

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 21st day of June 2012, 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 93 Main Street (Site704027), located on 93 Main Street in the City of Binghamton, County of Broome, State of New York, which is part of lands conveyed by Robert S. Quinn and Maureen A. Quinn to Robert J. McMahon and Mary A. McMahon by deed dated February 24, 1981 and recorded in the Broome County Clerk's Office County Clerk's Office on March 23, 1981 in Book 1316 of Deeds at Page 461 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 remedial program performed by the Department ; 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 Sate 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:

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 Commercial and 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
Acting Director
Division of Environmental Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 21st day of JUNE, in the year 2012, 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

Appendix A

METES AND BOUNDS DESCRIPTION

93 Main Street
County of Broome
Tax Map: Section 160.38, Block 2, Lots 32

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon, situate in the City of Binghamton, County of Broome, State of New York, bounded and described as follows:

BEGINNING at a point in the south line of Main Street, which point is the northeast corner of premises conveyed to Georgena S. Hammond on February 13, 1907, by a deed recorded the same day in Book 207 of Deeds at page 547;

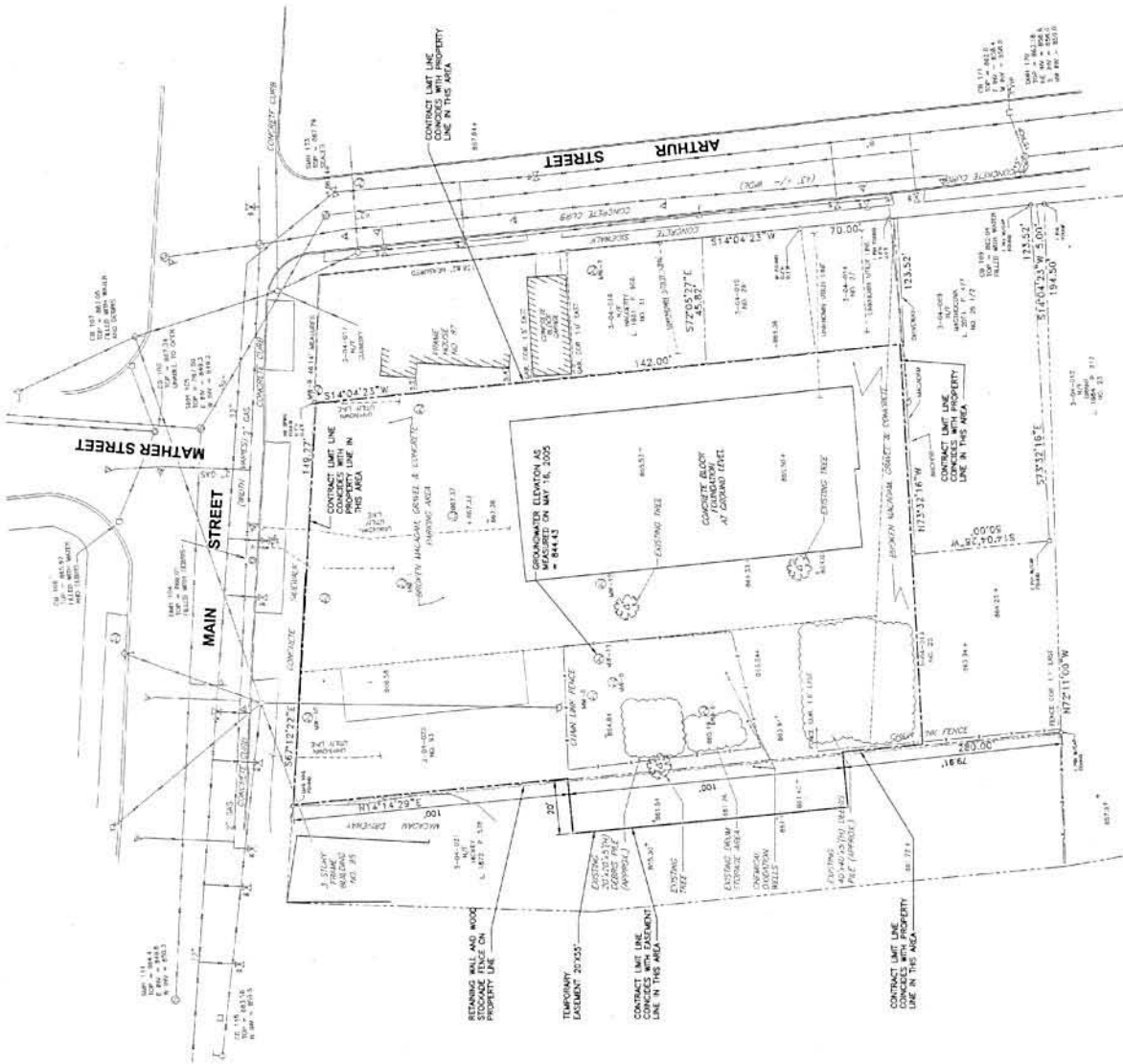
- 1) Running thence southwardly on a line which is at an interior angle of $98^{\circ}33'$ with the south line of Main Street a distance of 211.5' to a point, which is the southeast corner of premises conveyed to Georgena S. Hammond as aforesaid;
- 2) Running thence westwardly at an interior angle of $81^{\circ}26'$ a distance of 49.77' to a point, which is the southwest corner of premises conveyed to Georgena S. Hammond as aforesaid;
- 3) Running thence northwardly at an interior angle of $98^{\circ}27'$ a distance of 209.7' to a point in the south line of Main Street, which is the northwest corner of premises conveyed to Georgena S. Hammond aforesaid;
- 4) Running thence eastwardly at an interior angle of $81^{\circ}34'$ along the south line of Main Street a distance of 49.35' to the point or place of beginning, said last course making an interior angle of $98^{\circ}33'$ with the first course.

93 Main Street
Site No. 704027
Binghamton, Broome County, NY
Tax Map: 160.38-2-32

Appendix B
Map

NOTES:

1. SOURCE MAP ENTITLED "MC INC., 83 MAIN STREET, SUITE 201, CITY OF BINGHAMTON, NEW YORK, PROJECTED TO BE CONVEYED TO THE STATE OF NEW YORK, COUNTY OF SCHOENHOHE, LOCAL OFFICE NO. 48758, OFFICIAL DATUM IS MDD, 88 FROM NAD 83 POLY DATUM, DESIGNATION U-457, HORIZONTAL DATUM IS MC 83, 9'-10" SHOW COVER ON DATE OF FIELD SURVEY.
2. UTILITY DATA ADDED BY KEYSTONE ASSOCIATES, LLC BASED UPON OCTOBER 2012 PERFORMED BY ADVANCED GEOTECHNICAL SERVICES ON OCTOBER 20, 2009.



NO. DATE	REVISION



UNAUTHORIZED ALTERATION OR VIOLATION OF SECTION 2203 OF THE NEW YORK STATE EDUCATION LAW.
 PROJECT NUMBER: 13127
 CONTRACT NO.: 006987

Dvirka and Bartilucci
 CONSULTING ENGINEERS
 A DIVISION OF WILLIAM F. EDWARDS ASSOCIATES, P.C.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 BROOME COUNTY 93 MAIN ST., BINGHAMTON, NY NEW YORK
 SOIL EXCAVATION AND OFF-SITE DISPOSAL
 CONTRACT NO. D006987