

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) 402-9722
www.dec.ny.gov

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 02
New Windsor, Orange County
Site No. 336090

Dear Mr. Gallagher:

The remedial program at the Dennison Monarch Systems Facility – Operable Unit 02 has satisfactorily been completed. The New York State Department of Environmental Conservation (Department) hereby approves the Final Engineering Report for Operable Unit 02, allowing the Certificate of Completion to be issued for Operable Unit 02. This approval letter serves as the Certificate of Completion. The bounds of Operable Unit OU2 are identified in the Final Engineering Report, Section 1.0 and vary over time based on groundwater monitoring data. The boundary of Operable Unit OU2 on June 26, 2020 is illustrated on the attached Exhibit A.

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 off-site groundwater impacts as Operable Unit 02 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 02 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 02, 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.

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 02. 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 6 NYCRR § 375-1.9(f)-(g).

CERTIFICATE MODIFICATION/REVOCAION

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 02 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

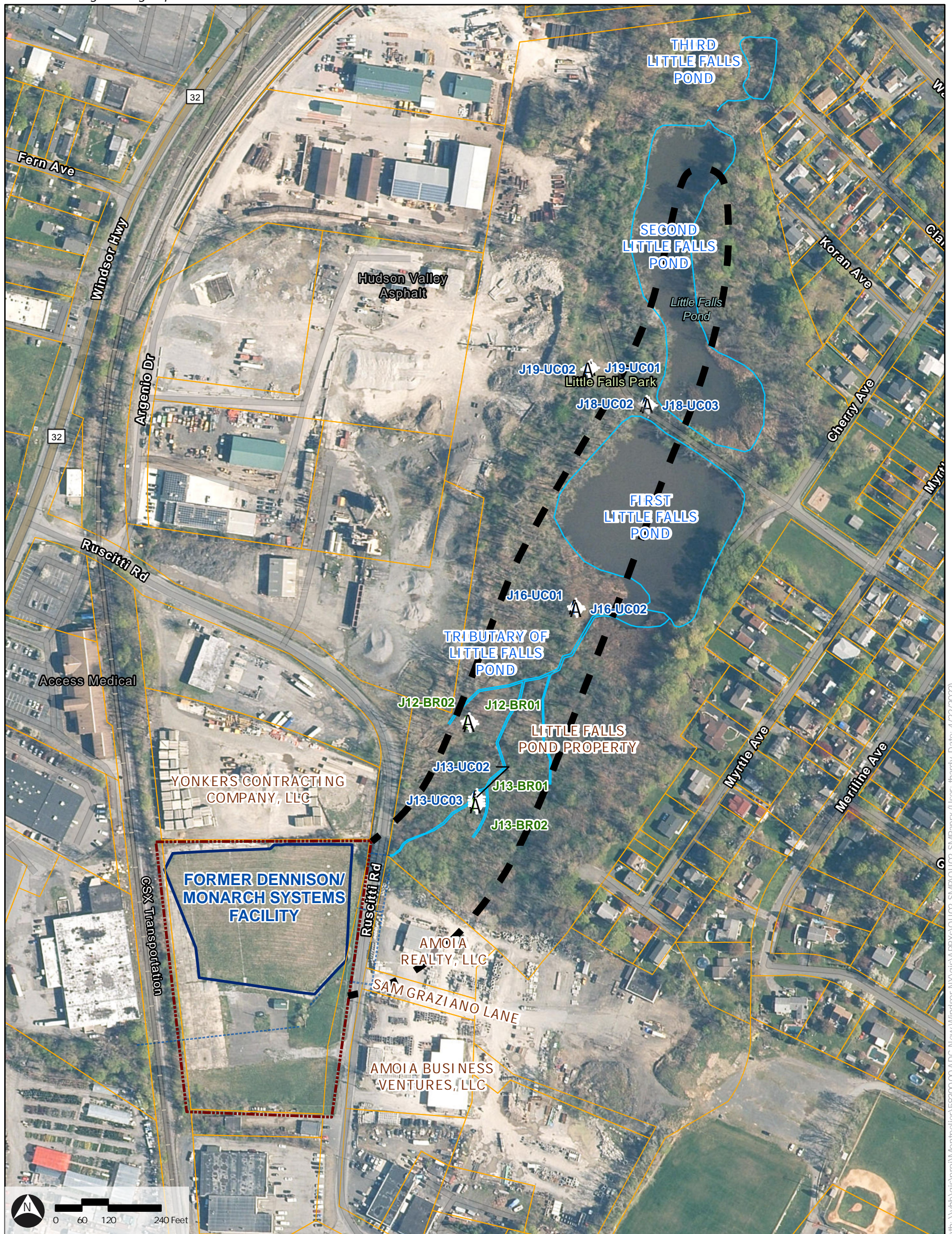
ec w/o enclosure:

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

Operable Unit 02 Boundary

Figure 1-2: OU02 Boundary And Monitoring Locations
Former Dennison/Monarch Systems Site | New Windsor, New York
OU02 Final Engineering Report



Path: \\vhb\gis\proj\Monpellier\58300\00 ADC New Windsor NY\gis\VP\PRX\OU02_SV\OU02_SV\Paperx (User: thardy, Date: 4/22/2022)

- | | |
|---|--|
| Groundwater Monitoring Well | ----- Buried Stormwater Conveyance |
| A Unconsolidated Deposits Monitoring Well | - - - - - OU01 Site Property Boundary |
| A Bedrock Monitoring Well | ----- Approximate Tax Parcel Boundary |
| ■ ■ OU02 Approximate Boundary (2020) | ▭ Sealed Sheet Pile Wall (Waterloo Barrier®) |
| — Surface Water | |

Source: Basemap from ESRI World Imagery

NOTICE OF CERTIFICATE OF COMPLETION OU 02
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 02 of the site. Operable Unit 02 is associated with a contaminated groundwater plume emanating from the property located at 15-21 Ruscutti Road in the Town of New Windsor, Orange County.

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