



GeoLogic NY, P.C.

P. O. Box 350 • 37 Copeland Ave. • Homer, NY 13077 • 607-749-5000

**PERIODIC REVIEW REPORT (PRR)
BEC TRUCKING
3201 STEWART ROAD
VESTAL, NEW YORK
SITE NO.: 704007**

Prepared For:

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 7
Attn: Mr. Gary Priscott, Regional Supervisor, Division of Environmental Remediation
New York State Department of Environmental Conservation
5786 Widewaters Parkway, Syracuse, NY 13214-1867

Owner/Operator

Downside Risk, Inc./
Vestal Self Storage, LLC
200 Plaza Drive
Vestal, New York

Prepared By:

GeoLogic NY, P.C.
37 Copeland Avenue
P.O. Box 350
Homer, New York 13077

January 2024

Reporting Period: July 1, 2022 to December 31, 2023

GeoLogic Project No. 220014

"For each institutional control identified for the site, I certify that all of the following statements are true:

- The institutional control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;*
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;*
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;*
- Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;*
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;*
- Use of the site is compliant with the Environmental Easement.*
- The information presented in this report is accurate and complete.*

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Forrest C. Earl, P.G., of GeoLogic NY, P.C. am certifying as Owner's Designated Site Representative, and I have been authorized and designated by all site owners to sign this certification for the site."

A handwritten signature in blue ink, appearing to read "Forrest Earl", written over a horizontal line.

Forrest Earl, P.G.

TABLE OF CONTENTS

1	INTRODUCTION.....	1
2	SITE OVERVIEW.....	1
3	INSTITUTIONAL AND ENGINEERING CONTROLS.....	4
3.1	SUMMARY OF INSTITUTIONAL CONTROLS (ICS)	4
3.2	SUMMARY OF ENGINEERING CONTROLS (ECs)	5
4	SITE INSPECTIONS.....	5
5	RECOMMENDATIONS.....	5
6	REFERENCES.....	5
7	CERTIFICATION.....	6

APPENDICES

APPENDIX A: Institutional and Engineering Controls Certification Form

APPENDIX B: Drawings

Drawing No. 1: Site Location

Drawing No. 2: Site Layout

APPENDIX C: Site Inspection Forms

APPENDIX D: Environmental Easement

1 INTRODUCTION

The BEC Trucking Site is located at 3201 Stewart Road, Town of Vestal, Broome County, New York (hereinafter referred to as the “Site”). The Site has been a Class 4 site on the New York State (NYS) Registry of Inactive Hazardous Waste Disposal sites since 1984, Site No. 704007, which is administered by New York State Department of Environmental Conservation (NYSDEC). The Site location is shown on Figure 1. The Site boundaries are shown on Figure 2.

The Site is utilized as a self-storage facility.

After completion of the previous remedial work, some contamination remains at this Site, which is hereafter referred to as “remaining contamination”. Institutional controls (ICs) have been incorporated into the site remedy to control exposure to remaining contamination to ensure protection of public health and the environment. An Environmental Easement (Easement) which grants access to the NYSDEC, and recorded with the Broome County Clerk, requires compliance with the Site Management Plan (SMP) and all ICs placed on the Site. A copy of the Environmental Easement is in Appendix D.

The approved SMP was prepared to manage remaining contamination at the Site until the Easement is extinguished in accordance with ECL Article 71, Title 36. The SMP was approved by the NYSDEC, and compliance with the SMP is required by the grantor of the Easement and the grantor’s successors and assigns. The SMP may only be revised with the approval of the NYSDEC.

2 SITE OVERVIEW

The Site is located in Vestal, Broome County, New York and is identified as Section 158.11 Block 1 and Lot 15. The Site is an approximately 3.56-acre area and is bounded by a car rental facility and undeveloped land to the north; Stewart Road, a big box retailer, dental office, small retail plaza and vacant land to the south; a towing business and car rental facility to the east; and an unnamed surface water feature and wetland to the west. The owner of the Site at the time of issuance of this PRR is Downside Risk, Inc.

The Site consists of the following: a fenced and locked (gated) area with six slab-on-grade storage unit buildings and driveways. The Site is zoned industrial and is currently utilized by a commercial business. The Site operator is Vestal Self Storage, LLC, a commercial business for indoor and outdoor storage. Six storage buildings have been constructed on the Site. There is an easement for an existing Buckeye Pipeline on the western portion of the Site.

The following narrative provides a remedial history timeline and a brief summary of the available project records to document key investigative and remedial milestones for the Site. The Site was unimproved prior to mid-1960's when HEIL Trucking purchased the property and placed fill (including fly ash) to raise the ground level. In 1982, the NYSDEC found improperly stored drums at the Site. Investigators also identified stained soil where spills had apparently occurred around the drums. In 1983, a former owner of the Site (COGS, Inc.) removed 30 empty drums and 20 drums containing waste motor oil, metal cutting oil, paint thinners, solvents, methanol, toluene and petroleum distillates. Downside Risk, Inc. completed purchase of the Site in 1986 and used the Site for storage of materials related to their construction business. Stained soil from around the drums was excavated and placed into drums that were removed by the United States Environmental Protection Agency's (EPA) in 1991.

The Site was added to National Priorities List (NPL) in January 1983 based on the potential for exposure to contaminated groundwater "as a result of activities which allegedly occurred on Site." Contaminants were found in the removed drums, but not in the groundwater prior to the preliminary hazard ranking that was used to place the Site on the NPL. The EPA report indicated that the Site would not have been listed on the NPL with the data that they collected and presented in the 1989 Final Remedial Investigation (RI).

The EPA RI identified five potential source areas of contamination on the Site. These potential source areas are as follows:

Former drum storage area – no major contaminants identified.

Southeast corner of the site – polycyclic aromatic hydrocarbons (PAHs) identified.

Oil/Gasoline seep area – lead, volatile organics and PAHs identified.

Drainage ditch area – lead and PAHs identified.

Fly ash fill area – arsenic identified.

The field sampling and the risk assessment completed as part of the EPA Remedial Investigation (RI) revealed limited and low-level contamination as follows:

Carcinogenic polycyclic aromatic hydrocarbons (cPAHs), e.g. benzo(a)pyrene and chrysene, in surface soils and sediments.

Benzene in groundwater.

Arsenic in groundwater.

Low levels of benzene and arsenic were detected in groundwater underlying the Site. Sediments and surface soils had low levels of PAHs. Arsenic was detected in surface and subsurface soil samples at the Site and determined by EPA to be historic fill (fly ash material) found on the Site and throughout the area and on adjacent properties. An EPA Risk Assessment revealed minimal risk to human health.

EPA did not identify volatile organic compounds (VOCs) or semi-volatile organic compounds (SVOCs) as contaminants of concern for the Site and EPA concluded that the selected remedy of the completed removal and monitoring was protective of human health and environment. The potential for impacts relating to vapor intrusion are not a concern considering the identified contaminants of concern and the current commercial use as a storage facility. This Site is in an area that is entirely served by a municipal public water supply.

In 1989, the EPA issued a Record of Decision (ROD) recommending no further action at the Site. The ROD also called for a monitoring program for groundwater, surface water and sediments to ensure the protection of human health and the environment. Samples were collected in 1991, and the results indicated that no significant contaminant migration was occurring at the Site. The Site was delisted by the EPA from the NPL (October 1992).

In 1994, NYSDEC wrote a letter to Downside Risk, Inc. stating that the Site's Classification was changed from 2 to 4. The letter states the following as the reason for the change:

The ROD dated September 28, 1989 determined "No Further Action" with a monitoring program to ensure the selected remedy continues to be protective of human health and environment. Groundwater sampling was completed by EPA in 1996. EPA's 1996 sampling exhibited no

contaminants of concern exceeding site-specific action levels and the EPA concluded no further monitoring was necessary.

The New York State Department of Health (NYSDOH) in cooperation with the Agency for Toxic Substances and Disease Registry (ATSDR) completed a Letter Health Consultation for the Site (dated August 16, 2010). The NYSDOH letter states that the Site was reclassified to Class 4 in 1994 and that the EPA completed the monitoring program in accordance with the ROD and in 1996 concluded that there was no significant migration of contaminants from the Site.

Asphalt millings have been placed at the ground surface of the Site as part of the redevelopment into an un-manned commercial storage unit business. The areas where Arsenic was found in surface soils have been covered by the asphalt millings and/or by the construction of the storage buildings.

3 INSTITUTIONAL AND ENGINEERING CONTROLS

3.1 Summary of Institutional Controls (ICs)

ICs have been implemented at the Site to mitigate the potential for human and ecological exposure to soil and groundwater. The ICs are described below:

- The Site may be used for commercial or industrial use;
- The use of groundwater underlying the Site is prohibited without necessary water quality treatment as determined by the NYSDOH and/or the Broome County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in the SMP;
- Future activities, if any, that will disturb remaining contaminated material must be conducted in accordance with the SMP;

- Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Deed Restriction.
- Vegetable gardens and farming on the Site are prohibited.

3.2 Summary of Engineering Controls (ECs)

There are no ECs for the Site.

4 SITE INSPECTIONS

The Site was inspected on November 17, 2022 and December 8, 2023. No changes to the Site use or conditions were observed. The Site Inspections Reports are in Appendix C.

5 RECOMMENDATIONS

GeoLogic recommends that annual inspections of the Site be continued. Additional inspections may need to be conducted should unanticipated natural events occur or a change in use occur. The PRR will be submitted every five years. The next PRR will cover the period from January 1, 2024 through December 31, 2028 and will be submitted by February 1, 2029.

6 REFERENCES

6NYCRR Part 375, Environmental Remediation Programs. December 14, 2006.

NYSDEC DER-10 – “Technical Guidance for Site Investigation and Remediation”.

NYSDEC, 1998. Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1. June 1998 (April 2000 addendum).

US EPA, June 1989. Final Remedial Investigation Report prepared for the prepared for the EPA by Ebasco Services Incorporated.

US EPA, September 1989, Superfund Record of Decision, BEC Trucking, NY.

Weston, July 1992, Report to US EPA, Preliminary Findings Report for the Wet Season (May 1991) and Dry Season (1991) Sampling at BEC Trucking Site.

Weston, January, 1997, Report to US EPA, Draft Environmental Assessment Report – 1996, BEC Trucking Site.

NYSDOH, August 16, 2010, Letter Health Consultation, BEC Trucking Site, Site #704007, Vestal, Broome County, EPA ID# NYD980768675.

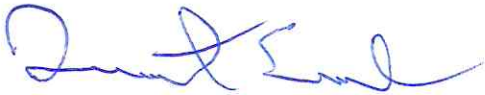
7 CERTIFICATION

Signed Institutional and Engineering Controls Certification Forms are included in Appendix A.

We certify that to the best of our professional knowledge and belief, we meet the definition of *Environmental Professional* as defined in 312.10 of 40 CFR 312. We further certify this report to be factually presented to the best of our knowledge and belief.

Submitted by:

GeoLogic NY, P.C.

A handwritten signature in blue ink, appearing to read "Forrest Earl".

Forrest Earl, P.G.

President

P:\PROJECTS\2020\220014 - BEC Trucking Stewart Road Vestal\REPORT\2024 PRR\2024 Periodic Review Report.doc

APPENDIX A

INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details		Box 1	
Site No.	704007		
Site Name BEC Trucking Site			
Site Address: Stewart Road Zip Code: 13850			
City/Town: Vestal			
County: Broome			
Site Acreage: 3.500			
Reporting Period: March 26, 2007 to January 02, 2024			
		YES	NO
1.	Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☒
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☒	☐
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☒	☐
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		See the attached Site Record and 60 Day Notice dated 3/29/21.	
5.	Is the site currently undergoing development?	☐	☒
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	☒	☐
7.	Are all ICs in place and functioning as designed?	☒	☐
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

SITE NO. 704007

Description of Institutional Controls

Parcel

Owner

Institutional Control

158.11-1-15

Downside Risk, Inc.

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan
IC/EC Plan

- Property may be used for commercial and industrial use.
- Prohibition on groundwater use.
- Compliance with Site Management Plan (SMP).
- Periodic inspections and certifications of compliance with easement and SMP.
- Vegetable gardens and farming are prohibited.

Description of Engineering Controls

None Required

Not Applicable/No EC's

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted

YES NO

☒ ☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

No ECs

☐ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Forrest Earl, P.G. at GeoLogic NY, P.C.
PO Box 350, Homer, NY 13077,
print name print business address

am certifying as Designated Representative of Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

1-30-24
Date



Department of
Environmental
Conservation

Environmental Remediation Databases Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

Administrative Information

Site Name: BEC Trucking Site

Site Code: 704007

Program: State Superfund Program

Classification: 04

EPA ID Number:

Location

DEC Region: 7

Address: 3201 Stewart Road

City: Vestal Zip: 13850

County: Broome

Latitude: 42.09747863

Longitude: -75.99994512

Site Type: DUMP

Estimated Size: 3.558 Acres

Institutional And Engineering Controls

Control Type:

[Environmental Easement](#)

Control Elements:

Ground Water Use Restriction

Landuse Restriction

IC/EC Plan

Site Management Plan

Soil Management Plan

Site Owner(s) and Operator(s)

Current Owner Name: Downside Risk, Inc.

Current Owner(s) Address: 200 Plaza drive
Vestal, NY, 13850

Owner(s) during disposal: BEC TRUCKING

Hazardous Waste Disposal Period

From: unknown **To:** unknown

Site Description

Location: The BEC Trucking site is an approximately 3.56-acre property located in a commercial/ industrial area on Stewart Road, Town of Vestal, Broome County. The property is bounded by a car rental company and undeveloped land to the north, Stewart Road, a big box retailer, dental office, small retail plaza and vacant land to the south, a towing business and car rental facility to the east, and an unnamed water feature and wetland to the west. **Site Features:** The site is mostly flat and includes six slab-on-grade storage unit buildings and driveways. The site has a continuous perimeter fence that is locked (gated). **Current Zoning and Land Use:** The site is zoned industrial and is occupied by a commercial business for secure indoor and outdoor storage. The properties adjoining the site, and in the immediate vicinity of the site are primarily zoned commercial and industrial. The nearest residential properties are approximately 1000 feet to the east. **Past Use of the Site:** Prior uses that led to site contamination included storage and abandonment of approximately 20 drums containing waste motor oil, metal cutting oil, paint thinners, solvents, methanol, toluene and petroleum distillates and filling of the site using materials including fly ash. Removal of the drummed waste and excavation of associated impacted surface soil was conducted in 1983. **Site Geology and Hydrogeology:** Underlying the materials used for redevelopment of the site is a mix of historic fill including fly ash that ranges from 1.5 to 12 feet thick. Native material underlying the fill are glacial deposits including silty clay, sand and gravel, silty sand, and sand. The approximate thickness of the unconsolidated materials overlying bedrock is 100 feet. Depth to groundwater at the site ranges approximately one to ten feet below ground surface. The general direction of groundwater flow at the site is to the northwest.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

methanol

MACHINE OILS

paint solvents

toluene

Site Environmental Assessment

Remediation at the site is complete. Prior to remediation the primary contaminants of concern were volatile organic compounds associated with drummed waste and in surface soils in contact or near

the drummed waste. Soil also had isolated detections of arsenic, lead, and polycyclic aromatic hydrocarbons likely associated with historic fill that included fly ash. Remedial actions have successfully achieved soil cleanup objectives for commercial use. Residual contamination in the soil and groundwater is being managed under a Site Management Plan.

Site Health Assessment

Remedial actions are complete and measures are in place to prevent people from coming in contact with remaining contamination.

For more Information: [E-mail Us](#)

[Refine Current Search](#)



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. Site Name: BEC Trucking Site **DEC Site ID No.** 704007

II. Contact Information of Person Submitting Notification:

Name: Sarah McCulloch
Address1: GeoLogic NY, P.C.
Address2: PO Box 350, Homer, NY 13077
Phone: 607-749-5000 E-mail: sarah@geologic.net

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☐ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☒ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): March 29, 2021

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

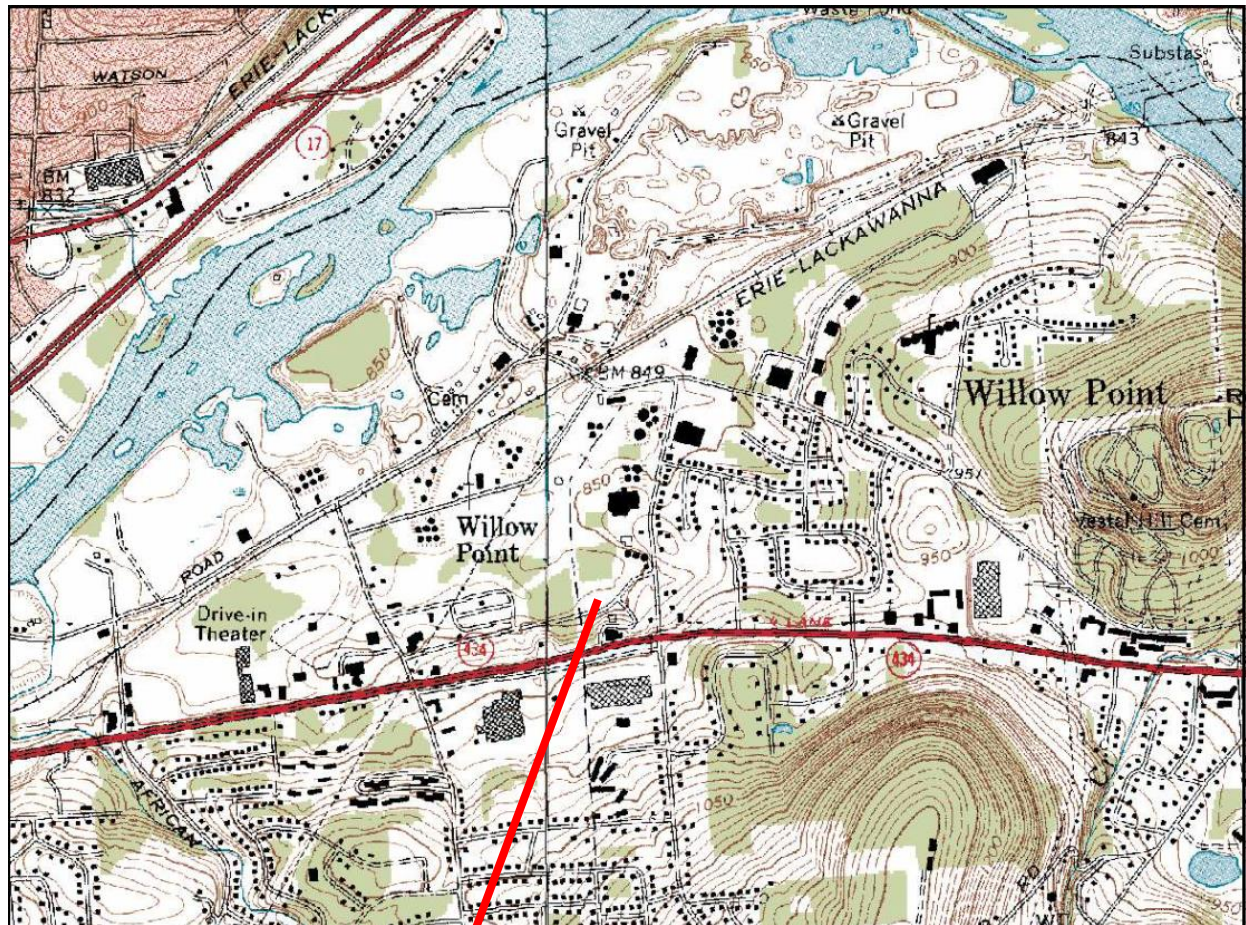
Three additional storage buildings will be constructed at the Site. The buildings will have slab-on-grade foundations with haunch footings. The haunch footing will extend 12" below the ground surface and rise 4" above the ground surface. The depth of the electric conduit to the buildings will be 8 to 12".

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

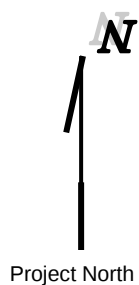
The change will not affect the Site's completed remedial status.

APPENDIX B

DRAWINGS



Site Location



GeoLogic

GeoLogic NY, P.C.

**SITE LOCATION MAP
BEC TRUCKING SITE
VESTAL, NEW YORK
SITE NO. 704007**

DRAWN BY:	SCALE:	PROJECT NO:
SEM	Not To Scale	220014
REVIEWED BY:	DATE:	FIGURE NO:
FCE	JUNE 2020	1



SITE DATA

TAX MAP NO.: 158.11-1-15 (3201 STEWART ROAD)
ZONING DISTRICT: INDUSTRIAL (I)

DESCRIPTION	REQUIRED	PROPOSED
MINIMUM LOT SIZE	22,500 SF	3.56± ACRES
MINIMUM LOT FRONTAGE	150 LF	448± FT
MINIMUM YARD DIMENSIONS (PRINCIPAL)		
FRONT	30 LF	30.03 LF
REAR	15 LF	79.51 LF
SIDE	15 LF	38.52 LF
MAXIMUM BUILDING HEIGHT	60 FT (5 STORY)	16± FT

GENERAL NOTES

- THE CONTRACTOR SHALL COORDINATE ALL WORK THROUGH THE OWNER/DEVELOPER. ALL NECESSARY PERMITS AND APPROVALS SHALL BE OBTAINED PRIOR TO COMMENCING WORK.
- THE CONTRACT BOUNDARY IS CONSISTENT WITH THE PROPERTY LINE UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL CONFIRM THE CURRENT CONDITION OF THE PROJECT SITE VERSUS THE PROJECT PLANS AND NOTIFY THE OWNER AND DESIGN ENGINEER IN WRITING OF ANY CONFLICTS PRIOR TO COMMENCEMENT OF CONSTRUCTION. COMMENCEMENT WITHOUT ANY NOTIFICATION INDICATES THE CONTRACTOR'S ACCEPTANCE OF THE PROJECT PLANS.
- THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION STAKEOUT.
- THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE LOCATION OF UNDERGROUND UTILITY LOCATIONS BEFORE COMMENCING WORK AS THEY ARE NOT GUARANTEED ON THESE PLANS. THE CONTRACTOR SHALL NOTIFY DIG SAFELY NY (FORMERLY UFPO) 1-800-962-7962 (OR 811) IN ACCORDANCE WITH 16 NYCRR PART 753.
- ANY AREAS OUTSIDE OF THE PROJECT LIMITS DISTURBED BY THE CONTRACTOR SHALL BE RESTORED TO THEIR PRIOR CONDITION TO THE ACCEPTANCE OF THE OWNER. ANY PAVEMENT OR RIGHT-OF-WAY RESTORATION SHALL BE DONE TO THE SATISFACTION OF THE APPROPRIATE GOVERNMENT ENTITY.
- TRACKING AND DEPOSITION OF MUD AND DEBRIS ON TOWN, COUNTY, OR NYSDOT HIGHWAYS IS NOT ALLOWED. IMMEDIATE CLEANUP AND REMEDIATION IS REQUIRED.
- BOUNDARY SURVEY INFORMATION WAS OBTAINED FROM A SURVEY PREPARED BY JOHN F. PURDY SERVICES, TITLED "SURVEY FOR WALSH & SONS CONSTRUCTION CORP." DATED JANUARY 23, 1987 (ADJUSTED TO TRUE NORTH FOR THIS PROJECT). TOPOGRAPHIC INFORMATION WAS SUPPLEMENTED FROM 2018 AERIAL PHOTO REVIEW AND 2007 FEMA 2FT LIDAR. IT IS THE BASE INFORMATION USED TO PREPARE THE WORK INDICATED ON THE DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR THEIR OWN INTERPRETATIONS OF THESE DOCUMENTS, CONFIRMATION OF EXISTING GRADES AND PROPERTY LINE LOCATIONS, AND SHALL PROVIDE FOR STAKEOUT SURVEY.
- URDA ENGINEERING, PLLC, IS NOT RESPONSIBLE FOR CONSTRUCTION OBSERVATION OR COORDINATION, AND SHALL NOT BE HELD ACCOUNTABLE FOR THE PERFORMANCE OF ANY CONTRACTORS.
- BUILDINGS DO NOT HAVE GUTTERS OR ROOF DRAINS.
- NO DUMPSTER ON-SITE.
- FIRE DEPARTMENT KNOX BOX TO BE PROVIDE; COORDINATE WITH CODE OFFICE.
- SITE DISTURBANCE IS LESS THAN ONE ACRE AS THE SITE IS AN EXISTING COMPACTED GRAVEL SURFACE THAT WILL NOT BE DISTURBED. A SPDES PERMIT IS NOT REQUIRED PER NYSDEC.
- STORAGE BUILDING UNITS ARE TO BE CONSTRUCTED ON CONCRETE SLABS.

**WALSH & SONS
CONSTRUCTION**

200 PLAZA DRIVE
VESTAL, NEW YORK 13850
Phone: (607) 729-0670

SITE PLAN

3201 STEWART ROAD STORAGE FACILITY

DATE: 01/10/22	DRAWN BY: RB	REVISION:
SCALE: 1"=30'-0"	DWG. NO:	SHEET: 01 OF 01

APPENDIX C
SITE INSPECTION FORMS

SITE INSPECTION

**BEC TRUCKING
STEWART ROAD
VESTAL, NY NYSDEC SITE NO. 704007**

Date: 11/17/2022

Weather: partly cloudy, 40's F

Inspection By: Sarah McCulloch, P.G.

Current Use: Self-storage

Use Changed From Previous Year: No

General Site Conditions: good, no obvious degradation.



SITE INSPECTION

BEC TRUCKING STEWART ROAD VESTAL, NY NYSDEC SITE NO. 704007

Date: 12/8/2023

Weather: cloudy, 20's F, light dusting of snow

Inspection By: Joe Menzel, P.G.

Current Use: Self-storage

Use Changed From Previous Year: No

General Site Conditions: good, no obvious degradation.



APPENDIX D
ENVIRONMENTAL EASEMENT



BROOME COUNTY – STATE OF NEW YORK
JOSEPH A. MIHALKO, COUNTY CLERK
60 HAWLEY STREET, P.O. BOX 2062
BINGHAMTON, NY 13902

COUNTY CLERK'S RECORDING PAGE

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



BOOK/PAGE: D2742 / 491
INSTRUMENT #: 202300023459

Receipt#: 20231201529
Clerk: GG
Rec Date: 11/14/2023 04:03:54 PM
Doc Grp: D
Descrip: EASEMENT
Num Pgs: 10
Rec'd Frm: HANCOCK ESTABROOK LLP

Party1: DOWNSIDE RISK INC
Party2: PEOPLE OF THE STATE OF NEW YORK
Town: TOWN OF VESTAL

Recording:

Cover Page	5.00
Recording Fee	65.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	10.00

Sub Total: 100.00

Transfer Tax	
Transfer Tax - State	0.00
Transfer Tax - County	0.00

Sub Total: 0.00

Total: 100.00

****** NOTICE: THIS IS NOT A BILL ******

******* Transfer Tax *******
Transfer Tax #: TT001671
Transfer Tax
Consideration: 0.00

Total: 0.00

WARNING***

This sheet constitutes the clerks endorsement,
required by Section 316-A (5) & Section 319 of the
Real Property Law of the State of New York. DO
NOT DETACH.

Joseph A. Mihalko
Broome County Clerk

Record and Return To:

HANCOCK ESTABROOK LLP
1800 AXA TOWER I
100 MADISON ST STE 1800
SYRACUSE NY 13202-9945

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 6th day of November, 2023, between Owner, Downside Risk, Inc., having an office at 200 Plaza Drive, Vestal, County of Broome, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 3201 Stewart Road, in the ^{Town}City of Vestal, County of Broome and State of New York, known and designated on the tax map of the County Clerk of Broome as tax map parcel number: Section 158.11 Block 1 Lot 15, being the same as that property conveyed to Grantor by deed dated April 29, 1983 recorded in the Broome County Clerk's Office in Liber and Page 1371/232; deed dated November 13, 1986 recorded in the Broome County Clerk's Office in Liber and Page 1684/310; and deed dated September 30, 1996 recorded in the Broome County Clerk's Office in Liber and Page 1870/269. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 3.558 +/- acres and is hereinafter more fully described in the Land Title Survey dated April 18, 2022 and revised on May 13, 2022 prepared by Edward Ripic, Jr., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Order on Consent Index Number: R7-20220610-32, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

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)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Broome County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining

contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

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 Environmental Conservation

Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: 704007
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the

recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

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IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Downside Risk, Inc.:

By: 

Print Name: PETER WALSH

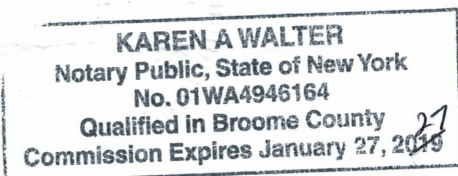
Title: SECRETARY Date: 10/20/23

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF Broome)

On the 20th day of October, in the year 2023, before me, the undersigned, personally appeared Peter Walsh, 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.


Notary Public - State of New York



THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting by and Through the Department of Environmental Conservation as Designee of the Commissioner,

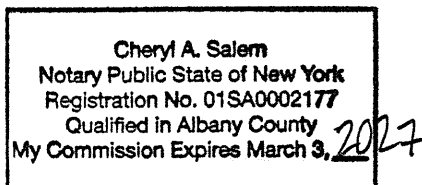
By: Andrew Guglielmi
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 6th day of November in the year 2023 before me, the undersigned, personally appeared Andrew O. Guglielmi, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cheryl A. Salem
Notary Public - State of New York



SCHEDULE "A" PROPERTY DESCRIPTION

BEGINNING at the intersection of the west line of North Jenson Road and the north line of Stewart Road. Thence S 85°35'30" W along the north line of Stewart Road for a distance of 228.01 feet to a bent over 5/8" rebar. Thence continuing along said north line of Stewart Road S 40°47'05" W for a distance of 197.53 feet to a bent over 5/8" rebar marking the True Point of Beginning.

THENCE S 67°54'30" W along the north line of Stewart Road for a distance of 272.32 feet to a 5/8" rebar;

THENCE S 86°51'30" W along the north line of Stewart Road for a distance of 177.81 feet to a 5/8" rebar;

THENCE N 06°51'30" E for a distance of 472.81 feet to a 5/8" rebar with cap;

THENCE S 83°03'30" E for a distance of 359.08 feet to a 5/8" rebar with cap;

THENCE S 06°56'32" W for a distance of 226.08 feet to a 3/4" rebar set with cap;

THENCE S 26°20'28" E for a distance of 99.80 feet to the True Point of Beginning;

CONTAINING 3.558 Acres