

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
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[www.dec.ny.gov](http://www.dec.ny.gov)

NOV 8 2018

Mr. Richard Galloway  
Honeywell International Inc.  
101 Columbia Road  
Morristown, NJ 07962

Re: Certificate of Completion and Registry Reclassification from 2 to C  
Tract II Highland Avenue  
Site No. 932136  
Niagara Falls, Niagara County

Dear Mr. Galloway:

Congratulations on having satisfactorily completed the remedial program at the Tract II Highland Avenue Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the 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") from Class 2 to Class C.

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 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.
- Place the notice of the COC in the document repository 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.



Department of  
Environmental  
Conservation

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 March 2020.

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 Mr. Glenn M. May at 716-851-7220.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

J. Williams - Brightfields II Corporation [jmwilliams@oscinc.com](mailto:jmwilliams@oscinc.com)

C. Bethoney - NYSDOH

ec w/o enc.:

G. May - NYSDEC, R9

S. Radon - NYSDEC, RHWG, R9

M. Cruden - NYSDEC, Bureau Director, Remedial Section E

K. Lewandowski - NYSDEC, Chief, Site Control Section



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

**Name**

Honeywell International Inc.

**Address**

101 Columbia Road, Morristown, NJ 07962

**SITE INFORMATION**

**Site No.:** 932136 **Site Name:** Tract II Highland Ave

**Order on Consent: Index No.** B9-0777-08-03 **Order Execution Date:** 10-18-2011

**Site Owner:** Brightfields II Corporation

**Street Address:** 3001 Highland Ave., 1300 Beech Ave., 1500 Beech Ave., F/K/A 3201 and 3079 Highland Ave.

**Municipality:** Niagara Falls **County:** Niagara **DEC Region:** 9

**Site Size:** 18.060 Acres

**Tax Map Identification Number(s):** 144.06-2-2.1, 144.06-2-25.1, 144.06-2-25.2, a portion of 144.06-2-27.1

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:** Restricted Residential (144.06-2-25.2); and

**Allowable Uses under the SSF:** Commercial and Industrial (144.06-2-2.1, 144.06-2-25.1, a portion of 144.06-2-27.1)

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, Environmental Easements and Amendments to the Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Niagara County with recording identifier 2014-21584; 2014-21585; 2014-21586; 2014-21917; 2014-21918; 2014-21919; 2017-05774; 2017-05775; and 2017-05776.

**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).

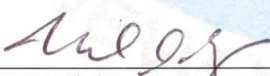
### **CERTIFICATE MODIFICATION/REVOCATION**

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:  Date: 11/2/18  
Michael J. Ryan, P.E., 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)**

***Tract II Highland Avenue Site, Site ID No. 932136***  
***3001 Highland Ave., 1300 Beech Ave., and 1500 Beech Ave., F/K/A 3201 and 3079***  
***Highland Ave., Niagara Falls, Niagara County, New York 14305***  
***Tax Map Identification Numbers 144.06-2-25.1, 144.06-2-25.2, 144.06-2-2.1 & a portion of***  
***144.06-2-27.1***

**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 Honeywell Corporation for parcels consisting of approximately 18.060 acres located at 3001 Highland Avenue, 1300 Beach Avenue, and 1500 Beach Avenue in the City of Niagara Falls, 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):

- ☐ 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. (parcel 144.06-2-25.2 only)
- ☒ 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.

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 Environmental Easements and Amendments to the Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Niagara County as Instrument Nos. 2014-21584, 2017-05776; 2014-21585, 2017-05775; 2014-21586; 2014-21917, 2014-21918, 2014-21919 and 2017-05774.

**PLEASE TAKE NOTICE**, the Environmental Easements require 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.



**Tract II Highland Avenue Site, Site ID No. 932136,  
3001 Highland Ave., 1300 Beech Ave., and 1500 Beech Ave., F/K/A 3201 and 3079  
Highland Ave., Niagara Falls, Niagara County, New York 14305**

**PLEASE TAKE NOTICE**, provided that the Environmental Easements, 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 Easements as implemented, if applicable, are 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 9 located at 270 Michigan Avenue, Buffalo, New York, by contacting the Regional Environmental Remediation Engineer.

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

Honeywell International Inc.

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

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

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:**  
Honeywell International Inc.  
Mr. Richard Galloway  
101 Columbia Road  
Morristown, NJ 07962

**EXHIBIT A**  
**METES & BOUNDS FROM THE**  
**ENVIRONMENTAL EASEMENTS**  
**Consisting of Four Descriptions**

**SCHEDULE "A" PROPERTY DESCRIPTION** (1 of four)

**Environmental Easement Description for Superfund Site No. 932136  
15 Foot Strip from Brightfields II to Brightfields**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 34 of the New York State Mile Reserve and according to a map made by Julius Frehsee with changes by Porter, Jones and Schaeffer and filed November 18, 1899 under Cover No. 158 now in Book 18 of Microfilmed Maps at page 1736 and being more particularly bounded and described as follows:

Beginning at the north east corner of Old Lot 251 as shown on Map by Niagara Boundary & Mapping Services filed in Niagara County Clerk's Office March 31, 2016 in Instrument No. M2016-00008;

Thence along the east line of said Old Lot 251 S 0°54'30"W a distance of 15.00 feet to a point;

Thence N 88°58'03"W a distance of 879.79 feet to a point in the centerline of alley as shown on said Map by Julius Frehsee;

Thence along said centerline of said alley N 20°42'42"E a distance of 15.93 feet to a point on the north line of Old Lot 250 as shown on Map by Niagara Boundary & Mapping Services filed in Niagara County Clerk's Office March 31, 2016 in Instrument No. M2016-00008;

Thence along the north line of Old Lot 250 and Old Lot 251 S 88°58'03"E a distance of 874.39 feet to the Point or Place of Beginning, containing 13,156 square feet or 0.302 acre more or less.



**SCHEDULE "A" AMENDED DESCRIPTION OF CONTROLLED PROPERTY** (2 of four)

**ENVIRONMENTAL EASEMENT DESCRIPTION FOR SUPERFUND SITE No. 932136  
Brightfields – New Lot 1250**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 34 of the New York State Mile Reserve and being more particularly bounded and described as follows:

Beginning at a point on the easterly line of Highland Avenue at its intersection with the northerly line of Beech Avenue;

Thence S.88°43'18"E along the northerly line of Beech Avenue a distance of 274.00 feet to a point;

Thence N.20°42'42"W a distance of 291.15 feet to a point;

Thence N88°58'03"W a distance of 138.49 feet to a point on the former centerline of a 16.5 foot wide alley;

Thence S20°42'42"W along the former centerline of a 16.5 foot wide alley a distance of 15.93 feet to the centerline of former Carolina Avenue;

Thence N88°58'03"W along the centerline of Carolina Avenue a distance of 135.93 feet to the east line of Highland Avenue;

Thence S20°42'42"W along the east line of Highland Avenue a distance of 273.97 feet to the Point or Place of Beginning, containing 1.677 acres of land more or less.

**SCHEDULE "A" AMENDED DESCRIPTION OF CONTROLLED PROPERTY** (3 of four)

**ENVIRONMENTAL EASEMENT DESCRIPTION FOR SUPERFUND SITE No. 932136**

**Brightfields – Lot 1251**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 34 of the New York State Mile Reserve and being more particularly bounded and described as follows:

Commencing at a point on the easterly line of Highland Avenue at its intersection with the northerly line of Beech Avenue;

Thence S.88°43'18"E along the northerly line of Beech Avenue a distance of 274.00 feet to the POINT OR PLACE OF BEGINNING;

Thence S.88°43'18"E along the northerly line of Beech Avenue a distance of 839.99 feet to the intersection of the north line of Beech Avenue with the west line of the former Fifteenth Street;

Thence N.00°54'11"E a distance of 277.75 feet to a point;

Thence N88°58'03"W a distance of 741.30 feet to a point;

Thence S20°42'42"W a distance of 291.15 feet to the northerly line of Beech Avenue and the Point or Place of Beginning, containing 5.011 acres of land more or less.



**SCHEDULE "A" PROPERTY DESCRIPTION** (4 of four)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 34 of the New York State Mile Reserve and being more particularly bounded and described as follows:

Beginning at the intersection of the northerly line of Beech Avenue with the easterly line of the former Fifteenth Street;

Thence N00°54'11"E along the said easterly line of Fifteenth Street a distance of 862.28 feet to a point on the northerly line of Lot 34 of the New York State Mile Reserve;

Thence S89°40'00"E along the northerly line of Lot 34 of the New York State Mile Reserve a distance of 559.41 feet to the northwesterly corner of Lot 218 of the Re-subdivision of Lots on 17th Street, Niagara Falls, NY according to a Map made by Wallace P. Keller, P.E., L.S. and recorded in the Niagara County Clerk's Office on January 5, 1960 in Map Book 64 of Maps at Page 1595, now filed in Book 40 of Microfilmed Maps at page 4000;

Thence S00°28'15"W along the westerly line of Lots 218, 217, 216, 215, 214, 213 and part of Lot 212 of said Re-subdivision a distance of 299.61 feet to the northeasterly corner of a 10 foot wide alley;

Thence N89°04'07"W along the northerly line of said alley a distance of 10.00 feet to a point;

Thence S00°28'15"W along the westerly line of said Alley a distance of 571.90 feet to a point on the northerly line of Beech Avenue;

Thence N88°43'18"W along the northerly line of Beech Avenue a distance of 555.97 feet to the Point or Place of Beginning, containing 11.067 acres of land more or less.

Total Acreage: 11.067 +/- acres

Doc. Id. #2797808

**EXHIBIT B**  
**SITE SURVEY MAPS SHOWING**  
**THE ENVIRONMENTAL**  
**EASEMENT AREAS**







NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
10/1/2018



**SITE DESCRIPTION**

**SITE NO.** 932136

**SITE NAME** Tract II Highland Ave

**SITE ADDRESS:** 3001 Highland Ave., 1300 Beech Ave., and 1500 Beech Ave., F/K/A 3201 and 3079 Highland Ave. **ZIP CODE:** 14305

**CITY/TOWN:** Niagara Falls

**COUNTY:** Niagara

**ALLOWABLE USE:** Restricted Residential (144.06 2 25.2 only); Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:**

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan NO

**Periodic Review Frequency:** 1 year

**Periodic Review Report Submittal Date:** 11/30/2019

**Description of Institutional Control**

**Brightfields II Corporation**

1500 Beech Avenue, F/K/A 3201

Environmental Easement

Block: 2

Lot: 2

Sublot: 1

Section: 144

Subsection: 06

S\_B\_L Image: 144.06-2-2.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 25

Sublot: 1

Section: 144



Subsection: 06

S\_B\_L Image: 144.06-2-25.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Sublot: 2

Section: 144

Subsection: 06

S\_B\_L Image: 144.06-2-25.2

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 27

Sublot: 1

Section: 144

Subsection: 06

S\_B\_L Image: 144.06-2-27.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

#### Description of Engineering Control

##### **Brightfields II Corporation**

1500 Beech Avenue, F/K/A 3201

Environmental Easement

Block: 2

Lot: 2

Sublot: 1

Section: 144

Subsection: 06

S\_B\_L Image: 144.06-2-2.1

Cover System

Lot: 25

Sublot: 1

Section: 144

Subsection: 06

S\_B\_L Image: 144.06-2-25.1

Cover System

Lot: 27

Sublot: 1

Section: 144

Subsection: 06

S\_B\_L Image: 144.06-2-27.1

Cover System