

# New York State Department of Environmental Conservation

## Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

SEP 22 2014

Mr. Mark Gregor  
Department of Environmental Services  
City of Rochester  
30 Church Street - Room 300B  
Rochester, New York 14614-1278

RE: Certificate of Completion  
Site Name: Former Photec Imaging  
Site No. B00016  
SAC Nos: C300947 and C303768  
City of Rochester, Monroe County

Dear Mr. Gregor:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of Rochester undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (DEC) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contracts (SACs).

As a result, DEC 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. Enclosed please find an original, signed COC. The City of Rochester is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the City of Rochester fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SACs, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that DEC has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- 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, and provide DEC with proof of filing within 30 days of receipt. A standard notice form is enclosed to this letter;


- Place the notice of the COC in the document repository for the site within ten (10) days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the enclosed Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in February 2016.

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Mr. Todd M. Caffoe, P.E., the DEC Project Manager for this site, at (585) 226-5350.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures:

ec: Krista Anders, DOH  
Melissa Doroski, DOH  
Michael Ryan, DEC  
Michael Cruden, DEC  
Todd Caffoe, DEC  
Bart Putzig, DEC  
Benjamin Conlon, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

<b>Name</b>	<b>Address</b>
City of Rochester	30 Church Street, Rochester, NY 14614

**SITE INFORMATION**

**Site No.:** B00016 **Site Name:** Former Photec Imaging

**State Assistance Contract No.:** C300947  
C303768

**Site Owner:** City of Rochester

**Street Address:** 1000 Driving Pk. Avenue

**Municipality:** Rochester **County:** Monroe **DEC Region:** 8

**Site Size:** 12.500 Acres

**Tax Map Identification Number(s):** 090.63-001-001

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 Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

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 State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

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):

**Allowable Uses under the ERP:** 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 Monroe County with recording identifier 201312230850.

**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 ECL Section 56-0509. 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 ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 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 ECL Section 56-0509(1) and 6NYCRR Part 375.

### **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 Part 375-1.9(e) upon a finding that:

(1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;

(2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;

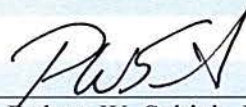
(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

(5) the environmental easement as implemented, if applicable, is not protective or enforceable;  
or

(6) there is good cause for such modification or revocation.

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:  Date: September 22, 2014  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**NOTICE OF CERTIFICATE OF COMPLETION**  
**Environmental Restoration Program**  
**Pursuant to 6 NYCRR Part 375-1.9(d)**

*Former Photec Imaging, Site ID No. B00016*  
*1000 Driving Park Avenue, Rochester, New York 14615*  
*City of Rochester, Monroe County, Tax Map Identification Number 090.63-001-001*

**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 the City of Rochester for a parcel approximately 12.5 acres located at 1000 Driving Park Avenue in the City of Rochester, Monroe 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 State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 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.

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 Monroe County as 201312230850.

**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 ECL Section 56-0509. 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 ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

**Former Photec Imaging, B00016, 1000 Driving Park Avenue, Rochester, NY 14615**

**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 Region 8 office located at 6274 East Avon-Lima Road, Avon, New York 14414 by contacting the Regional Environmental Remediation Engineer.

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

(Municipality)

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:**

(Municipality) \_\_\_\_\_  
(Municipality address) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

12/03/09



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 9/16/2014



**SITE DESCRIPTION**

**SITE NO.**            **B00016**

**SITE NAME**        **Former Photec Imaging**

**SITE ADDRESS:** 1000 Driving Pk. Avenue        **ZIP CODE:** 14613-

**CITY/TOWN:**     Rochester

**COUNTY:**        Monroe

**ALLOWABLE USE:** Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	X	
Monitoring Plan	X	
Operation and Maintenance (O&M) Plan		

Periodic Review Frequency:        1 year

Periodic Review Report Submittal Date:    12/1/2016

**Description of Institutional Control**

**City of Rochester**

1000 Driving Pk. Avenue

Environmental Easement

Block:

Lot:

Sublot:

Section:

Subsection:

S\_B\_L Image: 090.63-001-001

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**City of Rochester**

1000 Driving Pk. Avenue

Environmental Easement

Block:

Lot:

Sublot:

Section:

Subsection:

S\_B\_L Image: 090.63-001-001

Vapor Mitigation



## SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece and parcel of land lying and being in the City of Rochester, County of Monroe, State of New York, being bounded and described as follows:

BEGINNING at a point in the north ROW line of Driving Park Avenue on the east line of premises conveyed to Bell & Howell Company by Trustees Deed dated March 29, 1949 and recorded the same day in Monroe County Clerk's Office in Liber 2539 of Deeds, page 51 which point is 1305.77 feet southeasterly from the intersection of the north line of Driving Park Avenue and the east line of Mt. Read Boulevard; thence

- (1) north along the east line of said Bell & Howell Company's land, a distance of 1270.67 feet to a point; thence
- (2) west at an included angle of  $89^{\circ}58'42''$  with the said east line of the lands conveyed to Bell & Howell Company a distance of 500 feet to a point; thence
- (3) south on a line parallel with the said east line of the Bell & Howell property a distance of 300 feet to a point; thence
- (4) southwesterly at an included angle with course (3) of  $227^{\circ}31'05''$  on a line which intersects the northerly line of Driving Park Avenue at a right angle, for a distance of approximately 286.68 feet to the north ROW line of Driving Park Avenue; thence
- (5) southeasterly along the north ROW line of Driving Park Avenue, a distance of 1053.40 feet to the point and place of beginning.

