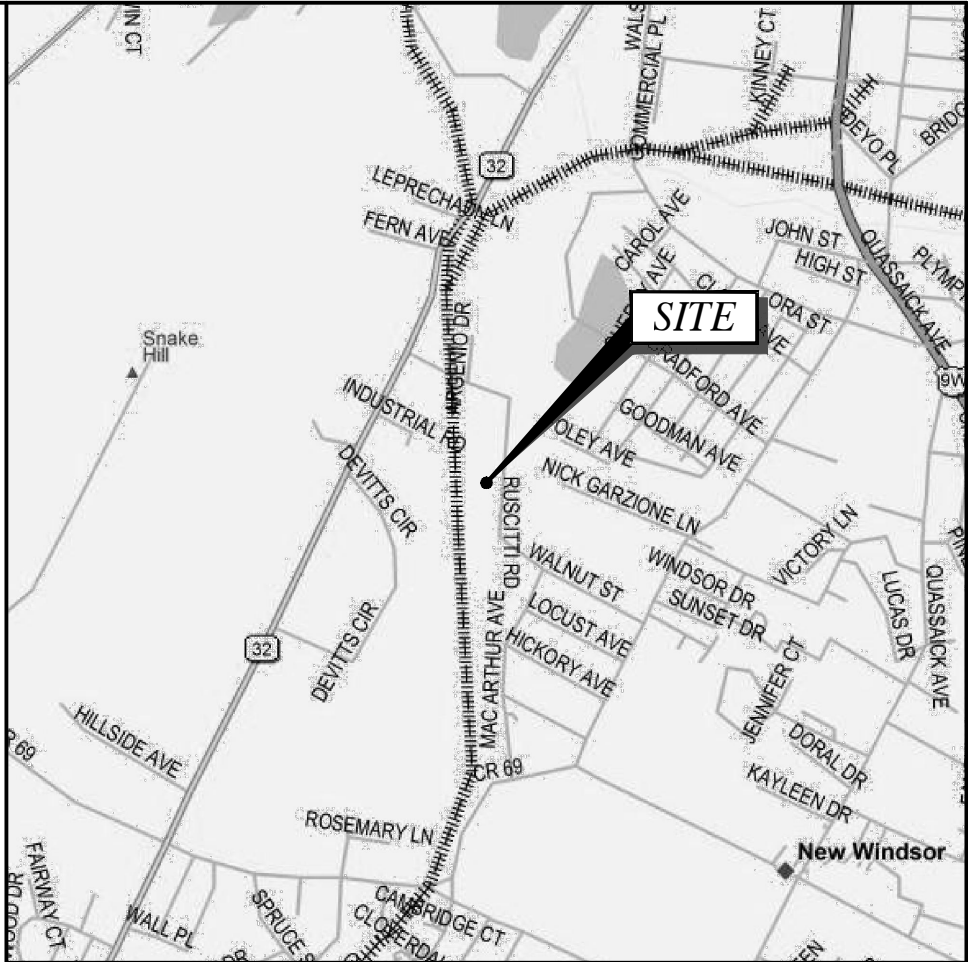
PARCEL DESCRIPTION FOR SECTION 9, BLOCK 1, LOT 52:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING, SITUATE AND BEING IN THE TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF RUSCITTI ROAD (A/K/A MACARTHUR AVENUE) WHERE SAID LINE IS INTERSECTED BY THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF AMOIA, RUNNING THENCE, THE FOLLOWING COURSES:

1. ALONG SAID NORTHERLY LINE OF LANDS NOW OR FORMERLY OF AMOIA, N 87°53'16" W, (DEED N 78°49'13" W) 329.73' TO A POINT IN THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF CONSOLIDATED RAIL CORP.;
2. ALONG SAID LINE, N 06°31'03" W, (DEED N 02°33'00" E) 617.91' TO A POINT;
3. ALONG THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF YONKERS CONTRACTING COMPANY, INC., S 89°43'17" E, (DEED S 81°12'40" E) 490.05' TO A POINT IN THE WESTERLY LINE OF RUSCITTI ROAD;
4. ALONG SAID LINE, S 08°11'07" W, (DEED S 17°15'10" W) 634.92' TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 5.845± ACRES OF LAND, MORE OR LESS.



LOCATION MAP

SCALE: 1" = 2000'

LEGEND

| | |
|--|------------------------------|
| | ENVIRONMENTAL EASEMENT |
| | INDEX CONTOUR LINE |
| | CONTOUR LINE |
| | CHAIN LINK FENCE |
| | SLIT FENCE |
| | EDGE OF CONCRETE |
| | EDGE OF GRAVEL |
| | EDGE OF PAVEMENT |
| | EDGE OF WATER |
| | RIP RAP SWALE |
| | WATER (UNDERGROUND) (RECORD) |
| | SANITARY SEWER (RECORD) |
| | STRUCTURE |
| | BOLLARD |
| | GATEPOST |
| | GUY ANCHOR |
| | UTILITY POLE |
| | CATCH BASIN |
| | FIELD INLET (SQUARE) |
| | FIELD INLET (ROUND) |
| | MONITORING WELL |
| | HYDRANT |
| | MANHOLE (SAN. SEWER) |
| | MANHOLE (UNKNOWN) |
| | CLEAN OUT |

GENERAL NOTES

1. THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING AND SURVEYING CONSULTANTS, PC COMPLETED ON 03/20/2018.
2. MERIDIAN AND COORDINATES REFER TO NEW YORK STATE PLANE, NAD 83, NEW YORK EAST ZONE AND ARE BASED ON GPS OBSERVATIONS.
3. ANGLES OR BEARINGS SHOWN HEREON ARE FORMATTED IN DEGREES, MINUTES, AND SECONDS. DISTANCES OR ELEVATIONS SHOWN HEREON ARE IN U.S. SURVEY FEET, UNLESS NOTED OTHERWISE.
4. REFERENCES:
(A) DEED: BOOK 12519, PAGE 491
(B) DEED: BOOK 2186, PAGE 125
(C) DEED: BOOK 5411, PAGE 326
(D) MAP ENTITLED: "RIGHT OF WAY AND TRACK MAP ERIE RAILROAD COMPANY OPERATED BY ERIE RAILROAD COMPANY NEW YORK DIVISION NEWBURGH BRANCH STATION 3656+00 TO STATION 3706+00" PREPARED BY OFFICE OF VALUATION ENGINEER ON 06/30/18.
(E) MAP ENTITLED: "BOUNDARY/TOPOGRAPHY SURVEY" BY TECTONIC ENGINEERING AND SURVEYING CONSULTANTS DATED 04/26/2013.
5. AREA OF SUBJECT PARCEL: 5.845± ACRES.
6. THIS SURVEY IS SUBJECT TO A CORRECT COMPLETE AND UP TO DATE ABSTRACT OF TITLE, COVENANTS, EASEMENTS, GRANTS AND RIGHTS-OF-WAY NOT VISIBLE AND NOT REFERENCED ARE NOT SHOWN. TECTONIC ENGINEERING AND SURVEYING CONSULTANTS, PC SHALL NOT BE LIABLE FOR THE DISTURBANCE TO ANYONE'S RIGHT TO THE USE OF THE PROPERTY OR THE DISTURBANCE OF ANY UTILITIES NOT SHOWN OR REFERENCED ON THIS SURVEY PLAT.
7. LOCATIONS OF ALL UTILITIES AND SUBSTRUCTURES ARE APPROXIMATE ONLY BASED ON SURFACE EVIDENCE AND EXISTING PLANS. THE INFORMATION GIVEN ON THE SURVEY PERTAINING TO UTILITIES AND SUBSTRUCTURES IS NOT CERTIFIED TO ACCURACY OR COMPLETENESS. CONSULT WITH THE APPROPRIATE COMPANY OR AGENCY BEFORE DESIGNING OR CONSTRUCTING IMPROVEMENTS. TECTONIC ENGINEERING AND SURVEYING CONSULTANTS, P.C. WILL NOT BE RESPONSIBLE FOR ANY DAMAGE SUBSEQUENTLY CAUSED TO PERSONNEL, STRUCTURES, OR UTILITIES.
8. WETLANDS, IF PRESENT, HAVE NOT BEEN LOCATED OR SHOWN HEREON.

SHEET 1 OF 1

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0 1 2 3
ORIGINAL SIZE IN INCHES

| Rev | Date | Revision | Approved |
|-----|----------|----------|----------|
| 0 | 11/01/18 | FINAL | |

| DRAWING CONTROL | | | |
|--|-----------------|--------------------|--|
| Designed by: N/A | Drawn by: MT | Checked by: TAF | |
| Purpose | Released by | Date | |
| <input type="radio"/> For Comment | | | |
| <input type="radio"/> For Approval | | | |
| <input type="radio"/> For Bid | | | |
| <input type="radio"/> For Construction | | | |

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| ENVIRONMENTAL EASEMENT BOUNDARY SURVEY | | | | |
|---|-----------------------|-----------------------|----------|--|
| FORMER DENNISON/MONARCH FACILITY 15-21 RUSCITTI ROAD TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK | | | | |
| Date 10/16/18 | Work Order 4450.02 | Drawing No. SU-101 | Rev 0 | |
| Scale 1" = 40' | | | | |

NOTICE OF CERTIFICATE OF COMPLETION
Operable Unit (OU) 1
Inactive Hazardous Waste Disposal Site Program
Pursuant to 6 NYCRR Part 375-1.9(d)

Dennison Monarch Systems Facility, Site ID No. 336090
15-21 Ruscutti Road, New Windsor, NY 12553
Town of New Windsor, Orange County, Tax Map Identification Number: 9-1-52

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Avery Dennison Corporation for Operable Unit 01 associated with a parcel approximately 5.845 acres located at 15-21 Ruscutti Road in the Town of New Windsor, Orange County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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 NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, 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 20190057373.

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 NYSDEC'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.

Dennison Monarch Systems Facility, Site ID No. 336090
15-21 Ruscutti Road, New Windsor, NY 12553

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC 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 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 S Putt Corners Rd., New Paltz, NY 125621, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/336090>

WHEREFORE, the undersigned has signed this Notice of Certificate

Avery Dennison Corporation

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:

Avery Dennison
Attn.: Paul Gallagher
8080 Norton Parkway
Mentor, Ohio 44060

Feb. 2022