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November 4, 2021

**VIA FEDERAL EXPRESS  
& ELECTRONIC MAIL**

Len Zinoman  
Site Control Section  
New York State Department of Environmental  
Conservation  
625 Broadway  
Albany, NY 12233-7020

**RE: Eastern Metal Recycling, Inc.  
Recorded Notice of COC  
401033  
R. Freedman & Son**

Dear Len:

Enclosed please find the Notice of Certificate of Completion that was recorded with the Albany County Clerk's Office on October 28, 2021. I have also enclosed the Certificate of Placement, certifying that the Notice of Certificate of Completion was placed in the document repository within ten days of the issuance of the COC.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

**KNAUF SHAW LLP**

A handwritten signature in black ink, appearing to read "Melissa Valle", written in a cursive style.

MELISSA M. VALLE

cc: Kyle Forester  
Jennifer Dougherty, Esq.



ALBANY COUNTY – STATE OF NEW YORK  
BRUCE A. HIDLEY COUNTY CLERK  
16 EAGLE STREET, ALBANY, NEW YORK 12207

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	60.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

INSTRUMENT #: R2021-32803

Receipt#: 20210494121  
Clerk: LS  
Rec Date: 10/28/2021 10:32:22 AM  
Doc Grp: D  
Descrip: DEED, AGREEMENT  
Num Pgs: 9  
Rec'd Frm: FREEDMAN AND SON

Total: 85.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

THIS PAGE CONSTITUTES THE CLERK'S  
ENDORSEMENT, REQUIRED BY SECTION 316-a (5)  
& 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK.

Record and Return To:

SASE/FEDEX KNAUF SHAW

Bruce A. Hidley  
Albany County Clerk

88  
Green Island

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

**R. Freedman & Son, Site ID No. 401033**  
**147 Cannon Street, Green Island, NY 12183**  
**Green Island, Albany County, Tax Map Identification Number: 21.13-1-2**

**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 Eastern Metal Recycling, Inc. for a parcel of approximately 11.71 acres located at 147 Cannon Street in the Village of Green Island, Albany 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 Albany County as R2020-23737.

**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.

R. Freedman & Son, Site No. 401033, 147 Cannon Street, Green Island, NY

**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 4 Office located at 1130 N Westcott Road, Schenectady, NY 12306, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/401033/>.

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

Eastern Metal Recycling, Inc.

By: 

Title: COO

Date: 10/5/21

JERSEY  
STATE OF NEW YORK ) SS:  
COUNTY OF CAMDEN )

On the 5th day of October, in the year 2022 before me, the undersigned, personally appeared Stephen Deacon, 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:**  
Eastern Metal Recycling, Inc.  
Attn: Michael Gross  
201 North Front Street  
Camden, NJ 08102

DEBBIE L MCHUGH  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES MARCH 28, 2024

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

**Name**

Eastern Metal Recycling, Inc.

**Address**

201 North Front Street, Camden, NJ 08102

**SITE INFORMATION**

**Site No.:** 401033 **Site Name:** R. Freedman & Son

**Order on Consent:** Index No. A7-0834-14-07 **Order Execution Date:** 4/1/2015

**Site Owner:** Eastern Metal Recycling, Inc.

**Street Address:** 147 Cannon Street

**Municipality:** Green Island **County:** Albany **DEC Region:** 4

**Site Size:** 11.71 Acres

**Tax Map Identification Number(s):** 21.13-1-2

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:** 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 Albany County with recording identifier R2020-23737.

**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: 09/29/21  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

**SCHEDULE "A" PROPERTY DESCRIPTION**

**ENVIRONMENTAL EASEMENT AREA**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE VILLAGE OF GREEN ISLAND, COUNTY OF ALBANY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF TIBBITS AVENUE AT ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN LANDS N/F BENDIX CORPORATION ON THE NORTHWEST AND THE HEREIN DESCRIBED LANDS N/F R. FREEDMAN & SON, INC. ON THE SOUTHEAST; THENCE ALONG SAID PROPERTY DIVISION LINE AND THE PROPERTY DIVISION LINES BETWEEN SAID LANDS N/F BENDIX CORPORATION ON THE SOUTHWEST AND NORTHWEST SAID LANDS HEREIN DESCRIBED ON THE NORTHEAST AND SOUTHEAST THE FOLLOWING THREE COURSES AND DISTANCES: 1) N13° 31' 58"E, A DISTANCE OF 239.00' (72.847m) TO A CORNER; 2) NORTHWESTERLY ON A CURVE TO THE LEFT, A DISTANCE OF 166'± TO A CORNER, SAID CURVE CONTAINING A CHORD OF N39° 00' 45"W, 166.00' (50.597m); AND 3) N14° 24' 56"E, A DISTANCE OF 897.00' (273.406m) TO ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN LANDS N/F BCBTM, LLC ON THE NORTHEAST AND SAID HEREIN DESCRIBED LANDS ON THE SOUTHWEST; THENCE S75° 35' 04"E ALONG THE LAST MENTIONED PROPERTY DIVISION LINE, A DISTANCE OF 433.00' (135.027m) TO ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN LANDS N/F VILLAGE OF GREEN ISLAND IDA ON THE SOUTHEAST AND SAID HEREIN DESCRIBED LANDS ON THE NORTHWEST; THENCE S14° 24' 56"W ALONG SAID PROPERTY DIVISION LINE, A DISTANCE OF 979.20' (298.461m) TO ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN SAID LANDS N/F VILLAGE OF GREEN ISLAND IDA ON THE EAST AND SAID HEREIN DESCRIBED LANDS ON THE WEST; THENCE S10° 36' 30"W ALONG SAID PROPERTY DIVISION LINE, A DISTANCE OF 256.00' (78.029m) TO ITS INTERSECTION WITH THE FIRST MENTIONED NORTHEASTERLY LINE OF TIBBITS AVENUE; THENCE N75° 37' 44"W ALONG SAID LINE OF TIBBITS AVENUE, A DISTANCE OF 323.00' (98.451m) TO THE POINT OF BEGINNING CONTAINING 510,295± SQUARE FEET OR 11.71± ACRES.



**Exhibit B**  
**Site Survey**



Site Name: R. Freedman & Son

Site #: 401033

**CERTIFICATION OF PLACEMENT OF PROJECT RELATED  
DOCUMENTS IN AUTHORIZED REPOSITORY**

I certify that, I Rebecca Stevens, placed a CD version of the Certificate of Completeness that was provided for the above-referenced site in the repository listed below on 10/6/2021. I also certify that all earlier project documents were also inspected at the repository location and are in place (or if they there not in place, have been put in place). I hereby certify that the repository is complete.

Rebecca Stevens  
Signature

10/6/2021  
Date

Rebecca Stevens  
Printed Name

Repository Certified as Complete:

Village of Green Island  
Village Offices  
20 Clinton Street  
Green Island, New York 12183