

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
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www.dec.ny.gov

JUL 16 2015

Mr. Michael Ciaravino  
City Manager  
City of Newburgh  
83 Broadway  
Newburgh, NY 12550

Re: Certificate of Completion  
Site No. B00136  
Site Name: Jonas Automotive Site  
SAC Nos. C301393, C303487  
City of Newburgh, Orange County

Dear Mr. Ciaravino,

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of Newburgh 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 Newburgh 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 Newburgh 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 Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.



Department of  
Environmental  
Conservation

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 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 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 attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in September 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 William Bennett, the DEC project manager for this site, at (518) 402-9662.

Sincerely,



Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Enclosures

cc: Krista Anders, DOH  
Tony Perretta, DOH  
J. Morris, City of Newburgh ([jmorris@cityofnewburgh-ny.gov](mailto:jmorris@cityofnewburgh-ny.gov))  
A. Church, City of Newburgh ([achurch@cityofnewburgh-ny.gov](mailto:achurch@cityofnewburgh-ny.gov))  
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Michael Ryan, DEC  
William Bennett, DEC  
David Crosby, DEC  
George Heitzman, DEC  
Edward Moore, DEC  
Dolores Tuohy, DEC



NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

City of Newburgh

**Address**

83 Broadway, Newburgh, NY 12550

**SITE INFORMATION**

**Site No.:** B00136 **Site Name:** Jonas Automotive Site

**State Assistance Contract No.:** C301393

C303487

**Site Owner:** City Of Newburgh

**Street Address:** 86 Wisner Avenue

**Municipality:** Newburgh (c) **County:** Orange **DEC Region:** 3

**Site Size:** 1.450 Acres

**Tax Map Identification Number(s):** 26-1-59.1

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 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 Orange County with recording identifier 2015-0013978.

**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:   
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: July 16, 2015



## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Environmental Restoration Program Pursuant to 6 NYCRR Part 375-1.9(d)**

**Jonas Automotive Site, Site ID No. B00136**

**86 Wisner Ave, Newburgh, NY 12550**

**City of Newburgh, Orange County, Tax Map Identification Number: 26-1-59.1**

**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 the City of Newburgh for a parcel approximately 1.45 acres in size located at 86 Wisner Avenue in the City of Newburgh, Orange 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):

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 Orange County as County Recording Identifier 2015-0013978.

**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.

**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.

*Jonas Automotive Site, Site ID No. B00136, 86 Wisner Ave, Newburgh, NY 12550*

**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 3 Office located at 21 S Putt Corners Road, New Paltz, NY 12561 by contacting the Regional Environmental Remediation Engineer.

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

City of Newburgh

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

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

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

STATE OF NEW YORK        ) SS:  
COUNTY OF ORANGE        )

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 acknowledgement

**Please record and return to:**

Michael Ciaravino  
City Manager  
City of Newburgh  
83 Broadway  
Newburgh, NY 12550



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
7/7/2015



SITE DESCRIPTION

SITE NO. B00136

SITE NAME Jonas Automotive Site

SITE ADDRESS: 86 Wisner Avenue ZIP CODE: 12550-

CITY/TOWN: Newburgh (C)

COUNTY: Orange

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

Periodic Review Report Submittal Date: 9/16/2016

Description of Institutional Control

City of Newburgh

86 Wisner Avenue

Environmental Easement

Block: 1

Lot: 59

Sublot: 1

Section: 26

Subsection:

S\_B\_L Image: 26-1-59.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

**City of Newburgh**

86 Wisner Avenue

Environmental Easement

Block: 1

Lot: 59

Sublot: 1

Section: 26

Subsection:

S\_B\_L Image: 26-1-59.1

Cover System



## Exhibit A – Description of Property

**SCHEDULE "A" PROPERTY DESCRIPTION**

ALL that plot, piece or parcel of land situate and being in the City of Newburgh, County of Orange, State of New York bounded and described as follows:

BEGINNING at a point on the easterly side of Wisner Avenue, said point being the northwesterly corner of the herein described parcel, said point being the southwesterly corner of the lands now or formerly of Clavio and Foti as described in Liber 12978 of deeds at page 800 and said point being located N 08°16'12" E 0.65 feet from a capped on rod found; thence along the division line between the herein described parcel and said lands of Clavio and Foti, N 77°03'26" E 330.00 feet to the northeasterly corner of the herein described parcel, said point being located S 05°21'42" E 0.40 feet from an iron pipe found; thence along the division line between the herein described parcel and the lands now or formerly of Craig as described in liber 13087 of deeds at page 781, S 12°56'34" E 255.00 feet to the southeasterly corner of the herein described parcel, said point being located S 25°36'24" W 0.67 feet from an iron rod found; thence along the division line between the herein described parcel and the lands now or formerly of the City of Newburgh as described in liber 5004 of deeds at page 37 and also along the lands now or formerly of Union Glenn Associates, Inc. as described in liber 2501 of deeds at page 93, S 77°03'26" W 230.00 feet to the southwesterly corner of the herein described parcel; thence along the division line between the herein described parcel and the lands now or formerly of Tillson Corp. as described in liber 5057 of deeds at page 208, Turner as described in liber 4059 of deeds at page 80, Altstadt as described in liber 5698 of deeds at page 168, Turner as described in liber 4285 of deeds at page 265, Keefe as described in liber 2270 of deeds at page 992, City of Newburgh as described in liber 13179 of deeds at page 582, and Sharp as described in liber 2373 of deeds at page 218, N 12°56'34" W 210.00 feet to a capped iron rod found; thence continuing along the division the division line between the herein described parcel and said lands of Sharp, S 77°03'26" W 100.00 feet to a point on the easterly side of Wisner Avenue, said point being located S 37°05'44" E 0.36 feet from a capped iron rod found; thence along the easterly side of Wisner Avenue, N 12°56'34" W 45.00 feet to the point or place of beginning.

CONTAINING 1.45 ACRE OF LAND MORE OR LESS.

Together with and subject to a 7 foot wide driveway easement as described in liber 3871 of deeds at page 288.

Together with a 20 foot wide right of way as described in liber 3871 of deeds at page 288.

December 14, 2011

## Exhibit B – Site Survey



