

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

MAR 12 2012

Mrs. Barbara C. Littleton, CEO
New Water Realty Corporation
2900 Orchard Place
Orchard Lake, MI 48324

Re: Certificate of Completion and Registry Reclassification
Site Name: Ward Products
Site No.: 429004
City of Amsterdam, Montgomery County,

Dear Mrs. Littleton:

Congratulations on having satisfactorily completed the remedial program at the Ward Products 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 this also results in the reclassification of the site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry").

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. A standard notice form is enclosed with this letter.
- 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 enclosed Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June 2013.

Please contact project manager Lawrence Alden, P.E. at (518) 402-9767, if you have any questions.

Sincerely,

Robert W. Schick, P.E.

Acting Director

Division of Environmental Remediation

Enclosure

cc:

R. Conway, Jr. (RJC@spsk.com)

S. Bates - NYSDOH

C. Doroski - NYSDOH

R. Cozzy

M. Caruso

B. Conlon

M. Komoroske

L. Alden

K. Goertz

K. Lewandowski



Robert W. Schick, Jr.
Acting Director

Division of Environmental Remediation

NYSDEC STATE SUPERFUND PROGRAM (SSF)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

New Water Realty Corporation

Address

2900 Orchard Place, Orchard Lake, MI 48324

SITE INFORMATION

Site No.: 429004 **Site Name:** Ward Products

Order on Consent: Index No. A4-0588-0507 **Order Execution Date:** 7/9/07

Site Owner: New Water Realty Corporation

Street Address: Edson Street

Municipality: Amsterdam **County:** Montgomery **DEC Region:** 4

Site Size: 2.490 Acres

Tax Map Identification Number(s): 56.10-2-34

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 Montgomery County with recording identifier 2011-43591.

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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:



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

Date: MARCH 12, 2012

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

Ward Products, Site ID No. 429004
61 Edson Street, Amsterdam, NY 12010
City of Amsterdam, Montgomery County, Tax Map Identification Number 56.10-2-34

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 New Water Realty Corporation for a parcel approximately 8.6 acres located at 61 Edson Street, Amsterdam, NY 12010 in the City of Amsterdam, Montgomery 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):

- ☐ Residential Use, as set forth in 6NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6NYCRR 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 Montgomery County as instrument number 2011-43591.

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.

Ward Products, Site No. 429004, 61 Edson Street, Amsterdam, New York

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, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

New Water Realty Corporation

By: _____

Title: _____

Date: _____

STATE OF _____) 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:
New Water Realty Corporation
c/o Mrs. Barbara C. Littleton, CEO
2900 Orchard Place
Orchard Lake, MI 48324

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

2/27/2012



SITE DESCRIPTION

SITE NO. 429004

SITE NAME Ward Products

SITE ADDRESS: Edson Street ZIP CODE: 12010

CITY/TOWN: Amsterdam

COUNTY: Montgomery

ALLOWABLE USE: Commercial and Industrial

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: 03/16/2013

Description of Institutional Control

Ward Products

61 Edson Street

Environmental Easement

Block: 0002

Lot: 34

Sublot:

Section: 056

Subsection: 10

S_B_L Image: 56.10-2-34

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Ward Products

61 Edson Street

Environmental Easement

Block: 0002

Lot: 34

Sublot:

Section: 056

Subsection: 10

S_B_L Image: 56.10-2-34

Cover System

Groundwater Containment

Groundwater Treatment System

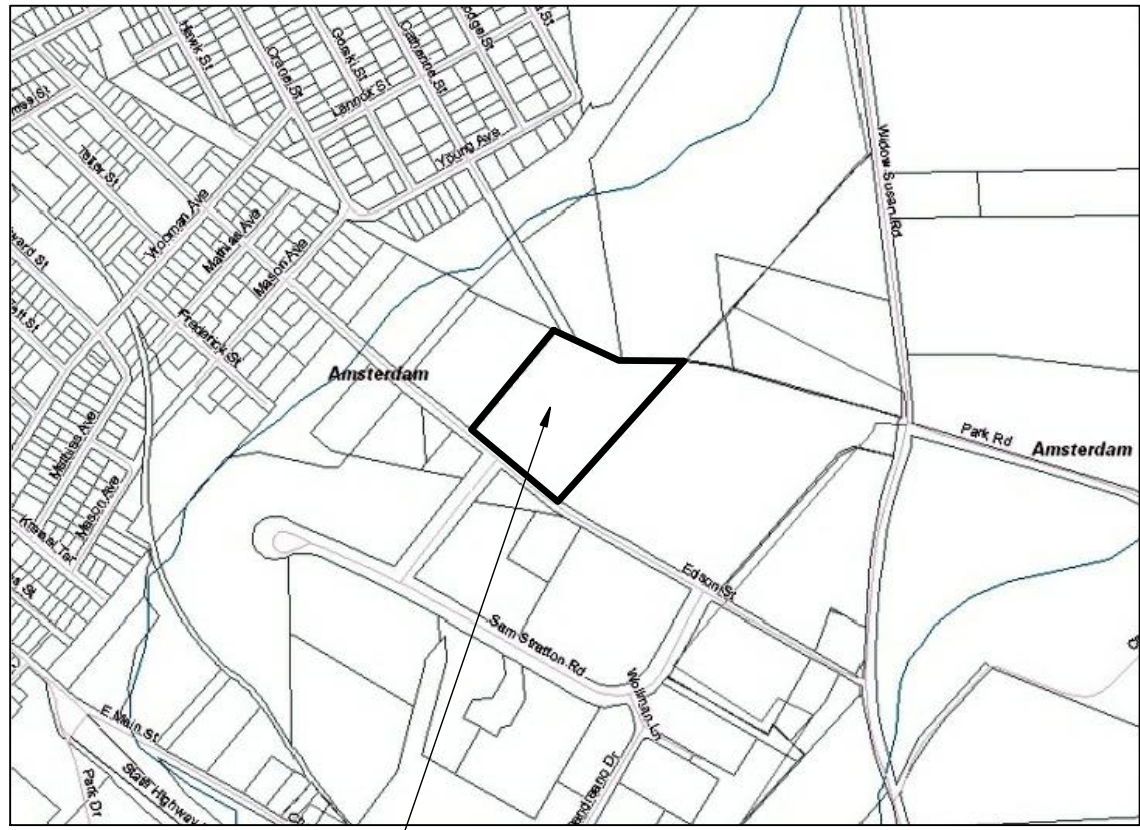
Vapor Mitigation

Description of Engineering Control

SCHEDULE "A" PROPERTY DESCRIPTION

Address: New Water Realty Corp., 61 Edson Street, Town of Amsterdam, Montgomery County, NY
Tax Map: 56.10-2-34

BEGINNING AT A CONCRETE POST IN THE NORTHWESTERLY LINE OF EDSON STREET AT THE SOUTHWESTERLY CORNER OF THE LANDS OF FIBERGLASS INDUSTRIES, INC., RUNNING THENCE ALONG THE NORTHWESTERLY LINE OF EDSON STREET N 50° 02' W 144.1', THENCE RUNNING THROUGH THE LANDS OF WATER REALTY COMPANY THE FOLLOWING 10 COURSES; N 41°15'E 168.0', N 48°45'W 75.0', N 41°15' E 270.0', N48°45'W 240.0', N 41° 15' E 25.0', S 48° 45' E 240.0', N58°54'E 115.4', S48°45'E 80.0' S 14°41'W 123.0', S 48°45'E 49.0', TO THE NORTHWESTERLY LINE OF THE LANDS OF FIBERGLASS INDUSTRIES, INC., THENCE ALONG THE NORTHWESTERLY LINE OF FIBERGLASS INDUSTRIES, INC. S41°15'E 459.7' TO THE POINT OF BEGINNING, CONTAINING 2.49 ACRES.



1 LOCATION MAP

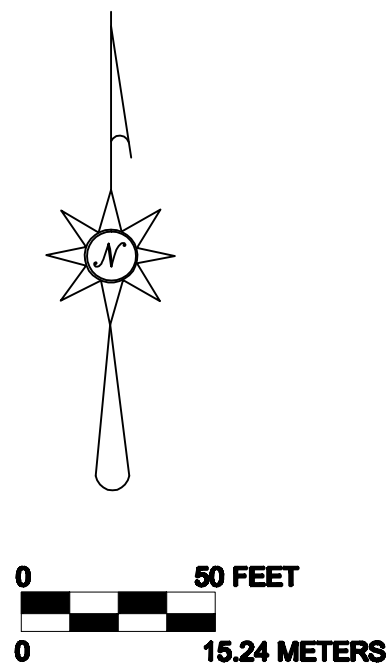
DEED DESCRIPTION: LIBER 391/PAGE 345

ALL THAT PIECE OR PARCEL OF LAND, LOCATED ON EDSON STREET IN THE FOURTH WARD OF THE CITY OF AMSTERDAM, COUNTY OF MONTGOMERY, AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY MARGIN OF EDSON STREET, SAID POINT BEING THE WESTERLY MARGIN OF LANDS OF CISKANOW, MARKED BY A CONCRETE POST, RUNNING THENCE N50°02'W 510.9 FEET ALONG THE NORTHERLY MARGIN OF EDSON STREET TO A POINT; THENCE N39°58'E 619.7 FEET THROUGH THE LANDS OF THE PARTIES OF THE FIRST PART AND 150 FEET WESTERLY OF AND IN LINE WITH THE SOUTHERLY FACE OF CONCRETE BUILDING TO A POINT IN THE SOUTHERLY MARGIN OF THE LANDS OF PARTYKA; THENCE S64°54'E 296.15 FEET ALONG THE SOUTHERLY MARGIN OF LANDS OF PARTYKA TO A POINT IN THE WESTERLY MARGIN OF LANDS OF THE DEGRAFF ESTATE MARKED BY AN IRON PIPE AND A FENCE POST; THENCE S88°08'E 311 FEET ALONG THE SOUTHERLY MARGIN OF THE DEGRAFF ESTATE TO A POINT IN THE WESTERLY MARGIN OF LANDS OF CISKANOW, MARKED BY A SMALL ELM TREE AND A STONE WALL AND WIRE FENCE; THENCE S41°15'W 887.4 FEET ALONG THE WESTERLY MARGIN OF LANDS OF CISKANOW TO THE NORTHERLY MARGIN OF EDSON STREET TO THE PLACE OF BEGINNING. CONTAINING 8.2 ± ACRES.

ENVIRONMENTAL EASEMENT DESCRIPTION:

BEGINNING AT A CONCRETE POST IN THE NORTHEASTERLY LINE OF EDSON STREET AT THE SOUTHWESTERLY CORNER OF THE LANDS OF FIBERGLASS INDUSTRIES, INC., RUNNING THENCE ALONG THE NORTHEASTERLY LINE OF EDSON STREET N50°02'W 144.1', THENCE RUNNING THROUGH THE LANDS OF WATER REALTY COMPANY THE FOLLOWING 10 COURSES; N41°15'E 168.0', N48°45'W 75.0', N41°15'E 270.0', N48°45'W 240.0', N41°15'E 25.0', S48°45'E 240.0', N38°54'E 115.4', S48°45'E 80.0' S14°41'W 123.0', & S48°45'E 49.0', TO THE NORTHWESTERLY LINE OF THE LANDS OF FIBERGLASS INDUSTRIES, INC., THENCE ALONG THE NORTHWESTERLY LINE OF FIBERGLASS INDUSTRIES, INC. S41°15'E 459.7' TO THE POINT OF BEGINNING, CONTAINING 2.49 ACRES.



LEGEND	
△	CONCRETE MONUMENT
○	IRON PIPE FOUND
⊙	WATER VALVE
—○—	OVERHEAD UTILITY LINE
⊞	EXTRACTION WELL
●	IRON ROD SET
⊕	SEWER MANHOLE
⊞	TELEPHONE RISER
⊙	DECIDUOUS TREE
×	LIGHT POLE
*	CONIFER TREE
◇	HYDRANT
■	MONITORING WELL
⊗	STORM MANHOLE
□	CATCH BASIN

BENCHMARK SPIKE IN POLE
ELEV: 469.5' PER DRAWINGS FOUND ON FILE
IN CITY OF AMSTERDAM ENGINEERS OFFICE

TO NEW WATER REALTY COMPANY (F/K/A/ WARD PRODUCTS, INC.), ,
AND THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR
COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION AND THE NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND STEWART TITLE INSURANCE
COMPANY:

THIS IS TO CERTIFY THAT THIS MAP WAS PREPARED TO GENERALLY
ACCEPTED STANDARDS FOR TITLE SURVEYS

FLOOD ZONE CLASSIFICATION:
FLOOD ZONE C PER FLOOD INSURANCE RATE MAP FOR
CITY OF AMSTERDAM, NEW YORK

NOTES:

1) LOCATIONS OF UNDERGROUND UTILITIES MAY VARY
FROM LOCATIONS AS SHOWN HEREON. ADDITIONAL BURIED
UTILITIES AND/OR STRUCTURES MAY BE ENCOUNTERED. NO
EXCAVATIONS HAVE BEEN MADE IN THE COURSE OF THIS
SURVEY. VERIFICATION SHOULD BE MADE BEFORE
STARTING ANY EXCAVATION.

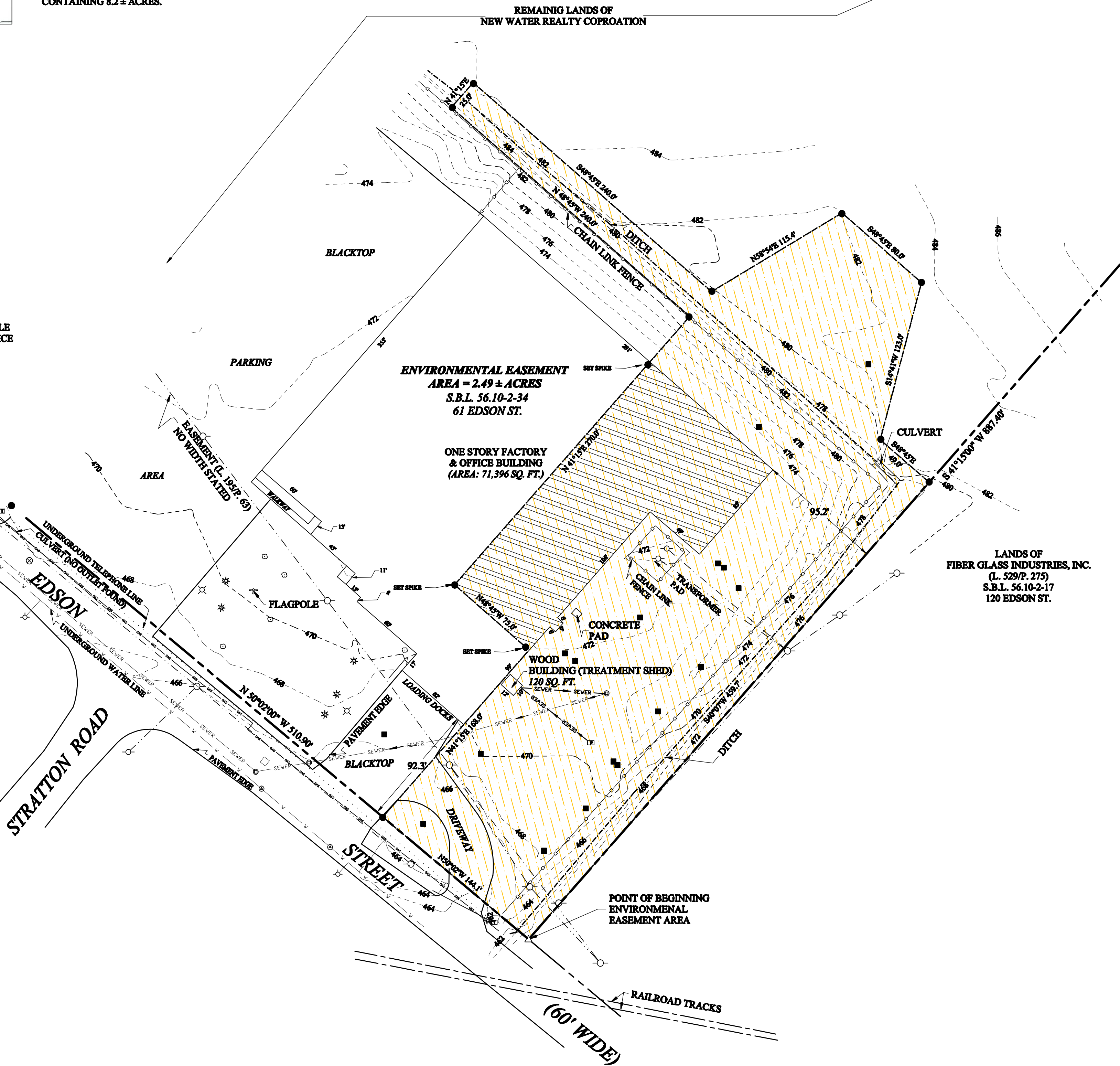
2) UNDERGROUND UTILITIES AS SHOWN BASED ON VISIBLE
EVIDENCE INCLUDING EXISTING PAINT MARKS ON ROAD.

3) S.B.L. REFERS TO SECTION-BLOCK-LOT NUMBER AS
FOUND IN MONTGOMERY COUNTY REAL PROPERTY TAX
SERVICE

4) CONTOUR INTERVAL - 2'

5) SEE DECLARATION OF ENVIRONMENTAL COVENANTS &
RESTRICTIONS, DATED: APRIL 29, 1997 FILED LIBER 620/PAGE
324 & SECOND DECLARATION OF ENVIRONMENTAL
COVENANTS & RESTRICTIONS AND NOTICE OF 2007 ORDER,
DATED: JULY 20, 2007 FILED BOOK 1570 PAGE 209.

6) HATCHED AREA INDICATES THE AREA OF
ENVIRONMENTAL EASEMENT IN FAVOR OF THE NEW YORK
STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

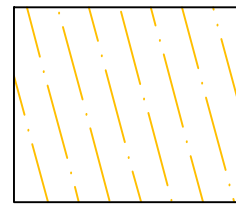


ENGINEERING / INSTITUTIONAL CONTROLS

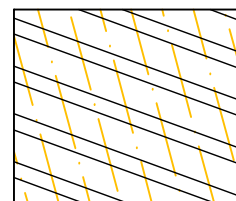
- EXISTING COVER SYSTEM - TO RESTRICT EXPOSURE TO IMPACTED MATERIALS BELOW THE SOIL COVER OR BUILDING.
- SUB-SLAB DEPRESSURIZATION SYATEM (SSDS) - CONTINUED OPERATION OF THE SSDS SYSTEM TO BE MAINTAINED

- GROUND WATER USE IS RESTRICTED - AS A SOURCE OF POTABLE OR PROCESS WATER WITHOUT NECESSARY WATER QUALITY TREATMENT AS DETERMINED BY NYSDOH.

- INDUSTRIAL USE - THE USE AND DEVELOPMENT OF THE SITE IS RESTRICTED TO INDUSTRIAL USE.



EXISTING COVER SYSTEM



EXISTING SUB-SLAB
DEPRESSURIZATION SYSTEM

THE ENGINEERING & INSTITUTIONAL CONTROLS FOR
THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT
PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY
PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE
OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION,
SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NEW YORK
12233 OR AT DERWEB@GW.DEC.STATE.NY.US

SURVEY MAP SHOWING ENVIRONMENTAL EASEMENT ON LANDS OF

NEW WATER REALTY CORPORATION

(F/K/A/ WARD PRODUCTS, INC.)
(SUCCESSOR BY MERGER TO WATER REALTY COMPANY)
CITY OF AMSTERDAM
COUNTY OF MONTGOMERY
STATE OF NEW YORK

SCALE: 1"=50'(15.24 METERS) MAY 11, 2011

LAST REVISED JULY 1, 2011

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL
EASEMENT HELD BY THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW
YORK STATE ENVIRONMENTAL CONSERVATION LAW.

WARD PRODUCTS - SITE #429004

PROPERTY ADDRESS:
61 EDSON STREET
AMSTERDAM, NY 12010

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY WITH AN
ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE
CONSIDERED TO BE VALID TRUE COPIES.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION
OF SECTION 7209-3 OF THE NEW YORK STATE EDUCATION LAW.

J. CHRISTOPHER FOSS
P.L.S. #29004

FERGUSON & FOSS
PROFESSIONAL LAND SURVEYORS, PC
P.O. BOX 100-ROCHESTER, NY 14602 716-462-0100
100 WEST 100-ROCHESTER, NY 14604 716-462-0100
EMAIL: Surveyor@F&Fland.com