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

Anne Spaulding Manager of Environmental Quality City Hall, Room 300B 30 Church Street Rochester, New York 14614

FEB 1 1 2019

Re: Certificate of Completion,

SAC No.: C301806 & C303409

1200 East Main Street, City of Rochester

Monroe County, Site No.: B00129

Dear Ms. Spaulding:

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 (Department) 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 Contract (SAC).

As a result, the 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. 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 SAC(s), 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 (see the enclosed ERP Site Disposition Form); ensuring that Department 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 the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within
 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; and 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 2020.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, 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 Charlotte B. Theobald, the Department's project manager, at 585-226-5354.

Sincerely,

Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris - NYSDOH

M. Doroski - NYSDOH

ec w/o enc:

- C. Theobald
- B. Schilling
- M. Cruden
- T. Caffoe
- K. Lewandowski
- D. Harkawik
- D. Tuohy

Anne Spaulding: spaulda@cityofrochester.gov
Biondolillo, Joseph: Biondj@CityofRochester.gov

Jane Forbes: forbesi@cityofrochester.gov
Sean Carter: scarter@matrixbiotech.com
Steve DeMeo: sdemeo@BERGMANNPC.com

Ariadna Cheremeteff: acheremeteff@BERGMANNPC.com

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP) CERTIFICATE OF COMPLETION

Name

Address

City of Rochester

City Hall, 30 Church Street, Room 307A, Rochester, NY

SITE INFORMATION

Site No.: B00129 Site Name: 1200 E. Main Street

State Assistance Contract No.: C301806

C303409

Site Owner: City of Rochester

Street Address: 1200 E. Main Street

Municipality: Rochester County: Monroe DEC Region: 8

Site Size: 0.622 Acres

Tax Map Identification Number(s): 106.76-1-44

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 201606010740.

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.

By:

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.

Date: 2/11/19

Basil Seggos
Commissioner
New York State Department of Environm

New York State Department of Environmental Conservation

Michael J. Ryan, P.E., Director

Division of Environmental Remediation

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

1200 East Main Street, Site ID No.: B00129 1200 East Main Street, City of Rochester, New York, 14609 City of Rochester, Monroe, Tax Map Identification Number(s): 106.76-1-44

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6NYCRR Part 375 to City of Rochester for a parcel approximately 0.622-acres located at the 1200 East Main Street in the City of Rochester and 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 dataubmitted 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 6NYCRR 375-1.8(g)(2)i.
	Restricted Residential Use, as set 6rth in 6 NYCRR 375-1.8(g)(2)ii.
\boxtimes	Commercial Use, as set forth in 6NYCRR 375-1.8(g)(2)iii.
\boxtimes	Industrial Use, as set forth in 6NYCRR 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 201606010740.

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 560509 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

1200 East Main Street, B00129, 1200 East Main Street

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 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 East Avon-Lima Road, Avon, New York 14414 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

	City of Rochester
	By:
	Title:
	Date:
STATE OF NEW YORK) SS: COUNTY OF)	
, personally known to me ndividual(s) whose name is (are) subscribed to executed the same in his/her/their capacity(ie	the year 20, before me, the undersigned, personally appeared or proved to me on the basis of satisfactory evidence to be the othe within instrument and acknowledged to me that he/she/they s), and that by his/her/their signature(s) on the instrument, the hich the individual(s) acted, executed the instrument.
Signature and Office of individual aking acknowledgment	Please record and return to: City of Rochester Anne Spaulding Manager of Environmental Quality City Hall, Room 300B 30 Church Street

Rochester, New York 14614

12/03/09

EXHIBIT A

PROPERTY DESCRIPTION

SCHEDULE "A" PROPERTY DESCRIPTION

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, know and distinguished as Lot No. 17 of the Beechwood Tract, a subdivision of part of Town Lot No. 50 of the Town of Brighton, now in the City of Rochester, as shown on a map made by R.J. Smith for Minges and Williams, filed in the Monroe County Clerk's Office in Liber 7 of Maps, Page 22.

Said Lots 1, 2, and 3 front 36.3 feet on the north side of Main Street East and extend back 140 feet, said Lot 4 being in the rear of said Lots 1, 2, and 3 and being 108.90 feet, more or less on the south line, 50 feet on its east and west lines and 109.7 on the north line

Also all that tract or parcel of land in the City of Rochester, County of Monroe, State of New York, and being Lots 1, 2, 3 and 4 as laid down on a map of H. C. Heath Subdivision recorded in the Monroe County Clerk's Office in Liber 6 of Maps, Page 86, said Heath's Subdivision being a Resubdivision of Lot 14 of Klem's Subdivision according to a map recorded in the Monroe County Clerk's Office in Liber 178 of Deeds, Page 509.

Said Lot No. 17 fronts 39.54 feet in the north side of East Main Street, in the City, and extends back 157.61 feet on the west side and 162 feet on the east side according to said map including all the title and interest of the parties in the first part in and to the land in the streets opposite the premises hereby conveyed.

Being and Intending to describe the same premises referenced above (and recorded respectively in Liber 2717 of Deeds, Page 225 and Liber 2546 of Deeds, Page 190 in the Monroe County Clerk's Office) in an updated description based on a field survey by Bergmann Associates on February 1, 2016 and described as follows:

Commencing at the intersection of the northerly right of way line of East Main Street (aka Schanck Avenue - 60' wide) with the westerly right of way line of Laura Street (60' wide), thence, North 79°41'08" West, on the said northerly right of way line of East Main Street, a distance of 127.50 feet to the Point of Beginning. Thence,

North 79°41'08" West, continuing on the said northerly right of way line of East Main Street, a distance of 148.44 feet to a point on the division between the said lands of the City of Rochester on the east, and lands now or formerly of AutoZone, Inc. (T.A. No. 106.76-1-45) on the west; thence,

North 09°24'00" East, on the said division line, a distance of 157.55 feet to a point on the division line between the said lands of the City of Rochester on the south and lands now or formerly of Ricky C. Williams (T. A. No. 106.76-1-30) on the north; thence,

South 86°06'54" East, on the said division line and the division line between the said lands of the City of Rochester on the south and lands now or formerly of Emma McNairy (T.A. No. 106.76-1-31) on the north, a distance of 40.28 feet to a point; thence,

North 09'35'37" East, continuing on the said division line, a distance of 27.95 feet to a point on the division line between the said lands of the City of Rochester on the south and lands now or formerly of Rucinn Group LLC (T.A. No. 106.76-1-32) on the north; thence,

County: Monroe Site No: B00129 State Assistance Contract: C303409

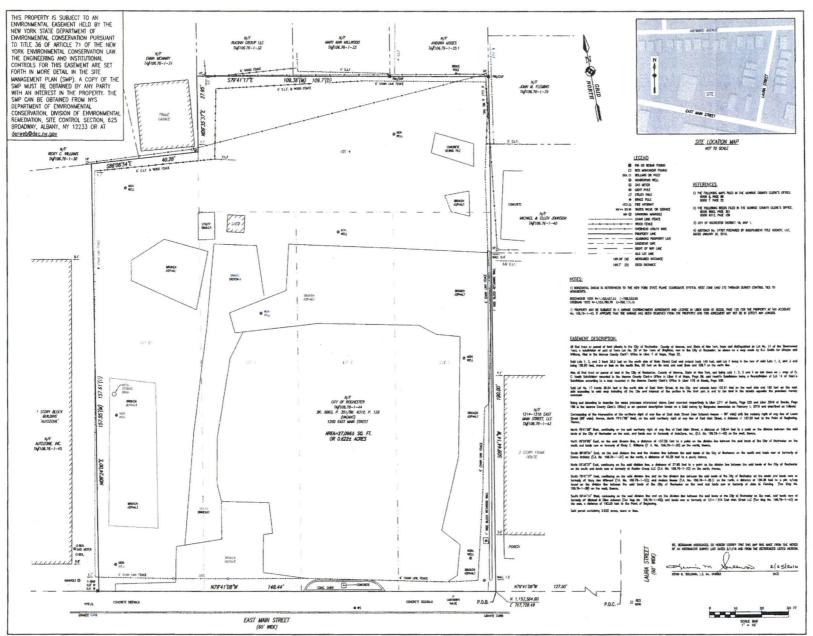
South 79°41'17" East, continuing on the said division line and on the division line between the said lands of the City of Rochester on the south and lands now or formerly of: Mary Ann Millwood (T.A. No. 106.76-1-33); and Andora Moses (T.A. No. 106.76-1-35.1) on the north, a distance of 109.36 feet to a pin w/cap found on the division line between the said lands of the City of Rochester on the west and lands now or formerly of John M. Fleming (Tax Map No. 106.76-1-39) on the east; thence,

South 09*44'14" West, continuing on the said division line and on the division line between the said lands of the City of Rochester on the west, and lands now of formerly of: Michael & Ellen Johnson (Tax Map No. 106.76-1-40); and lands now or formerly of 1214-1216 East Main Street LLC (Tax Map No. 106.76-1-43) on the east, a distance of 190.00 feet to the Point of Beginning.

Said parcel containing 0.622 acres, more or less, as shown on a map prepared by Bergmann Associates entitled "Instrument Survey 1200 East Main Street", Project No. 4453.05, Drawing No. ISM-01, dated February 1, 2016.

EXHIBIT B

SITE SURVEY



CITY OF ROCHESTER

1200 East Main St. Rochester, NY 14609



28 East Main Street 200 First Federal Ptaza Rochester, New York 14614-1909

office: 585.232.5135 fax: 585.232.4652

www.bergmannpc.com



EASEMENT TO N.Y.S.D.E.C.

MOTE Combination or addition to this crossing in a relation as the how that these Equations Law Artists (A. Section 1994). It is supported to the Committee of the Committee of

ELOS LYCRy of Bushester/DOACES.Or Contractive States/pARES.Or bushester/DOACES.Or

ISM-01



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

SITE DESCRIPTION



9/11/2018

SITE NO.

B00129

SITE NAME 1200 E. Main Street

SITE ADDRESS: 1200 E. Main Street

ZIP CODE: 14609-

CITY/TOWN:

Rochester

COUNTY: Monroe

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

YES NO

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan

Periodic Review Frequency:

1 year

Description of Institutional Control

City of Rochester

1200 East Main Street **Environmental Easement** Block: 1 Lot: 44

Sublot:

Section: 106

Subsection: 76

S_B_L Image: 106.76-1-44 **Building Use Restriction**

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Ground Water Use Restriction

IC/EC Plan

Soil Management Plan

Description of Engineering Control

City of Rochester

1200 East Main Street **Environmental Easement**

Block: 1 Lot: 44 Sublot:

Section: 106

Subsection: 76
S_B_L Image: 106.76-1-44
Air Sparging/Soil Vapor Extraction **Groundwater Treatment System**

Vapor Mitigation