

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

BDL, LLC
USAI Lighting Facility
1126 River Road
New Windsor, NY 12553
Attn: Ms. Bonnie Littman-Gatof

DEC 22 2016

Re: Certificate of Completion
USAI Lighting
Site No. C336087
1126 River Road
New Windsor (T), Orange County

Dear Ms. Littman-Gatof:

Congratulations on having satisfactorily completed the remedial program at the USAI Lighting Facility. 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.

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. A copy of the recorded notice should be provided to the Department's project manager. 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. 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

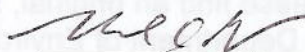


Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- 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 April 2018.

If you have any questions regarding any of these items, please contact the Project Manager, Mr. Matthew Hubicki, at (518) 402-9605.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

Bonnie Littman-Gatof, BDL, LLC (blittman@usailighting.com)
 Jim McIver, CT Male (j.mciver@ctmale.com)
 Susan Sullivan, ISER Consulting (sue@iserconsulting.com)
 John Cappello, Esq., Jacobowitz & Gubitz, LLP (jcc@jacobowitz.com)
 K. Anders - NYSDOH
 M. Schuck - NYSDOH
 K. Fox - NYSDOH

ec w/o enc.:

M. Hubicki/File
 D. Crosby
 G. Heitzman
 E. Moore
 A. Guglielmi
 K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

BDL, LLC

Address

1126 River Road, New Windsor, NY 12553

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/10/14 **Agreement Execution:** 12/31/14 **Agreement Index No.:** C336087-12-14

Application Approval Amendment: 2/4/16

Agreement Execution Amendment: 2/4/16

SITE INFORMATION:

Site No.: C336087 **Site Name:** USAI Lighting Facility

Site Owner: LOC Realty Corp.
Littman Industries Inc.

Street Address: 1126 River Road

Municipality: New Windsor **County:** Orange **DEC Region:** 3

Site Size: 11.400 Acres

Tax Map Identification Number(s): 9-1-96.1, 9-1-97

Percentage of site located in an EnZone: 0 - 49 %

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 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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 Brownfield Site Cleanup Agreement, 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 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 BCP: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 10 %.

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 as 20160059881 and 20160059895.

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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 27-1419.5 and 6NYCRR Part 375-1.9.

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 ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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 is not 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: 12/22/16

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

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

USAI Lighting Facility, Site ID No. C336087
1126 River Road, New Windsor, NY 12553
Town of New Windsor, Orange County
Tax Map Identification Number(s): 9-1-97, 9-1-96.1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to BDL, LLC for two (2) tax parcels totaling approximately 11.4 acres located at 1116 River Road and 1126 River Road in the Town of New Windsor, 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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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.
- ☒ 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 the Orange 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 20160059881 and 20160059895.

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 27-1421. 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 27-1421. The liability

USAI Lighting, Site No. C336087, 1126 River Road, New Windsor, NY 12553

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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 only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 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 South Putt Corners Rd, New Paltz, NY 12564 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Littman Industries, Inc.

By: _____

Title: _____

Date: _____

LOC Realty Corp.

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:
Jacobowitz & Gubits, LLP
158 Orange Avenue
Walden NY 12586

SCHEDULE "A" PROPERTY DESCRIPTION

DESCRIPTION

ENVIRONMENTAL EASEMENT

PARCEL A1

TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK

AREA = 2.9± ACRES OF LAND

All that certain tract, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, lying Easterly of River Road, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly of LOC Realty Corp. as described in Book 5123 of Deeds at Page 165 on the Northeast and the lands now or formerly of IDC Soils Remediation Inc. as described in Book 4102 of Deeds at Page 297 on the Southwest with the Southeasterly highway boundary of River Road and runs thence from the said point of beginning along said Southeasterly highway boundary North 26 deg. 54 min. 58 sec. East 194.56 feet to its point of intersection with the Easterly highway boundary of River Road; thence along said Easterly highway boundary the following two (2) courses: 1) North 17 deg. 19 min. 03 sec. East 120.00 feet to a point; and 2) North 14 deg. 25 min. 03 sec. East 30.00 feet to its point of intersection with the division line between the said lands now or formerly of LOC Realty Corp. on the South and the lands now or formerly of Littman Industries Inc. as described in Book 2635 of Deeds at Page 142 and Book 4065 of Deeds at Page 85 on the North; thence along said division line South 76 deg. 23 min. 57 sec. East 164.97 feet to its point of intersection with the division line between the said lands now or formerly of LOC Realty Corp. on the West and the said lands now or formerly of Littman Industries Inc. on the East; thence along said division line South 13 deg. 36 min. 03 sec. West 10.00 feet to its point of intersection with the division line between the said lands now or formerly of LOC Realty Corp. on the South and the said lands now or formerly of Littman Industries Inc. on the North; thence along said division line South 76 deg. 23 min. 57 sec. East 133.73 feet to its point of intersection with the division line between the said lands now or formerly of LOC Realty Corp. on the West and the lands now or formerly of Consolidated Rail Corp. on the East; thence along said division line the following two (2) courses: 1) South 09 deg. 14 min. 33 sec. West 20.06 feet to a point; and 2) South 08 deg. 58 min. 50 sec. West 396.66 feet to its point of intersection with the above first mentioned division line; thence along said above first mentioned division line North 63 deg. 46 min. 14 sec. West 394.74 feet to the point or place of beginning and containing 2.9 acres of land, more or less.

SCHEDULE "A" PROPERTY DESCRIPTION

**DESCRIPTION
ENVIRONMENTAL EASEMENT
PARCEL B1**

**LANDS NOW OR FORMERLY OF LITTMAN INDUSTRIES INC.
TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK
AREA = 8.5± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, lying Easterly of River Road, and being more particularly bounded and described as follows:

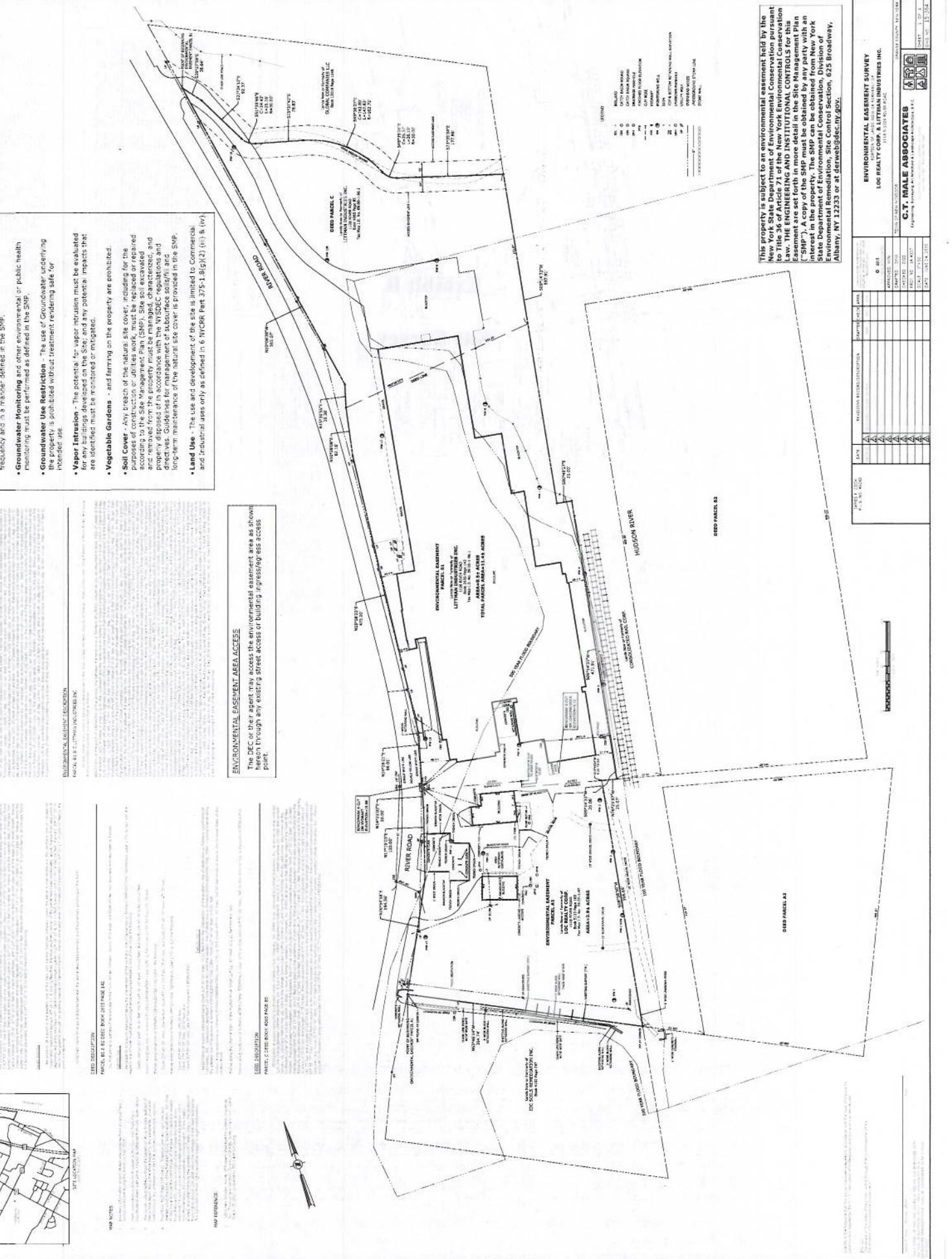
BEGINNING at the point of intersection of the division line between the lands now or formerly of Littman Industries Inc. as described in Book 4065 of Deeds at Page 85 and Book 2635 of Deeds at Page 142 on the Southwest and the lands now or formerly of Global Companies LLC as described in Book 13019 of Deeds at Page 1248 on the Northeast with the Easterly highway boundary of River Road and runs thence from the said point of beginning along said division line the following three (3) courses: 1) South 38 deg. 27 min. 59 sec. East 38.64 feet to a point; 2) South 27 deg. 34 min. 12 sec. East 92.37 feet to a point of curvature; and 3) in a Southeasterly direction along a curve to the left having a radius of 30.00 feet, an arc length of 25.16 feet and a chord bearing of South 51 deg. 35 min. 46 sec. East 24.43 feet to a point of tangency at the point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the South and the said lands now or formerly of Global Companies LLC on the North; thence along said division line South 75 deg. 37 min. 42 sec. East 78.83 feet to a point of curvature on the division line between the said lands now or formerly of Littman Industries Inc. on the Southwest and the said lands now or formerly of Global Companies LLC on the Northeast; thence along said division line the following two (2) courses: 1) in a Southeasterly direction along a curve to the right having a radius of 162.72 feet, an arc length of 147.83 feet and a chord bearing of South 49 deg. 36 min. 07 sec. East 142.80 feet to a point of reverse curvature; and 2) in a Southeasterly direction along a curve to the left having a radius of 30.00 feet, an arc length of 26.19 feet and a chord bearing of South 48 deg. 35 min. 06 sec. East 25.37 feet to a point of tangency at the point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the South and the said lands now or formerly of Global Companies LLC on the North; thence along said division line South 73 deg. 35 min. 34 sec. East 177.86 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the West and the lands now or formerly of Consolidated Rail Corp. on the East; thence along said division line South 09 deg. 14 min. 33 sec. West 557.91 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the South and the said lands now or formerly of Consolidated Rail Corp. on the North; thence along said division line South 80 deg. 45 min. 27 sec. East 25.00 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the West and the said lands now or formerly of Consolidated Rail Corp. on the East; thence along said division line South 09 deg. 14 min. 33 sec. West 471.91 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the North and the said lands now or formerly of Consolidated Rail Corp. on the South; thence along said division line North 76 deg. 23 min. 57 sec. West 25.07 feet to its point of intersection with the division line between the said lands now

or formerly of Littman Industries Inc. on the North and the lands now or formerly of LOC Realty Inc. as described in Book 5123 of Deeds at Page 165 on the South; thence along said division line North 76 deg. 23 min. 57 sec. West 133.73 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the East and the said lands now or formerly of LOC Realty Corp. on the West; thence along said division line North 13 deg. 36 min. 03 sec. East 10.00 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the North and the said lands now or formerly of LOC Realty Corp. on the South; thence along said division line North 76 deg. 23 min. 57 sec. West 164.97 feet to its point of intersection with the Easterly highway boundary of River Road; thence continuing along said Easterly highway boundary of River Road the following five (5) courses: 1) North 14 deg. 26 min. 01 sec. East 96.01 feet to a point; 2) North 05 deg. 08 min. 03 sec. East 475.00 feet to a point; 3) North 10 deg. 28 min. 08 sec. East 82.16 feet to a point; 4) North 15 deg. 30 min. 55 sec. East 39.38 feet to a point; and 5) North 10 deg. 08 min. 38 sec. West 565.07 feet to the point or place of beginning and containing 8.5 acres of land, more or less.



Exhibit B

Site Survey



ENGINEERING / INSPECTION CONTROLS

- All Engineering Controls must be maintained as specified in the Site Management Plan (SMP).
- All Engineering Controls on the property must be inspected at a frequency and in a manner defined in the SMP.
- Groundwater Monitoring and other environmental or public health monitoring must be performed as defined in the SMP.
- Groundwater Use Restriction - The use of groundwater underlying the property is prohibited without treatment rendering safe for ingestion.
- Vapor Intrusion - The potential for vapor intrusion must be evaluated for any buildings developed on the Site, and any potential impacts that are identified must be monitored or mitigated.
- Vegetable Gardens - and farming on the property are prohibited.
- Soil Cover - Any breach of the natural site cover, including for the purpose of construction, excavation, or other activities, must be repaired and restored to the Site Management Plan (SMP). Site soil excavated and removed from the property must be managed, characterized, and property disposed of in accordance with the NYSDDEC regulations and directives. Guidelines for management of subsurface soil/gill and long-term maintenance of the natural site cover is provided in the SMP.
- Land Use - The use and development of the site is limited to Commercial and Industrial uses only as defined in 6 NYCRR Part 375-1.8(g)(2) (iv) & (v).

ENVIRONMENTAL EASEMENT AREA ACCESS

The DEC or their agent may access the environmental assessment area as shown on this map through any existing street access or building ingress/egress access point.

ENVIRONMENTAL EASEMENT

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL ASSESSMENT AREA AS SHOWN ON THIS MAP THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT.

ENVIRONMENTAL EASEMENT

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/5/2016



SITE DESCRIPTION

SITE NO. C336087

SITE NAME USAI Lighting Facility

SITE ADDRESS: 1126 River Road ZIP CODE: 12553

CITY/TOWN: New Windsor

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: once a year

Periodic Review Report Submitted Date: 04/30/2018

Description of Institutional Control

Littman Industries, Inc.

1126 River Rd

1126 River Rd

Environmental Easement

Block: 1

Lot: 96

Sublot: 1

Section: 9

Subsection:

S_B_L Image: 9-1-96.1

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

LOC Realty Corp.

1126 River Rd

1116 River Rd

Environmental Easement

Block: 1

Lot: 97

Sublot: 1

Section: 9

Subsection:

S_B_L Image: 9-1-97

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Littman Industries, Inc.

1126 River Rd

1126 River Rd

Environmental Easement

Block: 1

Lot: 96

Sublot: 1

Section: 9

Subsection:

S_B_L Image: 9-1-96.1

Cover System

Vapor Mitigation

LOC Realty Corp.

1126 River Rd

1116 River Rd

Environmental Easement

Block: 1

Lot: 97

Sublot: 1

Section: 9

Subsection:

S_B_L Image: 9-1-97

Cover System

Vapor Mitigation