

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

DEC 31 2014



Joe Martens
Commissioner

Central Hudson Gas & Electric Company
c/o Mark McLean
284 South Avenue
Poughkeepsie, New York 12601-4879

Re: Certificate of Completion
Site Name: CH – Catskill Former Manufactured Gas Plant (MGP)
Site No.: C420027
Town of Catskill, Greene County

Dear Mr. McLean:

Congratulations on having satisfactorily completed the remedial program at the Catskill Former Manufactured Gas Plant site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

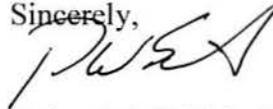
Please note that you are required to perform the following tasks:

- 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. If you are a non-owner, you must work with the owners to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site and distribute it to the County Listserv within 10 days;
- 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 April, 2016; and

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Richard Dana, the project manager for this site, at 518-402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Steven J. Ricca, Jaeckle Fleischmann & Mugel, LLP (sricca@jaeckle.com)
Nicholas C. D'Agostino, Stantec (Nicholas.Dagostino@stantec.com)
Krista Anders, DOH
Julia Kenney, DOH
Michael Ryan, DEC
George Heitzman, DEC
Richard Dana, DEC
Gardiner Cross, DEC
James Quinn, DEC
Dena Putnick, DEC
Benjamin Conlon
Andrew Guglielmi, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
CENTRAL HUDSON GAS & ELECTRIC CORPORATION	284 SOUTH AVENUE, Poughkeepsie, NY 12601-4879

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/21/06 **Agreement Execution:** 8/8/06 **Agreement Index No.:** A4-0553-0606

Application Approval Amendment: 12/4/14

Agreement Execution Amendment: 12/4/14

SITE INFORMATION:

Site No.: C420027 **Site Name:** CH - Catskill Former Manufactured Gas Plant (MGP)

Site Owner: Hudson River Development Corp (Parcel 156.78-3-1)
Kirwan Enterprises, LLC (Parcel 156.78-3-3)
County of Greene (Parcel 156.78-2-40)

Street Address: Water Street

Municipality: Catskill **County:** Greene **DEC Region:** 4

Site Size: 0.878 Acres

Tax Map Identification Number(s): 156.78-2-40, 156.78-3-1, 156.78-3-3

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:

For Parcel 156.78-3-1: Restricted-Residential, Commercial, and Industrial;

For Parcel 156.78-3-3 and Parcel 156.78-2-40: 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 12 %.

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 10 %.

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 Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Greene County as 407730, 407727 and 407729.

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 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: December 31, 2014
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)

CH – Catskill Manufactured Gas (MGP), Site ID# C420027
Water Street, Catskill, New York 12414
Catskill, Greene County, Tax ID No. 156.78-3-3

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 Central Hudson Gas & Electric Corp. for a parcel approximately 0.065 acres located at 126 Water Street in the Village of Catskill, Greene 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 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 the Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Greene County as Document 407729.

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

*CH – Catskill Manufactured Gas (MGP), Site ID# C420027
Water Street, Catskill, New York 12414*

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 4 office located at 1130 North Westcott Road, Schenectady, New York 12306-2014, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Kirwan Enterprises, LLC

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:
Mark McLean
Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, New York 12601-4879

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

CH – Catskill Manufactured Gas (MGP), Site ID# C420027
Water Street, Catskill, New York 12414
Catskill, Greene County, Tax ID No. 156.78-2-40

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 Central Hudson Gas & Electric Corp. for a parcel approximately 0.728 acres located at 145 Water Street in the Village of Catskill, Greene 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 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 the Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Greene County as Document 407730.

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

*CH – Catskill Manufactured Gas (MGP), Site ID# C420027
Water Street, Catskill, New York 12414*

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 4 office located at 1130 North Westcott Road, Schenectady, New York 12306-2014, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

County of Greene

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:
Mark McLean
Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, New York 12601-4879

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/30/2014

SITE DESCRIPTION

SITE NO. C420027

SITE NAME CH - Catskill Former Manufactured Gas Plant (MGP)

SITE ADDRESS: Water Street ZIP CODE: 12414

CITY/TOWN: Catskill

COUNTY: Greene

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	✓	<input type="checkbox"/>
Monitoring Plan	✓	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	✓	<input type="checkbox"/>
Periodic Review Frequency: once a year	✓	<input type="checkbox"/>
Periodic Review Report Submitted Date: 04/14/2016		

Description of Institutional Control

Greene County c/o Willis Vermilyea

P.O. Box 191

Water Street

Environmental Easement

Block: 2

Lot: 40

Sublot:

Section: 156

Subsection: 78

S_B_L Image: 156.78-2-40

Ground Water Use Restriction

Landuse Restriction

Monitoring Plan

Site Management Plan

Michael Ferro

64 Fyke Road

Water Street

Environmental Easement

Block: 3
Lot: 1
Sublot:
Section: 156
Subsection: 78
S_B_L Image: 156.78-3-1
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Thomas B. Thornton

126 Water Street
Water Street
Environmental Easement

Block: 3
Lot: 3
Sublot:
Section: 156
Subsection: 78
S_B_L Image: 156.78-3-3
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Description of Engineering Control

Greene County c/o Willis Vermilyea

P.O. Box 191
Water Street
Environmental Easement
Block: 2
Lot: 40
Sublot:
Section: 156
Subsection: 78
S_B_L Image: 156.78-2-40
Cover System

Michael Ferro

64 Fyke Road
Water Street
Environmental Easement
Block: 3
Lot: 1
Sublot:
Section: 156
Subsection: 78
S_B_L Image: 156.78-3-1
Cover System

Thomas B. Thornton

126 Water Street
Water Street

Environmental Easement

Block: 3

Lot: 3

Sublot:

Section: 156

Subsection: 78

S_B_L Image: 156.78-3-3
Cover System

EXHIBIT A

Site Descriptions

AREA A SURVEY DESCRIPTION
#125 WATER STREET – TAX PARCEL 156.78-3-1

ALL that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

BEGINNING at a point on the westerly side of Water Street at the southeasterly corner of lands now or formerly of Hudson River Development Corp. as described in Deed liber 1291 at page 95, said point being the southeasterly corner of the herein described easement and the northeasterly corner of the lands now or formerly of Quinoa Holding Co., LLC as described in Deed liber 1412 at page 58; thence along the division line between said lands now or formerly of Hudson River Development Corp. and said lands now or formerly of Quinoa Holding Co., LLC, S 73°54'20" W 62.88 feet to the southwesterly corner of the herein described easement; thence along the division line between said lands now or formerly of Hudson River Development Corp. and the lands of the People of the State of New York, N 06°05'55" W 75.91 feet to the northwesterly corner of the herein described easement; thence through said lands now or formerly of Hudson River Development Corp., N 56°24'41" E 2.19 feet, N 87°30'26" E 12.47 feet and S 76°47'06" E 38.86 feet to a point on the westerly side of Water Street; thence along the westerly side of Water Street, S 17°49'14" E 53.49 feet to the point or place of **BEGINNING**.

CONTAINING: 0.085 ACRE OR 3,722 S.F. OF LAND MORE OR LESS.

December 3, 2013

Revised November 11, 2014

AREA B SURVEY DESCRIPTION
#126 WATER STREET – TAX PARCEL 156.78-3-3

ALL that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

BEGINNING at a point on the easterly side of Water Street, said point being the southwesterly corner of the herein described easement and said point being located S 16°30'22" E 57.47 feet and S 15°50'29" E 56.52 feet from the intersection of the easterly side of Water Street and the southerly side of Canal Street; thence along the easterly side of Water Street, N 15°50'29" W 56.52 feet to a point; thence along the division line between the herein described easement and the lands now or formerly of Phillip John Maisano as described in Liber 1185 of Deeds at Page 343, N 73°33'22" E 50.00 feet to a point; thence along the division line between the herein described easement and said lands now or formerly of Maisano and also along the lands now or formerly of Kirwan Enterprises, LLC as described in Liber 1371 of Deeds at Page 146, S 15°50'39" E 56.74 feet and S 73°48'59" W 50.00 feet to the point or place of **BEGINNING**.

CONTAINING: 0.065 ACRE OR 2,831 S.F. OF LAND MORE OR LESS.

January 15, 2014

Revised April 29, 2014

AREA C SURVEY DESCRIPTION
#145 WATER STREET—PORTION OF TAX PARCEL 156.78-2-40

ALL that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

BEGINNING at a point at the intersection of the westerly side of Water Street with the northerly side of Canal Street, said point being the southeasterly corner of the herein described easement; thence along the northerly side of Canal Street, S 73°55'06" W 145.01 feet to a point on the easterly side of the Catskill Creek; thence along the easterly side of the Catskill creek, N 16°41'34" W 101.95 feet, N 20°51'34" W 112.25 feet, N 71°00'26" E 2.19 feet to a point; thence through the lands now or formerly of the County of Greene, N 71°00'22" E 147.80 feet to a point on the westerly side of Water Street; thence along the westerly side of Water Street, S 17°32'34" E 221.50 feet to the point or place of **BEGINNING**.

CONTAINING: 0.728 ACRE OR 31,692 S.F. OF LAND MORE OR LESS.

January 28, 2014

EXHIBIT B

Site Surveys

