NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, New York 12233-7011 P: (518) 402-9706 | F: (518) 402-9020 www.dec.ny.gov

February 2, 2022

General Electric Company Lewis Streeter; <u>lewis.streeter@ge.com</u> 1 River Road, Building 5 – 7W Schenectady, NY 12345

Parker-Hannifin Corporation
Cassie Johnson; cassie.johnson@parker.com
6035 Parkland Blvd
Mayfield Heights, OH 44124

Re: Certificate of Completion and Registry Reclassification from 2 to 4
Old Erie Canal – Village of Clyde Section
Village of Clyde, Town of Galen, Wayne County
#859015

Dear Mr. Streeter and Ms. Johnson:

Congratulations on having satisfactorily completed the remedial program at the Old Erie Canal – Village of Clyde Section site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. This also results in the reclassification of the site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") for Class 2 to Class 4.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a nonowner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. You must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC certifications.



The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June 2023.

The Department will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site, and notifications relating to the reclassification or delisting of the site on the Registry.

If you have any questions regarding the reclassification or any of the above tasks, please contact Danielle Miles at 585-226-5349.

Sincerely,

Susan Edwards, P.E. Acting Division Director

Susan Edwards

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

James Kalinski; Advanced Atomization Technologies LLC;

james.kalinski@advancedatomization.com

Katherine Galanti, GHD; Katherine.galanti@ghd.com

Chris Barton, GHD; chris.barton@ghd.com

Corey Averill, Arcadis; corey.averill@arcadis.com

Christine Vooris, NYSDOH Melissa Doroski, NYSDOH PM Justin Deming, NYSDOH RC

ec w/o enc:

Danielle Miles, PM
David Pratt, RHWRE
Michael Cruden, Remedial BD
Kelly Lewandowski, Chief, Site Control Section
Dudley Loew, OGC PA
Andrew Guglielmi, OGC

NYSDEC STATE SUPERFUND PROGRAM (SSF)

CERTIFICATE OF COMPLETION

Name Address

General Electric Company
1 River Road, Building 5 - 7W, Schenectady, NY 12345
Parker-Hannifin Corporation
6035 Parkland Blvd, Mayfield Heights, OH 44124

SITE INFORMATION

Site No.: 859015 Site Name: Old Erie Canal - Village of Clyde Section

Order on Consent: Index No. B8-0533-98-06 Order Execution Date: 11/26/2013

Site Owner: Advanced Atomization Technologies LLC **Street Address:** 124 Columbia Street and Sibley Street

Municipality: Clyde County: Wayne DEC Region: 8

Site Size: 6.532 Acres

Tax Map Identification Number(s): 74112-13-158377, 74112-13-193379

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to 6 NYCRR §375-1.9.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Order on Consent as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses:

Allowable Uses under the SSF: Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Wayne County with recording identifier R9230997.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in 6NYCRR §375-2.9. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in 6NYCRR §375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL §27-1321 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by 6NYCRR §375-1.9(f)-(g).

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §375-1.9(e)(2) upon a finding that:

- (1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;
 - (2) there has been a failure to comply with the terms and conditions of the order;
- (3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;
- (4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;
 - (5) for good cause;
- (6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;
- (7) non-compliance with the terms of the order, the remedial work plan, site management plan, or the certificate of completion after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 375-1.9(e)(2);
 - (8) fraud related to the remedial program for the site committed by the certificate holder;
- (9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or
- (10) a change in the site's use subsequent to the Department's issuance of the certificate of completion, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos Commissioner New York State Department of Environmental Conservation

By: Susan Edwards Date: 2/2/2022

Susan Edwards, P.E., Acting Director Division of Environmental Remediation

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

Old Erie Canal – Village of Clyde Section, Site ID No. 859015 124 Columbia Street and Sibley Street, Village of Clyde, NY 14433 Town of Galen, Wayne County, Tax Map Identification Number(s) 74112-13-193379 and 74112-13-158377

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Parker-Hannifin Corporation and General Electric Company for a parcel approximately 6.532 acres located at Columbia Street in the Village of Clyde, Town of Galen, Wayne County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Order on Consent, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 13 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

	Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1) i
	Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2) i.
	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2) ii.
	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2) iii.
$\sqrt{}$	Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2) iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Wayne County as Instrument No. R9230997.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in 6 NYCRR Part 375-2.9. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of

law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 located at 6274 E Avon Lima Rd, Avon, NY 14414 by contacting the Regional Environmental Remediation Engineer, or at https://www.dec.ny.gov/data/DecDocs/859015/.

WHEREFORE, the undersigned has signed this Notice of Certificate

	Advanced Atomization Technologies LLC
	By:
	Title:
	Date:
STATE OF NEW YORK) SS: COUNTY OF)	
to be the individual(s) whose name is (and that he/she/they executed the same in his	, in the year 20, before me, the undersigned, personally known to me or proved to me on the basis of satisfactory evidence re) subscribed to the within instrument and acknowledged to me s/her/their capacity(ies), and that by his/her/their signature(s) on person upon behalf of which the individual(s) acted, executed the
Signature and Office of individual taking acknowledgment	Please record and return to: General Electric Company 1 River Road, Building 5 – 7W Schenectady, NY 12345

4/20/2020

Exhibit A Site Description

County: Wayne Site No: 859015 Order on Consent Index: B8-0533-98-06

SCHEDULE "A" SURVEY DESCRIPTION OF ENVIRONMENTAL EASEMENT

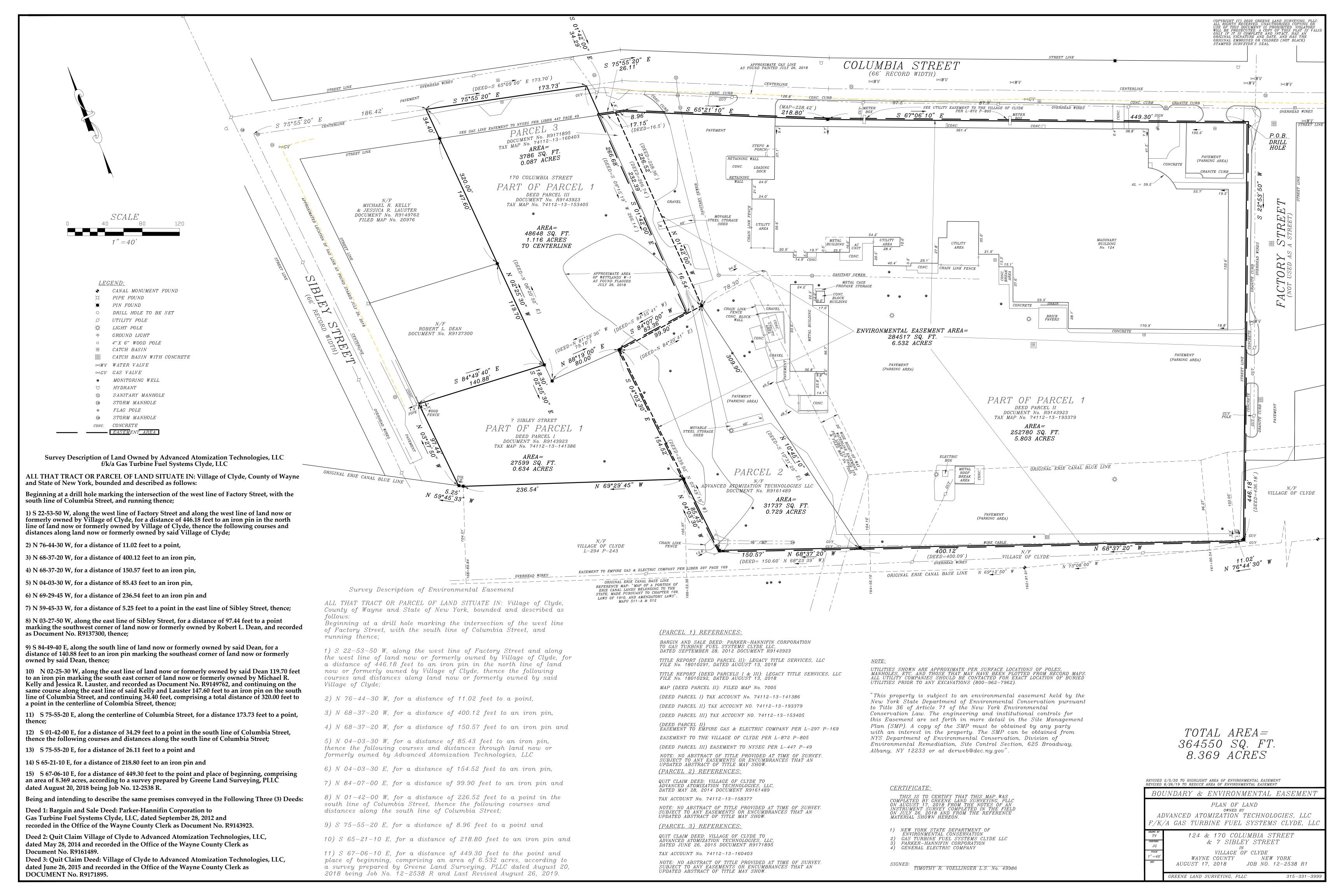
ALL THAT TRACT OR PARCEL OF LAND SITUATE IN: Village of Clyde, County of Wayne and State of New York, bounded and described as follows:

Beginning at a drill hole marking the intersection of the west line of Factory Street, with the south line of Columbia Street, and running thence;

- 1) S 22-53-50 W, along the west line of Factory Street and along the west line of land now or formerly owned by Village of Clyde, for a distance of 446.18 feet to an iron pin in the north line of land now or formerly owned by Village of Clyde, thence the following courses and distances along land now or formerly owned by said Village of Clyde;
- 2) N 76-44-30 W, for a distance of 11.02 feet to a point,
- 3) N 68-37-20 W, for a distance of 400.12 feet to an iron pin,
- 4) N 68-37-20 W, for a distance of 150.57 feet to an iron pin,
- 5) N 04-03-30 W, for a distance of 85.43 feet to an iron pin,
- 6) N 04-03-30 E, for a distance of 154.52 feet to an iron pin,
- 7) N 84-07-00 E, for a distance of 99.90 feet to an iron pin and
- 8) N 01-42-00 W, for a distance of 226.52 feet to a point in the south line of Columbia Street, thence the following courses and distances along the south line of Columbia Street;
- 9) S 75-55-20 E, for a distance of 8.96 feet to a point and
- 10) S 65-21-10 E, for a distance of 218.80 feet to an iron pin and
- 11) S 67-06-10 E, for a distance of 449.30 feet to the point and place of beginning, comprising an area of 6.532 acres, according to a survey prepared by Greene Land Surveying, PLLC dated August 20, 2018 being Job No. 12-2538 R and Last Revised August 26, 2019.

Exhibit B

Site Survey





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

1/3/2022



SITE DESCRIPTION

SITE NO. 859015

SITE NAME Old Erie Canal-Village of Clyde Section

SITE ADDRESS: Columbia Street ZIP CODE: 14433

CITY/TOWN: Clyde

COUNTY: Wayne

ALLOWABLE USE: Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan YES

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 06/28/2023

Description of Institutional Control

Advanced Atomization Technologies LLC

Columbia Street

Environmental Easement

Block:

Lot:

Sublot:

Section:

Subsection:

S_B_L Image: 74112-13-158377 Ground Water Use Restriction

IC/EC Plan

Landuse Restriction
Site Management Plan

Soil Management Plan

Block: 0013 Lot: 193

Sublot: 379

```
Section: 74
Subsection: 112
S_B_L Image: 74112-13-193379
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan
```

Description of Engineering Control

Advanced Atomization Technologies LLC

```
Columbia Street
   Environmental Easement
     Block:
          Lot:
              Sublot:
                  Section:
                      Subsection:
                          S_B_L Image: 74112-13-158377
                               Cover System
                               Vapor Mitigation
     Block: 0013
          Lot: 193
              Sublot: 379
                  Section: 74
                      Subsection: 112
                          S_B_L Image: 74112-13-193379
                               Cover System
                               Vapor Mitigation
```