

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

DEC 31 2019

JJB 125 Bath, LLC
Attn: James J. Beaudoin
17 Sonja Lane
Ballston Spa, NY 12020

Re: Certificate of Completion
Former American Hide Leather Haight
Co. Tannery
125 Bath Street, Ballston Spa, Saratoga Co.
Site Code C546055

Dear Mr. Beaudoin:

Congratulations on having satisfactorily completed the remedial program at the Former American Hide Leather Haight Co. Tannery. 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:

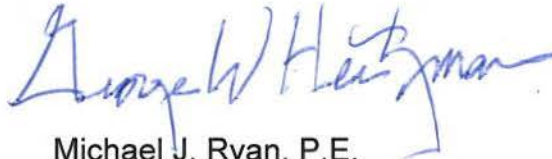
- If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of 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

- 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 2021.

If you have any questions regarding any of these items, please contact Michael McLean at (315) 274-3332.

Sincerely,



Michael J. Ryan, P.E.
Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

James J. Beaudoin, Jamesjbeaudoin@gmail.com
Jeff Wink, jeffnetc@nycap.rr.com
Dean Sommer, DSommer@YoungSommer.com
Christine Vooris, NYSDOH, Christine.Vooris@health.ny.gov
Justin Deming, NYSDOH, Justin.Deming@health.ny.gov
Eamonn O'Neil, NYSDOH, Eamonn.ONeil@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Michael McLean
Russell Huyck
Robert Corcoran
Leia Schmidt
Kelly Lewandowski, Site Control Section

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
JJB 125 Bath, LLC	17 Sonja Lane, Ballston Spa, NY 12020

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/27/12	Agreement Execution: 1/31/13
Agreement Index No.: C546055-10-12	
Application Approval Amendment: 2/14/19	Agreement Execution Amendment: 2/14/19
Application Approval Amendment: 12/27/19	Agreement Execution Amendment: 12/27/19

SITE INFORMATION:

Site No.: C546055 **Site Name:** Former American Hide Leather Haight Co. Tannery
Site Owner: JJB 125 Bath, LLC
Street Address: 125 BATH STREET
Municipality: BALLSTON SPA **County:** Saratoga **DEC Region:** 5
Site Size: 6.052 Acres
Tax Map Identification Number(s): Portion of 216.32-1-96.2
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: Restricted-Residential, 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 28%.
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 28%.
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 Saratoga County as 2019022507.

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: Michael J. Ryan Date: 12/31/19

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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

Former American Hide Leather Haight Co. Tannery, Site ID No. C546055
125 Bath Street, Ballston Spa, New York 12020
Ballston Spa, Saratoga County, Tax Map Identification Number: Portion of 216.32-1-96.2

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 JJB 125 Bath, LLC for a parcel approximately 6.052 acres located at 125 Bath Street in the Village of Ballston Spa, Saratoga 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 an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Saratoga County as 2019022507.

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.

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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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, 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, a copy of the Certificate can be reviewed at the NYSDEC's Region 5 Office located at 2986 Route 86, Ray Brook NY 12977, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

JJB 125 Bath, 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:
JJB 125 Bath, LLC
17 Sonja Lane
Ballston Spa, NY 12020

Exhibit A - Metes and Bounds from the Easement

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND WITH BUILDINGS AND IMPROVEMENTS THEREON, SITUATE IN THE VILLAGE OF BALLSTON SPA, TOWN OF MILTON, COUNTY AT SARATOGA AND STATE OF NEW YORK, LYING ON THE WESTERLY SIDE OF BATH STREET AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY LINE AT BATH STREET AT ITS INTERSECTION WITH THE EXISTING CENTER LINE OF GORDON CREEK, SAID POINT OF COMMENCEMENT BEING SITUATE NORTH 02 DEGREES 04 MINUTES 30 SECONDS EAST A DISTANCE OF 161.17 FEET ALONG SAID BATH STREET FROM THE SOUTHEAST CORNER OF LAND DESCRIBED IN A DEED FROM GORDON CREEK, INC. TO PAUL J. RICKETT, SR. (BOOK 689 OF DEEDS – PAGE 574), THENCE FROM SAID POINT OF COMMENCEMENT NORTH 02 DEGREES 04 MINUTES 30 SECONDS EAST A DISTANCE OF 27.86 FEET TO THE POINT OF BEGINNING, THENCE FROM SAID POINT OF BEGINNING AND THROUGH THE LANDS NOW OR FORMERLY OF LINEN SYSTEMS FOR HOSPITAL, INC. THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 60 DEGREES 30 MINUTES 7 SECONDS WEST A DISTANCE OF 94.24 FEET TO A POINT, 2) SOUTH 64 DEGREES 33 MINUTES 50 SECONDS WEST A DISTANCE OF 69.48 FEET TO A POINT, 3) SOUTH 64 DEGREES 13 MINUTES 20 SECONDS WEST A DISTANCE OF 91.97 FEET TO A POINT, 4) SOUTH 73 DEGREES 37 MINUTES 22 SECONDS WEST A DISTANCE OF 18.36 FEET TO A POINT, 5) SOUTH 68 DEGREES 23 MINUTES 31 SECONDS WEST A DISTANCE OF 48.04 FEET TO A POINT, 6) SOUTH 71 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 115.69 FEET TO A POINT, 7) NORTH 89 DEGREES 41 MINUTES 02 SECONDS WEST A DISTANCE OF 51.85 FEET TO A POINT AND 8) SOUTH 83 DEGREES 21 MINUTES 43 SECONDS WEST A DISTANCE OF 97.02 FEET TO A POINT ON THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF THE DELAWARE AND HUDSON RAILROAD CORPORATION, THENCE ALONG SAID EASTERLY LINE THE FOLLOWING FOUR (4) COURSES: 1) NORTH 04 DEGREES 56 MINUTES 42 SECONDS EAST A DISTANCE OF 20.52 FEET TO A POINT; 2) NORTH 20 DEGREES 18 MINUTES 22 SECONDS EAST A DISTANCE OF 312.33 FEET TO A POINT; 3) NORTH 23 DEGREES 54 MINUTES 13 SECONDS EAST A DISTANCE OF 386.90 FEET TO A POINT; 4) NORTH 15 DEGREES 52 MINUTES 18 SECONDS EAST A DISTANCE OF 110.96 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE ALONG LANDS NOW OR FORMERLY OF THOMAS O. MANOQUE, SOUTH 83 DEGREES 12 MINUTES 52 SECONDS EAST A DISTANCE OF 301.84 FEET TO AN EXISTING CONCRETE MONUMENT IN THE WESTERLY LINE OF BATH STREET; THENCE ALONG SAID WESTERLY LINE, SOUTH 06 DEGREES 16 MINUTES 13 SECONDS WEST A DISTANCE OF 12.15 FEET TO AN EXISTING IRON AXLE AT THE COMMON CORNER WITH LANDS NOW OR FORMERLY OF WILLIAM RYAN; THENCE NORTH 83 DEGREES 08 MINUTES 36 SECONDS WEST ALONG SAID BOUNDS PASSING THROUGH AN EXISTING CONCRETE MONUMENT AT A DISTANCE OF ABOUT 161.2 FEET MARKING THE CORNER WITH LANDS OF SAID RYAN AND OF THE VILLAGE OF BALLSTON SPA, A TOTAL DISTANCE OF 234.04 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE CONTINUING ALONG LANDS OF THE VILLAGE, SOUTH 06 DEGREES 02 MINUTES 53 SECONDS WEST A DISTANCE OF 4818 FEET TO AN EXISTING CONCRETE MONUMENT AND SOUTH 83 DEGREES 17 MINUTES 35 SECONDS EAST

A DISTANCE OF 72.94 FEET TO AN EXISTING CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LANDS NOW OR FORMERLY OF PARMY SENTIWANY; THENCE, ALONG SAID LANDS SOUTH 06 DEGREES 19 MINUTES 16 SECONDS WEST A DISTANCE OF 39.85 FEET TO AN EXISTING CONCRETE MONUMENT AND SOUTH 83 DEGREES 05 MINUTES 26 SECONDS EAST A DISTANCE OF 160.95 FEET TO AN EXISTING CONCRETE MONUMENT IN THE WESTERLY LINE OF BATH STREET; THENCE, ALONG SAID WESTERLY LINE, SOUTH 06 DEGREES 14 MINUTES 17 SECONDS WEST A DISTANCE OF 304.83 FEET TO AN IRON ROD SET AND SOUTH 02 DEGREES 04 MINUTES 30 SECONDS WEST A DISTANCE OF 148.26 FEET TO THE POINT OR PLACE OF BEGINNING CONTAINING 6.052 ACRES OF LAND.

Exhibit B – Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/9/2019



SITE DESCRIPTION

SITE NO. C546055

SITE NAME Former American Hide Leather Haight Co. Tannery

SITE ADDRESS: 125 BATH STREET ZIP CODE: 12020

CITY/TOWN: Ballston Spa

COUNTY: Saratoga

ALLOWABLE USE: Restricted-Residential, 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: TBD

Periodic Review Report Submitted Date: TBD

Description of Institutional Control

Angelica Textile Services, Inc.

7700 Forsyth Blvd Suite 1010

125 Bath Street

Environmental Easement

Block: 96

Lot: 2

Sublot:

Section: 1

Subsection:

S_B_L Image: 1-96-2

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Angelica Textile Services, Inc.

7700 Forsyth Blvd Suite 1010

125 Bath Street

Environmental Easement

Block: 96

Lot: 2

Sublot:

Section: 1

Subsection:

S_B_L Image: 1-96-2

Cover System: