

**ENVIRONMENTAL NOTICE**

**THIS ENVIRONMENTAL NOTICE** is made the 12<sup>th</sup> day of June 2013, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

**WHEREAS**, a parcel of real property indentified as NYSEG-Waterville Former MGP Site (Site 633041), located on 139 Babbott Avenue in the Village of Waterville, County of Oneida, State of New York, which is part of lands conveyed by Kevin P. Kelley and Julia A. Kelley to Michael B. Murray and Lisa A. Murray by deed dated May 4, 1993 and recorded in the Oneida County Clerk's Office on May 4, 1993 in Book 2653 of Deeds at Page 184 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of an Order on Consent (Index No. DO-0002-9309) dated March 30, 1994 with the Department whereby NYSEG has agreed to investigate certain sites in New York State where manufactured gas plant operations were once conducted, or where waste from manufactured gas plant operations was sent for disposal and, if necessary, remediate contaminated portions of such sites in accordance with applicable legal requirements; and

**WHEREAS**, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

**NOW, THEREFORE**, the Department provides notice that:

**FIRST**, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

**SECOND**, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

**THIRD**, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

**FOURTH**, the remedy was designed to be protective for the following uses:  
**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv).** Therefore, any use for purposes other than Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

**FIFTH**, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

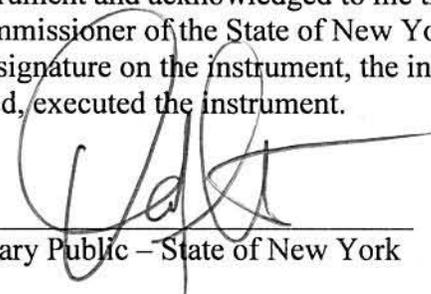
**SIXTH**, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

**IN WITNESS WHEREOF**, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By:   
Robert W. Schick, P.E.,  
Director, Division of  
Remediation

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF                    )

On the 12<sup>th</sup> day of June, in the year 2013, before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

  
Notary Public – State of New York

David J. Chiusano  
Notary Public, State of New York  
No. 01CH5032146  
Qualified in Schenectady County  
Commission Expires August 22, 2014

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Appendix A  
Property Description

All that tract or parcel of land situate in the Village of Waterville, County of Oneida and State of New York and on the west side of Babbott Ave. (formerly Union St.) in said Village and is bounded and described as follows, to wit:

Beginning at a point 1 chain southerly, in the west line of Babbott Ave. from the southeast corner of the house lot now owned and occupied by John Hawley (formerly John H. Walsh) and running thence westerly along the south line of the house lot deeded to Sylvester Templeton in 1881 and at right angles with the street line aforesaid 2 chs. and 50 lks to the southwest corner of said Templeton lot; thence southerly and parallel with the street line 82 lks., thence easterly parallel with the first mentioned line and along the north line of land now owned by Katherine Burns 2 chs. and 50 lks. to the street line aforesaid, thence along the street line northerly 82 lks. to the place of beginning, containing 20/100 of an acre of land to be the same more or less.

AND

All that certain tract or parcel of land being a part of Lot No. 39 in the Village of Waterville and Town of Sangerfield, County of Oneida and State of New York, being the same premises described in a Deed from B. and Ione P. VanSteenbergh to Waterville Gas Light Company, dated July 6, 1881 and recorded in the Oneida County Clerk's Office in Book 406 of Deeds at page 233, and said tract or parcel being described in the said Deed as follows:

Beginning at the northeast corner of the Lot known as the "Oil Mill Lot" now owned by O.C. Harris and at a stake and running thence first south 2° 30' east in the said Harris's east line one chain & eleven links to a stake; thence south 85° east fifty three links to the northwest corner of the F.L. Babbott lot and thence in the same direction & along the north line of the said Babbotts lot two chains and fifty links to the west line of Union Street & to a stake; thence north 5° east in the said line of Union St. eighteen links to the southeast corner of E. Wheeler's lot & to a stake; thence north 85° west along said Wheelers south line two chains & fifty links to a state & to the southwest corner of the said Wheelers lot thence north 5° east in the rear line of lots belonging to E. Wheeler, S. Templeton & H. Crosby two chains & thirty four lings to a stake standing fifty links from the southwest corner of the said Crosby's lot; thence north 85° west & at right angles with the last mentioned line one hundred & fifty feet to a stake standing on the south line of the Cemetery grounds thence south 5° west or in a right line one chain & forty six links to a stake and to O.C. Harris north line thence south 86° east along said Harris north line one chain & sixty one links to the place of beginning containing forty one one-hundredths of an acre of land be the same more or less.





New York State Department of Environmental Conservation  
 (Source: Bing Maps)

ENVIRONMENTAL NOTICE  
 Waterville MGP  
 Waterville, NY  
 May 2013  
 Job No. 60238139

**AECOM**  
 FIGURE 1  
 NYSDEC Site #633041

