

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

Brandon Stabler
Columbia Eagle, LLC
302 Washington Avenue Extension
P.O. Box 5269
Albany, NY 12203

APR 7 2017

Re: Certificate of Completion and Registry Reclassification from 2 to 4
Former Albany Laboratories, Site No. 401061
Albany, Albany County

Dear Mr. Stabler:

Congratulations on having satisfactorily completed the remedial program at the Former Albany Laboratories site. 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.

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
- 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



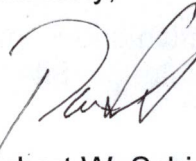
Department of
Environmental
Conservation

Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in July 2018.

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 Michael MacCabe at 518-402-9687 or michael.maccabe@dec.ny.gov.

Sincerely,



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

Enclosure

ec w/ enclosure:

B. Stabler – Columbia Eagle LLC (bstabler@columbiadev.com)
P. Gitlen, Esq. – Whiteman, Osterman and Hanna LLP (pgitlen@woh.com)
S. Fowler – CHA (sfowler@chacompanies.com)

NYSDEC STATE SUPERFUND PROGRAM (SSF)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER:

Name

Columbia Eagle, LLC

Address

302 Washington Avenue Extension, Albany, NY 12203

SITE INFORMATION

Site No.: 401061 **Site Name:** Former Albany Laboratories

Order on Consent: Index No. DER-401061-02-25-11 **Order Execution Date:** April 12, 2011

Site Owner: Columbia Eagle, LLC

Street Address: 67 Howard Street and 140 State Street

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

Site Size: 0.170 Acres

Tax Map Identification Numbers: 76.33-1-13, 76.33-1-15

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:

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 Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Albany County with recording identifiers 11921361 (67 Howard St. portion of Site) and 11921365 (140 State St. portion of Site). Please see Schedule A for individual property descriptions.

Uses Allowed at 67 Howard St. Portion of Site: Commercial, as defined in 6 NYCRR Part 375-1.8(g)(2)iii; and, Industrial, as defined in 6 NYCRR Part 375-1.8(g)(2)iv.

Uses Allowed at 140 State St. Portion of Site: Restricted Residential, as defined in 6 NYCRR Part 375-1.8(g)(2)ii; Commercial, as defined in 6 NYCRR Part 375-1.8(g)(2)iii; and, Industrial, as defined in 6 NYCRR Part 375-1.8(g)(2)iv.

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

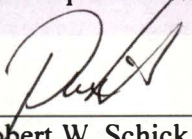
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §375-1.9(e)(2) upon a finding that:

- (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:


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

Date: APRIL 7, 2017

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

Former Albany Laboratories, Site ID No. 401061
67 Howard Street and 140 State Street, Albany, NY 12207
City of Albany, Albany County
Tax Map Identification Numbers Section 76, Subsection 33, Former Block 1,
Lots 13 (67 Howard Street) & 15 (140 State Street)

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 Columbia Eagle LLC for a parcel of approximately 0.05 acres at 140 State Street and approximately 0.12 acre portion of 67 Howard and in the City of Albany, 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):

For the 67 Howard Street Portion of the Site:

- ☐ 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.

For the 140 State Street Portion of the Site:

- ☐ 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.

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 Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Albany County as 11921361 (67 Howard St. Portion of Site) and 11921365 (140 State St. portion of Site).

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

Former Albany Laboratories, 401061, 140 State Street and 67 Howard Street

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 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, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 4 located at 1130 North Westcott Road Schenectady, NY 12306-2014, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Columbia Eagle, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 2017, 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:

Columbia Eagle, LLC
302 Washington Avenue Extension
P.O. Box 5269
Albany, NY 12203

Exhibit A
Site Description

ENVIRONMENTAL EASEMENT DESCRIPTION - NYSDEC SITE NO. 401061
PORTION OF 67 HOWARD STREET

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE AND LYING EASTERLY OF HOWARD STREET, SOUTHERLY OF EAGLE STREET, IN THE CITY OF ALBANY, COUNTY OF ALBANY AND STATE OF NEW YORK BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY STREET BOUNDARY OF HOWARD STREET AT ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF SEE WHY GERARD LLC, AS DESCRIBED IN LIBER 2639 OF DEEDS AT PAGE 931 (KNOWN AS 144 STATE STREET), ON THE NORTH AND LANDS NOW OR FORMERLY OF COLUMBIA EAGLE LLC, AS DESCRIBED IN LIBER 2867 OF DEEDS ON PAGE 52 (KNOWN AS 67 HOWARD STREET), ON THE SOUTH; THENCE ALONG SAID PROPERTY DIVISION LINE THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. NORTH 59°-33'-22" EAST, A DISTANCE OF 142.42 FEET TO A POINT,
2. NORTH 51°-28'-22" EAST, A DISTANCE OF 11.08 FEET TO A POINT,
3. NORTH 30°-26'-38" WEST, A DISTANCE OF 3.42 FEET TO A POINT,
4. NORTH 57°-26'-55" EAST, A DISTANCE OF 29.62 FEET TO A POINT,
5. NORTH 30°-58'-53" WEST, A DISTANCE OF 4.08 FEET TO A POINT, AND
6. NORTH 59°-01'-07" EAST, A DISTANCE OF 9.31 FEET TO A POINT AT ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN SAID LANDS OF COLUMBIA EAGLE LLC (KNOWN AS 67 HOWARD STREET), ON THE WEST AND OTHER LANDS OF COLUMBIA EAGLE LLC (KNOWN AS 140 STATE STREET) ON THE EAST; THENCE SOUTH 33°-34'-00" EAST, ALONG SAID PROPERTY DIVISION LINE, A DISTANCE OF 33.63 FEET TO A POINT; THENCE SOUTH 58°-46'-48" WEST, THROUGH SAID LANDS OF COLUMBIA EAGLE LLC (KNOWN AS 67 HOWARD STREET), A DISTANCE OF 192.56 FEET TO A POINT ON SAID EASTERLY STREET BOUNDARY OF HOWARD STREET; THENCE NORTH 33°-51'-23" WEST, ALONG SAID EASTERLY STREET BOUNDARY OF HOWARD STREET, A DISTANCE OF 26.00 FEET TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 5,021 SQUARE FEET OR 0.12± ACRES OF LAND, MORE OR LESS.

ENVIRONMENTAL EASEMENT DESCRIPTION - NYSDEC SITE NO. 401061
140 STATE STREET

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE AND LYING WESTERLY OF STATE STREET, SOUTHERLY OF EAGLE STREET, IN THE CITY OF ALBANY, COUNTY OF ALBANY AND STATE OF NEW YORK BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY STREET BOUNDARY OF STATE STREET, AT ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF SEE WHY GERARD LLC, AS DESCRIBED IN LIBER 2639 OF DEEDS AT PAGE 931 (KNOWN AS 144 STATE STREET), ON THE NORTH AND LANDS NOW OR FORMERLY OF COLUMBIA EAGLE LLC (KNOWN AS 140 STATE STREET), ON THE SOUTH; THENCE SOUTH 33°-34'-03" EAST, ALONG SAID WESTERLY STREET BOUNDARY OF STATE STREET, A DISTANCE OF 33.32 FEET TO A POINT AT ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN SAID LANDS OF COLUMBIA EAGLE LLC (KNOWN AS 140 STATE STREET), ON THE NORTH AND OTHER LANDS NOW OR FORMERLY OF COLUMBIA EAGLE LLC (KNOWN AS 138 STATE STREET) ON THE SOUTH; THENCE SOUTH 58°-50'-29" WEST, ALONG SAID PROPERTY DIVISION LINE, A DISTANCE OF 63.29 FEET TO THE POINT AT ITS INTERSECTION WITH THE PROPERTY DIVISION LINE BETWEEN SAID LANDS OF COLUMBIA EAGLE LLC (KNOWN AS 140 STATE STREET), ON THE EAST AND OTHER LANDS NOW OR FORMERLY OF COLUMBIA EAGLE LLC, AS DESCRIBED IN LIBER 2867 OF DEEDS AT PAGE 52 (KNOWN AS 67 HOWARD STREET), ON THE WEST; THENCE NORTH 33°-34'-00" WEST, ALONG SAID PROPERTY DIVISION LINE, A DISTANCE OF 33.63 FEET TO A POINT ON THE FIRST MENTIONED PROPERTY DIVISION LINE; THENCE NORTH 59°-07'-18" EAST, ALONG SAID PROPERTY DIVISION LINE, A DISTANCE OF 63.30 FEET TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 2,117 SQUARE FEET OR 0.05± ACRES OF LAND, MORE OR LESS.

Exhibit B
Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
3/8/2017



SITE DESCRIPTION

SITE NO. 401061

SITE NAME Former Albany Laboratories

SITE ADDRESS: 67 Howard Street ZIP CODE: 12207

CITY/TOWN: Albany

COUNTY: Albany

ALLOWABLE USE:

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	☒	☐
Monitoring Plan	☐	☒
Operation and Maintenance (O&M) Plan	☒	☐

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 07/31/2018

Description of Institutional Control

Columbia Eagle LLC.

67 Howard Street

Environmental Easement

Block: 1

Lot: 13

Sublot:

Section: 76

Subsection: 33

S_B_L Image: 76.33-1-13

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Soil Management Plan

Lot: 15

Sublot:

Section: 76

Subsection: 33

S_B_L Image: 76.33-1-15

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Columbia Eagle LLC.

67 Howard Street

Environmental Easement

Block: 1

Lot: 13

Sublot:

Section: 76

Subsection: 33

S_B_L Image: 76.33-1-13

Cover System

Lot: 15

Sublot:

Section: 76

Subsection: 33

S_B_L Image: 76.33-1-15

Cover System

Vapor Mitigation