



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 4/19/2021

Site Code: 704030	Site Name: American Cleaners
City: Binghamton	Town: Binghamton
Region: 7	County: Broome
Current Classification: 02	Proposed Classification: 04
Estimated Size (acres): 0.10	Disposal Area: Structure
Significant Threat: Previously	Site Type: Dry Cleaner
Priority ranking Score: 210	Project Manager: Robert Strang

Summary of Approvals

Originator/Supervisor: Jeffrey Dyber	11/20/2020
RHWRE: Harry Warner:	12/02/2020
BEEI of NYSDOH:	10/13/2020
CO Bureau Director: Michael Cruden, Director, Remedial Bureau E:	03/03/2021
Assistant Division Director: George Heitzman, P.E.:	03/22/2021

Basis for Classification Change

Threats from the disposal of hazardous waste at this site were addressed by the implementation of the remedy identified for the site by one or more Records of Decision. All construction of the components of the site-wide remedy was completed no later than 2008. The Final Remediation Report (FRR) confirms that the remedy has been constructed consistent with the requirements in the ROD. The FRR is in DEC Docs. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan (SMP) (or its equivalent). A copy of the SMP (or its equivalent) is in DEC Docs. Institutional controls were required to ensure the protectiveness of the site. The required controls, in the form of a deed restriction are in place. A significant threat to public health and the environment no longer exists at the site. The site is properly remediated and requires site management, therefore, it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

Site Description - Last Review:

Location: The American Cleaners site is a 0.1-acre site located at 48-50 Walnut Street in Binghamton where a laundry and dry cleaning business was operated in an old, converted two story house.



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Site Features: The site is predominantly flat 0.09-acre area bounded by residential properties to the north and east, Seminary Ave to the south, and Walnut St to the west. The site formerly hosted a retail customer space with dry cleaning and laundering operations in the basement. A single building currently exists on the property, which is otherwise a cleared grassy lot.

Current Zoning and Land Use:

The site is zoned residential and is situated among residential properties. A Multi Unit Dwelling exists on the property.

Past Use of the Site: American Cleaners went out of business in 1991 and the property has been abandoned since that time. Dry-cleaning solvents, primarily tetrachloroethylene, were stored in a 275 gallon tank in the basement. Poor handling practices resulted in the release of an unknown quantity of dry-cleaning solvent at this site over time.

Site Geology and Hydrogeology: The stratigraphic sequence in the vicinity of the site includes from the surface down: fill; stratified silts; sands and gravel; clayey silt/silty clay with boulders and gravel; and bedrock. The overburden is estimated to be approximately 50 to 75 feet thick based upon drilling information from municipal water wells nearby. The clayey silt unit is interpreted as glacial till. The upper surface of the clayey silt is highly variable in the site vicinity. The glacial till and dense silt layers form a mound beneath the site near MW-2.

Bedrock geology in the vicinity of the site has been mapped as the Sonyea Group, which are Lower Devonian in age and consist of shale, siltstone, and limestone.

Based on water table elevation measurements recorded during the pre-design investigation, depth to groundwater ranges from 9 to 16 feet below ground surface at the site. The predominant direction of groundwater flow in the study area was determined to be to the north.

Contaminants of Concern (Including Materials Disposed)	Quantity Disposed
OU 01	
TETRACHLOROETHYLENE {(PCE OR "PERC")} (F001)}	0.00
1,1,1-trichloroethane	0.00

Analytical Data Available for : Groundwater, Surface Water, Soil

Applicable Standards, Criteria or Guidance exceeded for:
 Groundwater, Surface Water

Site Environmental Assessment- Last Review:

Nature and Extent of Contamination:

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were PCE, trichloroethene (TCE), 4-methyl-2-pentanone, and toluene in soil, 1,2-dichloroethene, PCE, and TCE in groundwater, and PCE in indoor air. Remedial actions have successfully achieved soil, groundwater, and



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indoor air cleanup objectives for commercial use. Residual contamination in the soil, groundwater, and indoor air is being managed under a Site Management Plan.

Site Health Assessment - Last Update: 10/13/2020

Remediation is complete and there are no outstanding exposure concerns associated with this site.

	Start		End	
OU 00				
Emerging Contaminant Sampling	10/29/18	ACT	2/27/20	ANF
OGC Docket - Deed Restriction	5/24/11	ACT	10/13/11	TRM
OGC Docket - Deed Restriction	7/24/15	ACT	8/19/15	ACT
Periodic Review	8/27/09	ACT	11/30/09	ACT
Periodic Review	10/8/10	ACT	10/8/10	ACT
Periodic Review	9/15/15	ACT	9/29/15	ACT
Periodic Review	9/15/20	ACT	10/20/20	ACT
Periodic Review	9/15/25	PLN	10/30/25	PLN
Site Management	4/10/08	ACT	4/10/38	PLN
OU 01				
Reclass Pkg.	11/20/20	ACT	6/30/21	PLN
Remedial Action	11/27/06	ACT	4/10/08	ACT
Remedial Design	6/29/04	ACT	4/27/06	ACT
Remedial Investigation	6/30/00	TRM	8/30/01	TRM
Remedial Investigation	8/11/00	ACT	11/18/02	ACT
VI Evaluation	10/22/04	ACT	8/8/08	ACT
OU 01A				
Remedial Action	1/3/01	TRM	1/3/01	TRM
Remedial Design	7/31/00	TRM	11/30/00	TRM

Remedy Description and Cost

Remedy Description for Operable Unit 01

Demolition of all above ground structures. Excavation and removal of contaminated soil containi about 1.4ppm. Restoration of the site including backfilling with clean fill and a six inch top soil c reduce future exposure and erosion. A groundwater monitoring program will be put in place.

Total Cost \$170,000



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Site Name: American Cleaners

Remedy Description for Operable Unit 01A

Total Cost

OU 00

Site Management Plan Approval: 04/10/2008

Status: ACT

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 4/19/2021

SITE DESCRIPTION

SITE NO. 704030

SITE NAME American Cleaners

SITE ADDRESS: 48 - 50 Walnut Street ZIP CODE: 13905

CITY/TOWN: Binghamton

COUNTY: Broome

ALLOWABLE USE:

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan	NO
Monitoring Plan	YES
Operation and Maintenance (O&M) Plan	NO

Periodic Review Frequency: every five years

Periodic Review Report Submittal Date: 09/15/2025



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 4/19/2021

Site Code: 704030

Site Name: American Cleaners

Description of Institutional Control

Beeulah Geertgens

48-50 Walnut Street

48-50 Walnut Street

Deed Restriction

Block: 3

Lot: 1

Sublot: 6

Section: 3

Subsection: 000

S_B_L Image: 3.000-3-1.6

Ground Water Use Restriction

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

Beeulah Geertgens

48-50 Walnut Street

48-50 Walnut Street

Deed Restriction - Institutional Control Instrument

Block: 3

Lot: 1

Sublot: 6

Section: 3

Subsection: 000

S B L Image: 3.000-3-1.6

Vapor Mitigation

Monitoring Wells



PUBLIC NOTICE

State Superfund Program

Sign up to receive site updates by email: www.dec.ny.gov/chemical/61092.html

Site Name: American Cleaners

April 2021

Site No.: 704030 **Tax Map No.:** 160.47-1-4

Site Location: 48-50 Walnut Street, Binghamton, NY 13905

State Superfund Site Reclassification Notice Class 2 to Class 4

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (DEC) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (Registry). The site identified above, and located on the attached map, has been reclassified on the Registry as a Class 4 site as it no longer presents a significant threat to public health and/or the environment for the following reasons:

- Remedial actions at the site have been completed, which included:
 - demolition of above and below ground structures on the property,
 - excavation of soil containing tetrachloroethene above applicable cleanup standards, and
 - placement of a site cover system for the entire site which consists of the site building, and soil and/or pavement.
- Remedial actions off-site have been completed. Based on a soil vapor intrusion investigation of ten off-site buildings, a sub-slab depressurization system was installed at one off-site building and no further actions were necessary for the other off-site buildings that were sampled.
- Human exposures to residual contamination at the site are being addressed through the Site Management Plan (SMP) and deed restriction. The SMP and deed restriction:
 - require compliance with an excavation plan,
 - limits the use and development of the site to restricted residential, commercial or industrial uses,
 - prohibits groundwater use, and
 - requires a soil vapor intrusion assessment for any new construction on-site within the site boundary/institutional control areas.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact DEC's Project Manager listed below.

FOR MORE SITE INFORMATION

Additional information about this site can be found using DEC's "Environmental Site Remediation Database Search" engine which is located on the internet at:

www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3

Site specific documents may be found online through the DECinfo Locator at :

<https://www.dec.ny.gov/data/DecDocs/704030/>

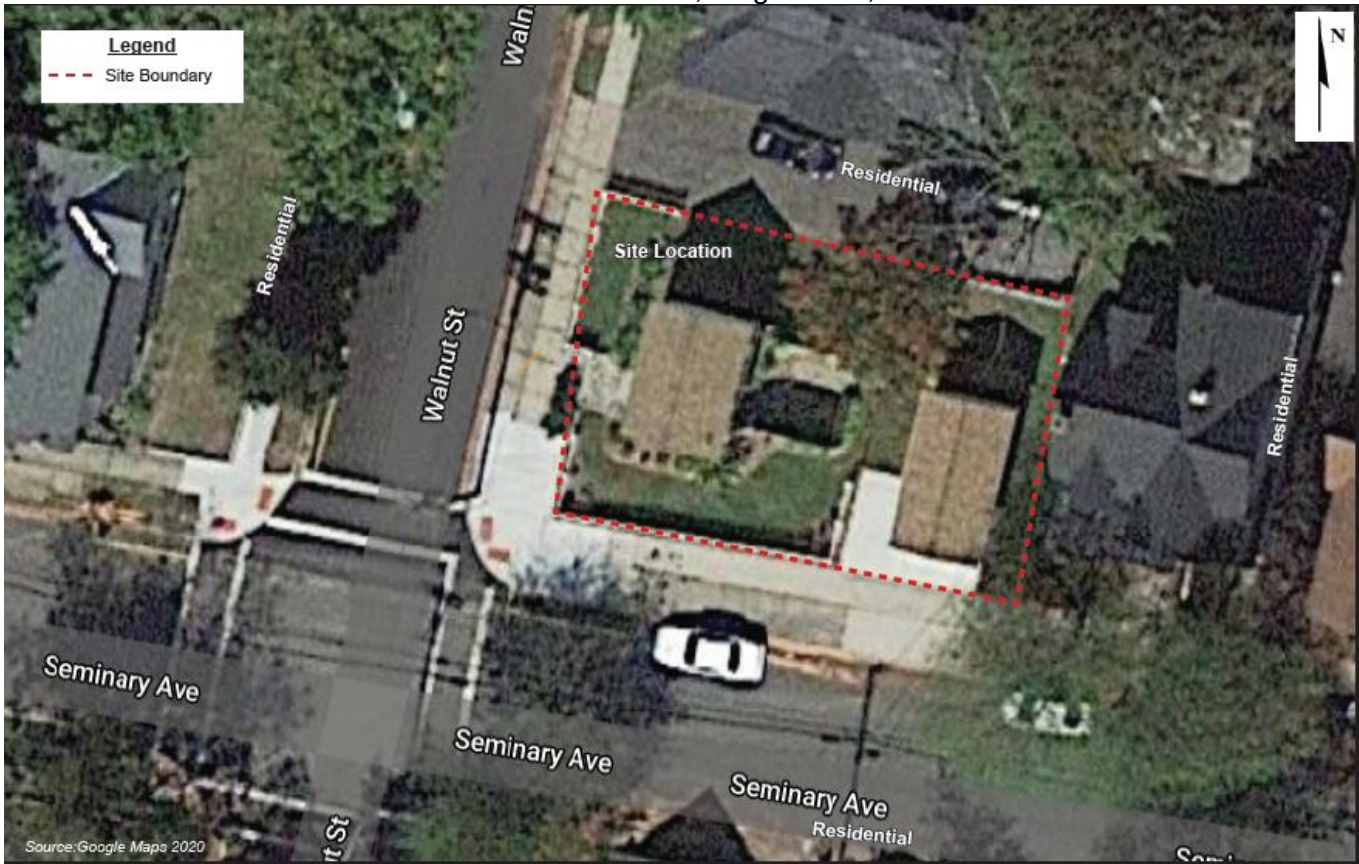
Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Robert Strang, Project Manager
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7017
robert.strang@dec.ny.gov
(518) 402-8642

Approximate Site Location

American Cleaners
Site ID 704030
48-50 Walnut Street, Binghamton, NY 13905



Stay Informed With DEC Delivers

Sign up to receive site updates by email: www.dec.ny.gov/chemical/61092.html

As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

Note: Please disregard if you received this notice by way of a county email listserv.

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <http://www.dec.ny.gov/pubs/109457.html>

DEC is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires DEC to notify all parties on the contact list for this site of this recent action.

Electronic Copies:

M. Ryan, Director, Division of Environmental Remediation
K. Lewandowski, Chief, Site Control Section
M. Cruden, Director, Remedial Bureau E
E. Tracy, Regional Permit Administrator, Region 7
S. Webb, Regional CPS, Region 7
C. Vooris, NYSDOH
S. McLaughlin, NYSDOH Regional Chief
S. Surani, NYSDOH Project Manager
J. DeMarco, DER, Bureau of Program Management
R. Strang, Project Manager
J. Dyber, Section Chief, Bureau E, Section D,
L. Zinoman, Site Control Section

Catherine Aspling
48-50 Walnut St
Binghamton, NY 13905

Beulah M Geertgens
48-50 Walnut St
Binghamton, NY 13905

Larry Geertgens
48-50 Walnut St
Binghamton, NY 13905

CF Management Group LLC
80 Rutgers Slip, Apt 1M
New York, NY 10002

Colan Ng
22806 53rd Ave SE
Bothell, WA 98021

Seminary SF1 LLC
P.O. Box 1554
Binghamton, NY 13902

Mary Ann Kutney
37 Seminary Ave
Binghamton, NY 13905

Aminadav Adamit
745 Baynard St
Teaneck, NJ 7666

33 Seminary LLC
960 Cliffside Ave
North Woodmere, NY 11581

54 Walnut LLC
2200 Wilson Blvd, Ste 102-320
Arlington, VA 22201

K&A Holdings LLC
690 Brotzman Rd
Binghamton, NY 13901

31 Seminary LLC
960 Cliffside Ave
North Woodmere, NY 11581

Binghamton Rlty Partners LLC
P.O. Box 1445
Binghamton, NY 13905

Dean Consolidated LLC
505 E 6th St, Unit 814
Charlotte, NC 28202

Junior Sterling
15 Silo Farm Pl
Middletown, NY 19041

34 Seminary Avenue LLC
279 Front St
Binghamton, NY 13905

Patrick D Sandberg
88 Morgan St, Apt 2108
Jersey City, NJ 07302

SPG Binghamton Equities LLC
195 Broadway, Ste 318
Brooklyn, NY 11211

Jason T. Garnar, Broome County Executive
Broome County Office Building
P.O. Box 1766
60 Hawley St, 6th Fl
Binghamton, NY 13905

Richard C. David, Mayor, City of
Binghamton
City Hall
38 Hawley St
Binghamton, NY 13905

Greg Buell, Zoning Enforcement Officer
Binghamton Zoning Admin. & Enforcement
City Hall
38 Hawley St
Binghamton, NY 13905

Beth Lucas, Acting Director
Broome County Planning Board
P.O. Box 1766
60 Hawley St, 5th Fl
Binghamton, NY 13905

Stephen Carson, Manager
HUD Admin. & Housing, City of Binghamton
Planning, Housing & Community Dev.
38 Hawley St
Binghamton, NY 13905

Jeffrey Kruger, Water/Sewer
Superintendent
City of Binghamton Water & Sewer Dept.
25 Broome St
Binghamton, NY 13905

US Dept. of Housing and Urban
Development
2401 NW 23rd St, Suite 1D
Oklahoma City, OK 73118

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Program Management

625 Broadway, 12th Floor, Albany, NY 12233-7012

P: (518) 402-9764 | F: (518) 402-9722

www.dec.ny.gov

March 26, 2021

Catherine Aspling
48-50 Walnut Street
Binghamton, NY 13905

Dear Property Owner:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (DEC) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that DEC notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 704030

Site Name: American Cleaners

Site Address: 48 – 50 Walnut Street, Binghamton, NY 13905

Classification change: 2 to 4

The reason for the change is as follows:

- Remedial actions at the site have been completed, which included:
 - demolition of above and below ground structures on the property,
 - excavation of soil containing tetrachloroethene above applicable cleanup standards, and
 - placement of a site cover system for the entire site which consists of the site building, and soil and/or pavement.
- Remedial actions off-site have been completed. Based on a soil vapor intrusion investigation of ten off- site buildings, a sub-slab depressurization system was installed at one off-site building and no further actions were necessary for the other off-site buildings that were sampled.
- Human exposures to residual contamination at the site are being addressed through the Site Management Plan (SMP) and deed restriction. The SMP and deed restriction:
 - require compliance with an excavation plan,
 - limits the use and development of the site to restricted residential, commercial or industrial uses,
 - prohibits groundwater use, and
 - requires a soil vapor intrusion assessment for any new construction on-site within the site boundary/institutional control areas.



Department of
Environmental
Conservation



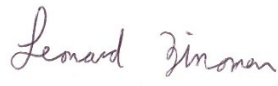
Enclosed is a copy of DEC's Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry. An explanation of the site classifications is available at <http://www.dec.ny.gov/chemical/8663.html>. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of DEC for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition.

Such petition may be addressed to:

Honorable Basil Seggos
Commissioner, NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact Robert Strang, the project manager at (518) 402-8642 or robert.strang@dec.ny.gov.

Sincerely,

 for

Kelly A. Lewandowski, P.E.
Chief, Site Control Section

Enclosure

ec w/Enc:

M. Ryan
K. Lewandowski
R. Strang, Project Manager

Do not include the following ec list with the owner letter.

ec w/Enc:

- C. Vooris, NYSDOH
- S. McLaughlin, NYSDOH Regional Chief
- M. Cruden, Director, Remedial Bureau E
- J. Dyber, Chief, Bureau E – Section D
- J. Sluzar, Regional Attorney, Region 7
- E. Tracy, Regional Permit Administrator, Region 7
- L. Zinoman, Site Control Section



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report**



Site Code	704030				
Site Name	American Cleaners	Address	48 - 50 Walnut Street		
Classification	04	City	Binghamton	Zip	13905
Region	7	County	Broome	Town	Binghamton
Latitude	42 degrees, 5 minutes, 51.99 seconds			Estimated Size	0.1000
Longitude	-75 degrees, 55 minutes, 25.81 seconds				
Site Type	Dry Cleaner	Structure			

Site Description

Location: The American Cleaners site is a 0.1-acre site located at 48-50 Walnut Street in Binghamton where a laundry and dry cleaning business was operated in an old, converted two story house.

Site Features: The Site is predominantly flat 0.09-acre area bounded by residential properties to the north and east, Seminary Ave to the south, and Walnut St to the west. The Site formerly hosted a retail customer space with dry cleaning and laundering operations in the basement. A single building currently exists on the property, which is otherwise a cleared grassy lot.

Current Zoning and Land Use:

The Site is zoned residential and is situated among residential properties. A Multi Unit Dwelling exists on the property.

Past Use of the Site: American Cleaners went out of business in 1991 and the property has been abandoned since that time. Dry-cleaning solvents, primarily tetrachloroethylene, were stored in a 275 gallon tank in the basement. Poor handling practices resulted in the release of an unknown quantity of dry-cleaning solvent at this site over time.

Site Geology and Hydrogeology: The stratigraphic sequence in the vicinity of the site includes from the surface down: fill; stratified silts; sands and gravel; clayey silt/silty clay with boulders and gravel; and bedrock. The overburden is estimated to be approximately 50 to 75 feet thick based upon drilling information from municipal water wells nearby. The clayey silt unit is interpreted as glacial till. The upper surface of the clayey silt is highly variable in the site vicinity. The glacial till and dense silt layers form a mound beneath the site near MW-2.

Bedrock geology in the vicinity of the site has been mapped as the Sonyea Group, which are Lower Devonian in age and consist of shale, siltstone, and limestone.

Based on water table elevation measurements recorded during the pre-design investigation, depth to groundwater ranges from 9 to 16 feet below ground surface at the site. The predominant direction of groundwater flow in the study area was determined to be to the north.

Materials Disposed at Site

OU 01

TETRACHLOROETHYLENE {(PCE OR "PERC")} (F001)}	UNKNOWN
1,1,1-trichloroethane	UNKNOWN

Analytical Data Available 1 Groundwater, Surface Water, Soil

Applicable Standards, Criteria or Guidance exceeded for:

Groundwater, Surface Water

Assessment of Environmental Problems

Nature and Extent of Contamination:

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were PCE, trichloroethene (TCE), 4-methyl-2-pentanone, and toluene in soil, 1,2-dichloroethene, PCE, and TCE in groundwater, and PCE in indoor air. Remedial actions have successfully achieved soil, groundwater, and indoor air cleanup objectives for commercial use. Residual contamination in the soil, groundwater, and indoor air is being managed under a Site Management Plan.

Assessment of Health Problems

Remediation is complete and there are no outstanding exposure concerns associated with this site.

Owners

Current Owner(s)

Catherine Aspling
48-50 Walnut St
Binghamton NY 13905

Previous Owner(s)

Henrietta Hardie
38 Front Street
Binghamton NY 13905

Operators

Current Operator(s)

CharlesHardie
38 Front Street
Binghamton NY 13905

CHARLES W. HARDIE & SAL JULIAN
38 FRONT STREET, APT. 2G
BINGHAMTON NY 132905

Sal Julian
29 Oak Street
Binghamton NY 13905

CHARLES W. HARDIE & SAL JULIAN
29 OAK STREET
BINGHAMTON NY 13905



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report**



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Groundwater, Surface Water

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CharlesHardie
 38 Front Street
 Binghamton NY 13905

CHARLES W. HARDIE & SAL JULIAN
 38 FRONT STREET, APT. 2G
 BINGHAMTON NY 132905

Sal Julian
 29 Oak Street
 Binghamton NY 13905

CHARLES W. HARDIE & SAL JULIAN
 29 OAK STREET
 BINGHAMTON NY 13905



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

June 12, 2018

Mr. Michael Cruden, Director
Remedial Bureau E
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233

Re: **Site Management Plan and
Final Engineering Report**
American Cleaners
Site # 704030
Binghamton, Broome County

Dear Mr. Cruden:

At your Department's request, we have reviewed the revised March 2018 *Site Management Plan* (SMP) and the March 2008 *Final Remediation Report* which serves as a Final Engineering Report equivalent document for the above referenced site. I understand that remedial actions at the site included the demolition of above and below ground structures on the property, excavation of soil containing tetrachloroethene above 1.4 parts per million, and placement of a site cover system for the entire site which consists of the site building, soil and/or pavement over the entire site boundary. I also understand that based on a soil vapor intrusion investigation of 10 off-site buildings, sub-slab depressurization system was installed at one off-site building and no further actions were necessary for the other off-site buildings sampled.

Human exposures to residual contamination at the site will be addressed through the Site Management Plan (SMP) and Environmental Easement. The SMP and easement require compliance with an excavation plan, limits the use and development of the site to restricted residential, commercial or industrial uses, prohibits groundwater use, and requires a soil vapor intrusion assessment for any new construction on-site within the site boundary/institutional control areas.

Based on this information, I believe the requirements of the November 2002 Record of Decision have been satisfied and that measures are in place to prevent human exposures to residual contamination. If you have any questions, please contact me at (518) 402-7860.

Sincerely,

Maureen E. Schuck, Chief
Regions 3, 6, & 7
Bureau of Environmental Exposure Investigation

ec: K. Anders / M. Doroski / e-File
J. Strepelis – NYSDOH CRO
C. Coddington / R. Brink – BCHD
D. Harrington / J. Trad / K. Lewandowski – NYSDEC Central Office
H. Warner - NYSDEC Region 7

CONSENT TO MODIFICATION OF DEED RESTRICTION

WHEREAS, the premises at 48-50 Walnut Street, located in the City of Binghamton, County of Broome, State of New York (hereinafter "Property") is an inactive hazardous waste disposal Site which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State;

WHEREAS, the Property is the subject of an Administrative Order on Consent, Index No. A7-0408-0001, issued by the New York State Department of Environmental Conservation (hereinafter "Department") on March 3, 2000;

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal on the Site in an Operable Unit 1 Record of Decision (OU-1 ROD) dated November 2002, and such OU-1 ROD or the Work Plan for the implementation of the OU-1 ROD required that the Property be subject to restrictive covenants;

WHEREAS, said restrictive covenants were incorporated as Exhibit "A" in an Executor's Deed from Rollin L. Twining, as Executor of the Last Will and Testament of Henrietta M. Hardie to Benjamin H. Landry dated November 1, 2007 and filed in the Office of the Clerk of Broome County;

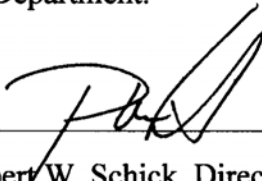
WHEREAS, Paragraph 3 of the deed restriction states that the "owner of the Property shall prohibit the Property from ever being used for purposes other than for non-residential commercial/industrial uses, excluding day-care and health care facilities, without the express written waiver of such prohibition by the Relevant Agency.";

WHEREAS, Paragraph 7 of the deed restriction states that "the owner of the Property may petition the Department to modify or terminate this Declaration of Covenants and Restrictions at such time as it can certify that reliance upon such covenants and restrictions is no longer required to meet the goals of the Remedial Program.";

WHEREAS, the owner of 48-50 Walnut Street, Benjamin H. Landry, has petitioned the Department to consent to the removal of Paragraph 3 of the 2007 deed restriction; and,


WHEREAS, the Department conducted indoor air sampling of the premises which shows no indoor air result above standard, and no remaining soil contamination exists above two feet of the property.

NOW THEREFORE, THE DEPARTMENT HEREBY CONSENTS to the removal of Paragraph 3 from the 2007 deed restriction. As such, the property may be used for residential purposes as described in 6 NYCRR Part 375-1.8(g)(2)(i). All other covenants contained in the deed restriction shall remain in place, and may not be discontinued without further written consent from the Department.

By: 
Robert W. Schick, Director
Division of Environmental Remediation

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

On the 23rd day of July, in the year 2015, before me, the undersigned, personally appeared Robert W. Schick, 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.



Notary Public - State of New York

BRADFORD D. BURNS
Notary Public, State of New York
No. 02BU6173754
Qualified in Albany County
Commission Expires Sept. 4, 2015

BROOME COUNTY CLERK
RECORDING PAGE



Return To:

GARY J GRAYSON ESQ
91 TOWNSEND STREET
WALTON, NY 13856

Index : BOOK OF DEEDS
Book : 02210 Page: 0519
Pages : 0004
Instrument : Deed
Date : 11/21/2007
Time : 1:45:21
Control# : 200700047405

TWINING ROLLIN L-EXR

TT# : TT 2007 002327
Employee ID: RAC34759

MORTGAGE TAX

RC2 - RECORDING	\$	25.00	Mortgage Amount	\$.00
RCMx Basic Recording	\$	19.00	Basic	\$.00
E&AC - COUNTY E&A	\$	9.00	Special	\$.00
E&AS - STATE E&A 156	\$	156.00	Additional	\$.00
TP - COUNTY TP	\$	10.00	Total	\$.00
STTX - TRANSFER TAX	\$	20.00			
CTTX - TRANSFER TAX	\$	5.00			
Total	\$	244.00			

TRANSFER TAX

STATE OF NEW YORK
BROOME COUNTY CLERK

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.

Taxable Amt \$ 5,000.00
Transfer Tax \$ 25.00

RICHARD R BLYTHE

Comp _____
Ver. _____
Bk. _____



0200700047405

3
20

Executor's Deed

This Indenture, made the 1st day of November, 2007,

Between

Rollin L. Twining, as Executor of the last Will and Testament of **Henrietta M. Hardie**, late of City of Binghamton, New York, who died on the 9th day of October, nineteen ninety nine, party of the first part, and **Benjamin H. Landry**, residing at 97 Townsend Street, Walton, New York 13856, party of the second part,

WITNESSETH, that the party of the first part, to whom letters testamentary were issued by the Surrogate's Court, Broome County, New York on February 23, 2000 and by virtue of the power and authority given in and by said last Will and Testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of FIVE THOUSAND and 00/100 Dollars, (\$5,000.00) lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees or successors and assigns of the party of the second part forever,

ALL that tract or parcel of land, situate in the City of Binghamton, County of Broome and State of New York, bounded and described as follows: Beginning at a point where the east line of Walnut Street intersects the north line of Seminary Avenue and running thence easterly along the north line of Seminary Avenue seventy-nine (79) feet to the lands now or formerly of Patrick Dacy; thence northerly along the west line now or formerly Patrick Dacy forty-five and one-half (41.50) feet to the lands now or formerly of Mary E. Josslyn; thence westerly along the south line now or formerly of Mary R Josslyn seventy-eight and one-half (78.50) feet to the easterly line of Walnut Street; thence southerly along the east line of Walnut Street fifty-one and one-half (51.50) feet to the point or place of beginning, according to the measurements made June 16, 1891.

The premises is conveyed subject to a Declaration of Covenants and Restrictions attached hereto as Exhibit "A" and any future deeds conveying all or a portion of the premises shall recite same. Said Declaration of Covenants and Restrictions shall run with land .

Being a portion of the same conveyed to Henrietta M. Hardie by deed dated May 3, 1993 and recorded in the Broome County Clerk's Office on May 4, 1993 in Book 1823 of Deeds at page 386. The said Henrietta M. Hardie died a resident of Broome County on October 9, 1999 leaving a Last Will and Testament which was duly admitted to probate by the Broome County Surrogates Court and Letters Testamentary were issued to Rollin L Twining by said Court on February 23, 2000 and said letters remain in full force and effect as of this date.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first

part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

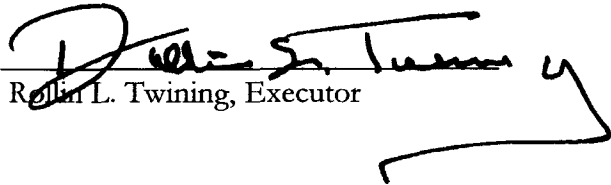
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

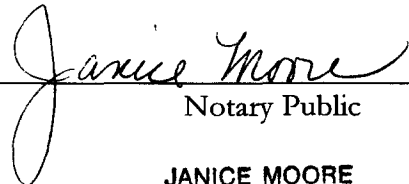
IN PRESENCE OF

Estate of Henrietta M. Hardie

By: 
Rollin L. Twining, Executor

STATE OF NEW YORK)
SS:
COUNTY OF BROOME)

On this 5th day of November, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Rollin L. Twining, 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/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual, acted, executed the instrument.


Notary Public

JANICE MOORE
Notary Public, State of New York
No. 01MO0475300
Qualified in Broome County
Commission Expires May 31, 20 11

RECORD AND RETURN TO:

Gary J Grayson, Esq.
91 Townsend Street
Walton, NY 13856

SCHEDULE "A"

The premises conveyed (hereinafter referred to as the "Property") is an inactive hazardous waste disposal Site which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State. The Property is the subject of a consent order issued by the New York State Department of Environmental Conservation.

The New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal on the Site in an Operable Unit 1 Record of Decision ("OU-1 ROD") dated November 2002, and such OU-1 ROD or the Work Plan for the implementation of the OU-1 ROD required that the Property be subject to restrictive covenants.

NOW, THEREFORE, the grantor, for itself and its successors and/or assigns, covenants that:

First, the Property subject to the following Declaration of Covenants and Restrictions.

Second, unless prior written approval by the New York State Department of Environmental Conservation 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, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit the Property from ever being used for purposes other than for non-residential commercial/industrial uses, excluding day-care and health care facilities, without the express written waiver of such prohibition by the Relevant Agency.

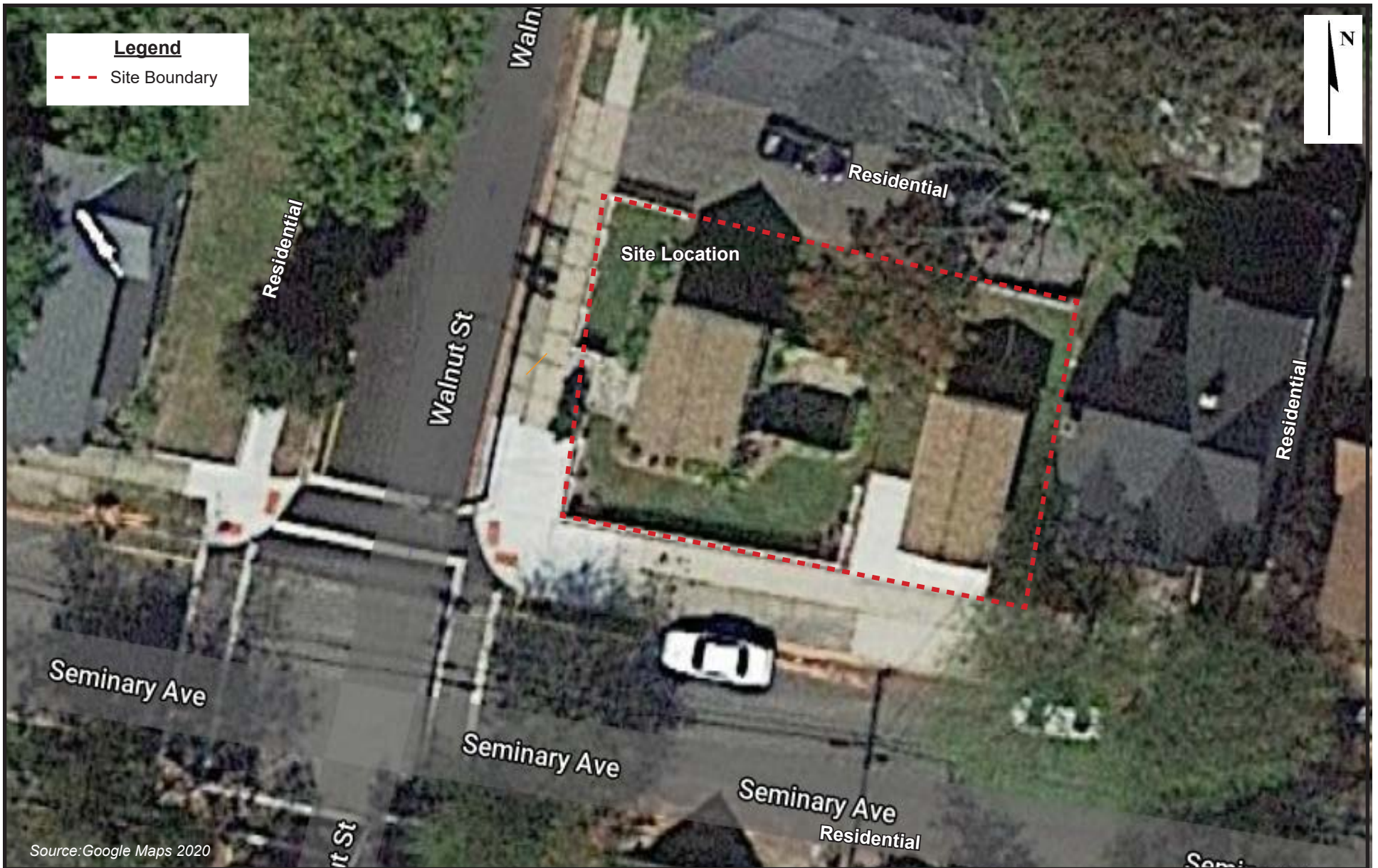
Fourth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fifth, the owner of the Property shall continue in full force and effect any institutional and engineering controls, including the attached Soils Management Plan, the Department required Respondent to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions recorded by this Declaration of Covenants and Restrictions, and hereby covenants not to contest the authority of the Department to seek enforcement.

Seventh, the owner of the Property may petition the Department to modify or terminate this Declaration of Covenants and Restrictions at such time as it can certify that reliance upon such covenants and restrictions is no longer required to meet the goals of the Remedial Program. Such certification shall be made by a Professional Engineer. The Department shall not unreasonably withhold its consent to such petition.

Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

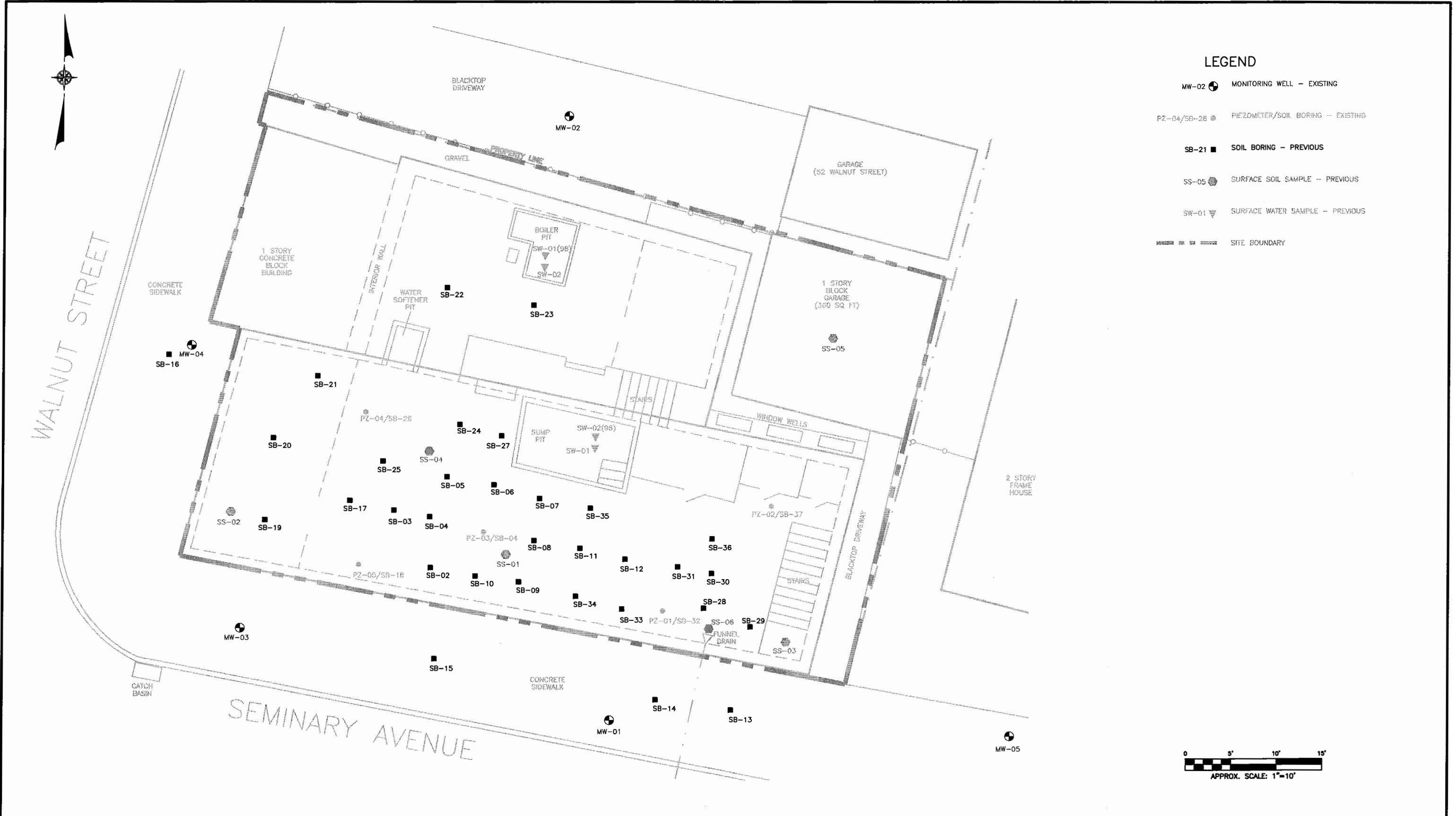


NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 AMERICAN CLEANERS

db D&B ENGINEERS
 AND
 ARCHITECTS, P.C.

SITE PLAN

FIGURE 2



AMERICAN CLEANERS SITE REMEDIAL DESIGN
BINGHAMTON, NEW YORK

SITE LAYOUT