

New York State Department of Environmental Conservation

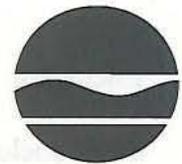
Division of Environmental Remediation

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

SEP 20 2011

Victoria Johnson
Management & Program Analyst
USMS – Asset Forfeiture Division
2604 Jefferson Davis Highway
Alexandria, VA 22301

Re: Certificate of Completion
Site Name: Johnny Cake Road Farm Site
Site No. 622016
Town of Danube, Herkimer County

Dear Ms. Johnson:

Congratulations on having satisfactorily completed the remedial program at the Johnny Cake Road Farm 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 Record of Decision has been satisfactorily implemented, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

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 attached to this letter;
- Provide property owner certifications of ICs as outlined in the Department-approved Site Management Plan (SMP). The SMP details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. The site ICs are identified on the attached Site Management Form. The first property owner certification of the ICs is due to the Department in November 2012.

If you have any questions regarding any of these items, please contact William Bennett, Project Manager, at (518) 402-9662.

Sincerely,

A handwritten signature in black ink that reads "Dale A. Desnoyers".
Dale A. Desnoyers, Director

Division of Environmental Remediation



Enclosure

ec w/ enclosure:

S. Bates - NYSDOH

G. Rys - NYSDOH

ec w/o enc:

W. Bennett

D. Crosby

M. Ryan

P. Taylor

Y. Ward

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 125 West Street

Albany, New York 12242-1011

Phone: (518) 474-6100 • Fax: (518) 462-9000

Website: www.dec.state.ny.us

Victor L. Johnson

Management & Program Analyst

EMIS - Asset Evaluation Division

300 Jefferson Davis Highway

Alexandria, VA 22304

Office of Compliance
Site Name: Johnson-Cole Road Farm Site
Site No. 023018
Town of Towns, Hamilton County

Dear Mr. Johnson:

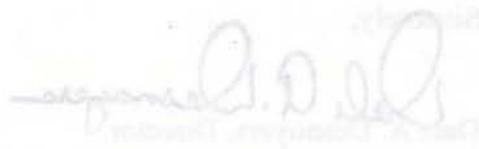
Congratulations on having successfully completed the remedial program at the Johnson-Cole Road Farm Site. The Federal Superfund site is now closed. The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Office of Remediation has been successfully re-opened. The Office of Compliance (OC) is pleased to be located at the site-reopened site.

Please note that you are required to provide the following information:

If you are the owner, you must provide a letter of the OC at the remedial site for the OC. The letter should contain information of the site location within 30 days of closure of the OC. If you are a prospective purchaser of the site, you must provide a letter of the OC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to ensure the letter of OC is recorded within the time frame specified. A standard notice form is attached to this letter.

For the property owner, completion of the OC is outlined in the Department-approved Remedial Action Plan (RAP). The RAP details the activities necessary to ensure the performance objectives and protection of the remedial program. The site is identified on the attached Site Management Form. The last property owner contribution to the OC is due to the Department in November 2011.

If you have any questions regarding any of these items, please contact William Bennett, Project Manager, at (518) 462-9000.


Victor L. Johnson
Director, Division of Environmental Remediation



NYSDEC STATE SUPERFUND PROGRAM (SSF)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

USMS - Asset Forfeiture Division

Address

2604 Jefferson Davis Highway, Alexandria, VA 22301

SITE INFORMATION

Site No.: 622016 **Site Name:** Johnny Cake Road Farm Site

Order on Consent: Index No. N/A **Order Execution Date:** N/A

Site Owner: USMS - Asset Forfeiture Division

Street Address: Johnny Cake Road

Municipality: Danube **County:** Herkimer **DEC Region:** 6

Site Size: 3.240 Acres

Tax Map Identification Number(s): 127.002-4-1

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 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: Restricted-Residential, 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 Herkimer County with recording identifier 2011-00166171.

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).

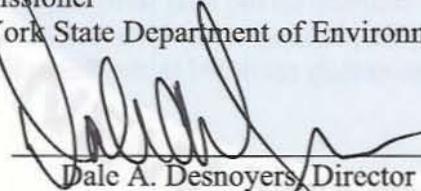
CERTIFICATE MODIFICATION/REVOCAION

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:  Date: 9-20-11
Dale A. Desnoyers, Director
Division of Environmental Remediation

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

Johnny Cake Road Farm Site, Site No. 6-22-016
Johnny Cake Road, Mohawk, NY 13407

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 the United States Marshals Service (USMS) – Asset Forfeiture Division for a parcel approximately 3.24 acres in size located on Johnny Cake Road in the Town of Danube, Herkimer County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of 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 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 Herkimer County as 2011-00166171.

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.

Johnny Cake Road Farm Site, Site No. 6-22-016), Johnny Cake Road, Mohawk, NY 13407

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, 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 Central Office located at 625 Broadway, Albany, NY 12233, by contacting the Division of Environmental Remediation.

WHEREFORE, the undersigned has signed this Notice of Certificate

USMS Asset Forfeiture Division

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:
(Remedial Party) _____
(Remedial Party address) _____

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 9/12/2011



SITE DESCRIPTION

SITE NO. 622016

SITE NAME Johnny Cake Road Farm Site

SITE ADDRESS: Johnny Cake Road ZIP CODE: 13407

CITY/TOWN: Mohawk

COUNTY: Herkimer

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: 1 year

Description of Institutional Control

USMS Asset Forfeiture Division

Johnnycake Road

Environmental Easement

Block: 4

Lot: 1

Sublot: 000

Section: 127

Subsection: 002

S_B_L Image: 127.002-4-1

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Description of Engineering Control

SCHEDULE "A"
ENVIRONMENTAL EASEMENT
PROPERTY DESCRIPTION

Johnny Cake Road Site No. 6-22-016
Town of Danube, County of Herkimer, State of New York
Tax Map Number: 127.002 - 4 - 1

All that tract or parcel of land situate in the Town of Danube, County of Herkimer, State of New York, and being more precisely described as follows:

Statements:

1. All set monuments are 5/8 -inch by 30-inch reinforcement rod, extending 0.5 feet above grade with a 1/4 -inch diameter red plastic cap, marked "J. Thew, L.S. No. 050226" (herein after referred to as a 5/8-inch rebar).
2. The parcel of land described herein is intended to a portion of the same premises conveyed by Burton J. and Darleen D. Boepple to B & V Village Farms, Inc. by deed dated March 17, 1986 and recorded in the Herkimer County Clerk's Office on April 15, 1986 in Liber 706 of Deeds at Page 520.
3. Reference to an adjoining landowner does not necessarily imply senior title. The adjoining landowners are cited for reference only, unless otherwise noted.

Beginning at a point in the centerline of Johnnycake Road (49.5-foot width), said point being on the easterly line of Subdivision Lot No. 1 as shown on map entitled "Survey & Map of Johnny Cake Ridge" dated June 1, 1990, prepared by Santo Associates, and recorded in the Herkimer County Clerk's Office on January 29, 1991 as Map No. JJ14A34, said point also being at the southwesterly corner of a parcel of land conveyed by Grace E. Nelson to Jacqueline N. and Ronald R. Williams by deed dated November 2, 1972 and recorded in the Herkimer County Clerk's Office on November 3, 1972 in Liber 624 of Deeds at Page 554, said point having New York State plane coordinates (NAD83 - East Zone) of 1,506,466.8 feet North and 396,721.9 feet East;

thence South 71 degrees 26 minutes 29 seconds West, along the centerline of Johnnycake Road a distance of 58.49 feet to the northwesterly corner of a parcel of land conveyed by Harry J. and Agnes Kollmer to John and Joan Leonard by deed dated August 24, 2001 and recorded in the Herkimer County Clerk's Office on August 27, 2001 in Liber 897 at Page 246;

Thence along the westerly line of John and Joan Leonard, the following courses and distances:

South 01 degrees 59 minutes 42 seconds East a distance of 25.82 feet to a 5/8-inch rebar set on the southerly right-of-way of Johnnycake Road;

continuing South 01 degrees 59 minutes 42 seconds East a distance of 190.00 feet to set 5/8-inch rebar;

thence through the reputed property of The United States Marshals (no recorded documentation found), the following courses and distances:

North 90 degrees 00 minutes 00 seconds West a distance of 250.00 feet to a set 5/8-inch rebar;

North 00 degrees 00 minutes 00 seconds East a distance of 130.68 feet a 5/8-inch rebar set on the southerly right-of-way of Johnnycake Road;

continuing North 00 degrees 00 minutes 00 seconds East a distance of 25.05 feet to a point in the centerline of Johnnycake Road;

South 81 degrees 09 minutes 57 seconds West, along the centerline of Johnnycake Road, a distance of 68.44 feet to a point;

North 00 degrees 00 minutes 00 seconds East a distance of 25.05 feet to a 5/8-inch rebar set on the northerly right-of-way of Johnnycake Road;

continuing North 00 degrees 00 minutes 00 seconds East a distance of 286.30 feet to a set 5/8-inch rebar;

South 90 degrees 00 minutes 00 seconds East a distance of 330.00 feet to a 5/8-inch rebar set on the easterly line of Subdivision Lot No. 1, said rebar also being on the westerly line of Jacqueline N. and Ronald R. Williams;

thence along the easterly line of Subdivision Lot No. 1 and along the westerly line of Jacqueline N. and Ronald R. Williams, the following courses and distances:

South 09 degrees 05 minutes 28 seconds East a distance of 200.00 feet to a 5/8-inch rebar set on the northerly right-of-way of Johnnycake Road;

continuing South 09 degrees 05 minutes 28 seconds East a distance of 25.09 feet to the Point of Beginning.

To contain 3.239 acres of land, more or less, as surveyed by Robert H. Korosec, Licensed Land Surveyor No. 050578.

