

**New York State Department of Environmental Conservation  
Division of Environmental Remediation**

Office of the Director, 12th Floor  
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NOV 07 2011



Honorable Neil C. Riordan  
Mayor, Village of Youngstown  
PO Box 168  
240 Lockport Street  
Youngstown, New York 14174

Re: Certificate of Completion  
Youngstown Cold Storage Site  
Site No.: 932122  
Village of Youngstown, Niagara County

Dear Mayor Riordan:

Congratulations on having satisfactorily completed the remedial program at the Youngstown Cold Storage 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.

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

- 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 non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;

If you have any questions regarding any of these items, please contact Mr. Michael Hinton at (716) 851-7220.

Sincerely,

  
Dale A. Desnoyers, Director  
Division of Environmental Remediation

Enclosure

cc: S. Bates, NYSDOH  
M. Forcucci, NYSDOH  
M. Hinton  
G. Sutton  
M. Cruden  
J. Charles



NYSDEC STATE SUPERFUND PROGRAM (SSF)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

**Name**

Village of Youngstown

**Address**

P.O. Box 168, Youngstown, NY 14174

**SITE INFORMATION**

**Site No.:** 932122 **Site Name:** Youngstown Cold Storage

**Order on Consent: Index No.** B9-0797-09-01 **Order Execution Date:** 05/07/2009

**Site Owner:** Village Of Youngstown

**Street Address:** 701 Third Street

**Municipality:** Youngstown **County:** Niagara

**DEC Region:** 9

**Site Size:** 2.300 Acres

**Tax Map Identification Number(s):** 59.06-3-6

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:** Residential, Restricted-Residential, Commercial, and 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 Niagara County with recording identifier .

**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.

Joseph J. Martens  
Commissioner  
New York State Department of Environmental Conservation

By:   
Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date: 11-7-11

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

(Site Name): Youngstown Cold Storage, (Site ID No.): 932122  
(Site Address): 701 Third Street, Youngstown, New York 14174

**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 Village of Youngstown for a parcel approximately 2.4 acres located at the 701 Third Street in the Village of Youngstown, Niagara 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):

- 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.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

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

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 Office located at 270 Michigan Avenue, Buffalo, New York 14203, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

(Remedial Party)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Youngstown Cold Storage, Site No. 932122  
701 Third Street, Youngstown, New York 14174

Date: \_\_\_\_\_

STATE OF NEW YORK ) SS:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, 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.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

(Remedial Party) \_\_\_\_\_  
(Remedial Party address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
10/20/2011



**SITE DESCRIPTION**

**SITE NO.** 932122

**SITE NAME** Youngstown Cold Storage

**SITE ADDRESS:** 701 Third Street      **ZIP CODE:** 14174

**CITY/TOWN:** Youngstown

**COUNTY:** Niagara

**ALLOWABLE USE:** Residential, Restricted-Residential, Commercial, and Industrial

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: 1 year

**Description of Institutional Control**

Not Applicable/No IC's

**Description of Engineering Control**

Not Applicable/No EC's

EXHIBIT A

Property Description

Youngstown Cold Storage Co., Inc.  
701 Third Street, Village of Youngstown

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Youngstown, Town of Porter, County of Niagara and State of New York, being part of Lot NO.2 of the Mile reserve and according to a map made by Jesse P. Haines file in the Niagara County Clerk's Office March 3, 1890 under Cover No. 179 is known as Lot Nos. 114, 115, 142 and part of Lot Nos. 116 and 141, bounded and described as follows;

BEGINNING at the intersection of the south line of Elliott Street with the east line of Second Street, said point is also the northwest corner of Lot No. 114;

Thence easterly along the south line of Elliott Street, a distance of 408 feet to the west line of Third Street, which point is also the northeast corner of Lot No. 142;

Thence southerly along the west line of Third Street, a distance of 253 feet to the southeast corner of Lot No. 142;

Thence westerly along the south line of Lot No. 142, a distance of 91.04 feet to the southeast corner of land conveyed to Richard J. Lucas and Nadine D. Lucas, his wife, by deed recorded in Liber 1476 of Deeds at page 1109;

Thence northerly along the east line of Lucas, a distance of 23.30 feet to the north line of Lucas;

Thence westerly along the north line of Lucas, a distance of 317.60 feet to the east line of Second Street;

Thence northerly along the east line of Second Street, a distance of 240 feet to the south line of Elliott Street and the point of beginning.

59634

**BOUNDARY SURVEY**  
No. 701 THIRD STREET  
VILLAGE OF YOUNGSTOWN, TOWN OF PORTER  
COUNTY OF HUNTAING, STATE OF NEW YORK  
BEING PART OF LOT 2 OF THE MILL RESERVE  
ALL OF SUBJECT'S P.L. NO. 442 & PART OF SUBJECT'S P.L. NO. 441  
MAP COVERING

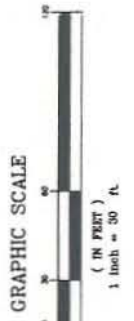
**TVOA**  
CONSULTANTS

Prepared by	
Checked by	
Approved by	
Date	
Scale	
Sheet No.	
Project No.	
City	
County	
State	
Map No.	

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING PROFESSION IN THE STATE OF NEW YORK. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS ENCUMBRANCES. THE SURVEYOR HAS ALSO CONDUCTED A RECONSTRUCTION SURVEY OF THE PROPERTY. THE SURVEYOR HAS FOUND NO OBVIOUS ENCUMBRANCES. THE SURVEYOR HAS ALSO CONDUCTED A RECONSTRUCTION SURVEY OF THE PROPERTY.

NO.	DESCRIPTION	DATE

**LEGEND**  
 ◉ SANITARY MANHOLE  
 ○ UTILITY POLE  
 + GAS MARKER



NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS BASED ON THE STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF TITLE.

