


Brownfield Cleanup Program Application

CTI Agri-Cycle Site

Buskirk, New York

CHA Project Number: 057581

**Prepared for:
CTI Agri-Cycle LLC
228 Mendon Street
Upton, MA**

Prepared by:

**CHA
III Winners Circle
Albany, New York 12205
(518) 453-4500**

September 26, 2019



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME CTI Agri-Cycle, LLC and CTI Demonstration Farm, Inc. (Requestor information follows this application form - CTI Agri-Cycle is primary contact.)

ADDRESS 228 Mendon Street

CITY/TOWN Upton, MA

ZIP CODE 01568

PHONE 413-552-3688

FAX

E-MAIL eugene.bernat@gmail.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*	X	X	

*Please describe: PFOA/PFOS

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Agriculture, Composting

Section IV. Property Information - See Instructions for Further GuidancePROPOSED SITE NAME **CTI Agri-Cycle**ADDRESS/LOCATION **308 & 311 Belle Road; King Road**CITY/TOWN **Buskirk**ZIP CODE **12028**MUNICIPALITY(IF MORE THAN ONE, LIST ALL): **Buskirk**COUNTY **Washington**SITE SIZE (ACRES) **233.43**

LATITUDE (degrees/minutes/seconds)

42 ° **59** ' **18.87** "

LONGITUDE (degrees/minutes/seconds)

73 ° **25** ' **50.06** "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
308 Belle Road	280	2	38	51.35
311 Belle Road	271	3	10	73.42
King Road	271	3	14	108.66

1. Do the proposed site boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? ☒ Yes ☐ No
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes ☐ No ☒

If yes, identify census tract : _____

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No
If yes, attach relevant supporting documentation.

7. Are there any lands under water? ☐ Yes ☒ No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

State Pollutant Discharge
Elimination System Permit No.
NY-0265276

New York State Department of
Environmental Conservation

Authorization to discharge from the
stormwater collection pond at the
Composting Facility

6 NYCRR Part 360 Solid Waste

New York State Department of

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included
in the **prescribed format**?

☒ Yes ☐ No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Eugene N. Bernat			
ADDRESS 228 Mendon Street			
CITY/TOWN Upton, MA		ZIP CODE 01568	
PHONE 508-735-3373	FAX	E-MAIL eugene.bernat@gmail.com	
NAME OF REQUESTOR'S CONSULTANT CHA Consulting, Inc. (Keith Cowan)			
ADDRESS 3 Winners Circle			
CITY/TOWN Albany		ZIP CODE 12205	
PHONE 518-453-4500	FAX	E-MAIL kcowan@chacompanies.com	
NAME OF REQUESTOR'S ATTORNEY Javid Afzali, Esq., Bond, Schoeneck & King, PLLC			
ADDRESS 22 Corporate Woods Blvd, Suite 501			
CITY/TOWN Albany		ZIP CODE 12211	
PHONE 518-533-3222	FAX 518-533-3299	E-MAIL jafzali@bsk.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Agri Cycle of Washington County, Inc/CTI Demonstration Farms, Inc OWNERSHIP START DATE: August 1999			
ADDRESS 1078 1078 Ash Grove Road/4 Open Square Way Suite 421			
CITY/TOWN Cambridge, NY/Holyoke, MA		ZIP CODE 12816/01040	
PHONE 518-225-0736	FAX	E-MAIL RobertNWilmont@hotmail.com	
CURRENT OPERATOR'S NAME CTI Agri-Cycle, LLC and CTI Demonstration Farms, Inc. (co-requestor)			
ADDRESS 228 Mendon Street			
CITY/TOWN Upton, MA		ZIP CODE 01568	
PHONE 413-552-3688	FAX	E-MAIL eugene.bernat@gmail.com	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☒ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☐ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☒ Other Operator

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☒ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? Class 330 - Vacant Comm.

What uses are allowed by the current zoning? (Check boxes, below)

☐ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☐ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☐ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

The site has historically been used for the proposed use.

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

The site has been zoned as commercial. And will continue to be used in the same manner.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

The proposed site use is consistent with current and historical site usage. Therefore, the site is consistent with any applicable land use plans.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of CTI Demonstration Farm, Inc. (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/26/19

Signature: Eugene N Bernat

Print Name: Eugene Bernat

SUBMITTAL INFORMATION:

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of CTI Agri-Cycle, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/26/19

Signature: Eugene M Bernat

Print Name: Eugene Bernat

SUBMITTAL INFORMATION:

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>	
<p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: CTI Agri-Cycle

City: Buskirk

Site Address: 308 & 311 Belle Road; King Road

County: Washington

Zip: 12028

Tax Block & Lot

Section (if applicable): 280

Block: 2

Lot: 38

Requestor Name: CTI Agri-Cycle, LLC and CTI Demonstration Farm, Inc. (Requestor information follows this application form - C)

City: Upton, MA

Requestor Address: 228 Mendon Street

Zip: 01568

Email: eugene.bernat@gmail.com

Requestor's Representative (for billing purposes)

Name: Eugene N. Bernat

Address: 228 Mendon Street

City: Upton, MA

Zip: 01568

Email: eugene.bernat@gmail.com

Requestor's Attorney

Name: Javid Afzali, Esq., Bond, Schoeneck & King, PLLC

Address: 22 Corporate Woods Blvd, Suite 501

City: Albany

Zip: 12211

Email: jafzali@bsk.com

Requestor's Consultant

Name: CHA Consulting, Inc. (Keith Cowan)

Address: 3 Winners Circle

City: Albany

Zip: 12205

Email: kcowan@chacompanies.com

Percentage claimed within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☐ Volunteer ☒ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree

Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☐ Planned, No Contract

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Part A - Section I Supplement
Corporation Database Information

Part A Section I – Members/Owners

CTI Agri-Cycle LLC (“CTI”) Members/Owners:

- a. Eugene N. Bernat, President, 228 Mendon Street, Upton MA 01568
- b. Paul Mahoney, Vice President, 228 Mendon Street, Upton MA 01568

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 5, 2019.

Selected Entity Name: CTI AGRI-CYCLE, LLC

Selected Entity Status Information

Current Entity Name: CTI AGRI-CYCLE, LLC

DOS ID #: 2504182

Initial DOS Filing Date: APRIL 28, 2000

County: WASHINGTON

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

CTI AGRI-CYCLE, LLC

4 OPEN SQUARE WAY STE 421

HOLYOKE, MASSACHUSETTS, 01040

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
APR 28, 2000	Actual	CTI AGRI-CYCLE, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 16, 2019.

Selected Entity Name: CTI DEMONSTRATION FARM, INC.

Selected Entity Status Information

Current Entity Name: CTI DEMONSTRATION FARM, INC.

DOS ID #: 3118892

Initial DOS Filing Date: OCTOBER 27, 2004

County: RENSSELAER

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

CTI DEMONSTRATION FARM, INC.

4 OPEN SQUARE WAY / SUITE 421

HOLYOKE, MASSACHUSETTS, 01040

Chief Executive Officer

KENNETH A FOLEY

COVER TECHNOLOGIES, INC.

4 OPEN SQUARE WAY / SUITE 421

HOLYOKE, MASSACHUSETTS, 01040

Principal Executive Office

KENNETH A FOLEY

COVER TECHNOLOGIES, INC.

4 OPEN SQUARE WAY / SUITE 421

HOLYOKE, MASSACHUSETTS, 01040

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
OCT 27, 2004	Actual	CTI DEMONSTRATION FARM, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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Part A – Section II Supplement
Project Description

Part A Section II - Project Description

In accordance with Section II of the BCP Application, the following information is provided.

PURPOSE AND SCOPE OF PROJECT:

The purpose of this project is to investigate and to the extent feasible remediate environmental impacts or implement remedial measures at the Site for the protection of public health and the environment and returning the site to agricultural uses, including a sustainable organic composting facility. The scope of the project will include the following:

- **Remedial Investigation:** The project will begin with a Remedial Investigation (RI) for the purpose of investigating and delineating the nature and extent of environmental impacts present on the Site. The RI will include installation of soil borings and groundwater monitoring wells, and sampling of soil and groundwater. Data collected during the RI will be used to perform a qualitative risk evaluation which will identify potential populations that may be at risk of exposure to site contaminants and potential exposure pathways by which those populations could be impacted. The qualitative risk evaluation will be used to determine Remedial Goals.
- **Analysis of Remedial Alternatives (AA):** Based upon the remedial goals, remedial alternatives will be identified and evaluated to determine recommended remedial alternatives and/or Interim Remedial Measures (IRMs). Documentation of this process including the identification, evaluation, and selection of the site remedies will be provided in the Alternatives Analysis Report (AAR).
- **Remediation of Environmental Impacts:** On-site impacts will be addressed as detailed in a Remedial Work Plan (RWP) or Interim Remedial Measures Work Plan based upon the results of the AAR and the risk presented by the Site. The RWP or IRM Work Plan will provide a detailed scope of work for the remedial measures. Upon completion of the Site remedy or IRMs, a Final Engineering Report (FER) will be prepared to include the necessary documentation to demonstrate completion of the Site remedy per the RWP. Other documents anticipated include a Site Management Plan (SMP), Operation, Maintenance, and Monitoring (OM&M) Plan and Environmental Easement (EE). Upon completion of the remedial actions, it is anticipated that the Site will return to agricultural uses. In addition, no change in use of the surrounding properties is anticipated from their current uses.

CONCEPTUAL PROJECT SCHEDULE

- | | |
|---|----------------------------|
| • Submittal of BCP Application | September 2019 |
| • Submittal of Remedial Investigation Work | Fall 2019 |
| • Plan, Performance of Remedial Investigation | Winter through Summer 2020 |
| • Submittal of RI Report/AAR/RWP | Fall 2020 |
| • Implementation of Site Remedies or IRMs | Summer 2021 |
| • Submittal of SMP/OM&M Plan/EE/FER | Fall/Winter 2021 |
| • Receipt of Certificate of Completion (COC) | Winter 2021 |

Part A – Section III Supplement
Sample Results Summary, Location
Map and Results Table

Section III

Property's Environmental History & Analytical Findings

Property's Environmental History: Circa 1994, the site was used to receive residential yard waste and paper sludge from a number of nearby paper mills. These materials were used to create compost material which was then exported offsite to various end users.

In January 2017, the NYSDEC investigated potential contamination in source materials through the collection and analysis of paper sludge (1 sample), windrow material (1 sample), yard waste (1 sample), finished compost (1 sample), groundwater (2 samples), surface water (1 sample), and stockpile leachate (1 sample). The laboratory results identified perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) contamination in both raw paper sludge and composted material spread on site fields. Based on the analytical findings from the January 2017 investigation, the NYSDEC and NYSDOH determined that additional evaluation was needed.

In April 2017, additional samples of the following matrices were collected by NYSDEC representatives:

- Solids consisting of finished compost (1 sample), yard waste (1 sample), and windrow materials (2 samples)
- Waters consisting of surface water from the stormwater pond (1 sample), leachate from the composting pad (1 sample), and surface waters (2) from drainage features on the neighboring property to the south.
- 10 soil samples were collected from the field areas upon which the finished materials had been spread in the northern, eastern, and southwestern areas of the site.

Each of these samples were analyzed for PFOA and PFOS. In addition, an extract of each of the soil samples were analyzed for PFOA and PFOS following a Synthetic Precipitation Leaching Procedure (SPLP) extraction.

Copies of the analytical laboratory data, as well as the NYSDEC's summary report are included on the enclosed electronic drive. A summary of the results is provided below.

Environmental Assessment: Based on the investigations conducted to date, the primary contaminants of concern for the site have been identified as PFOS and PFOA. Laboratory results have indicated that PFOA and PFOS contamination was identified in incoming paper sludge, in materials of all stages of compost production, groundwater, surface water, and soils of the site. In addition, PFOA and PFOS contamination has been identified in downgradient drainage features, indicating that the contamination has moved off site.

Soils & Solids – A summary of the sample locations and analytical results for the soil samples collected at the site are presented on the attached Figure III-1. The samples collected from the solids at the site (e.g. yard waste, compost, and sludge) are presented on Figure III-2. In general, PFOS/PFOA were found in site soils and various solids located across the Site. The contaminants were focused in areas used for the storage and processing of paper sludge material as it was being used in the production of compost. The total

Section III Comment Responses

Property's Environmental History & Analytical Findings

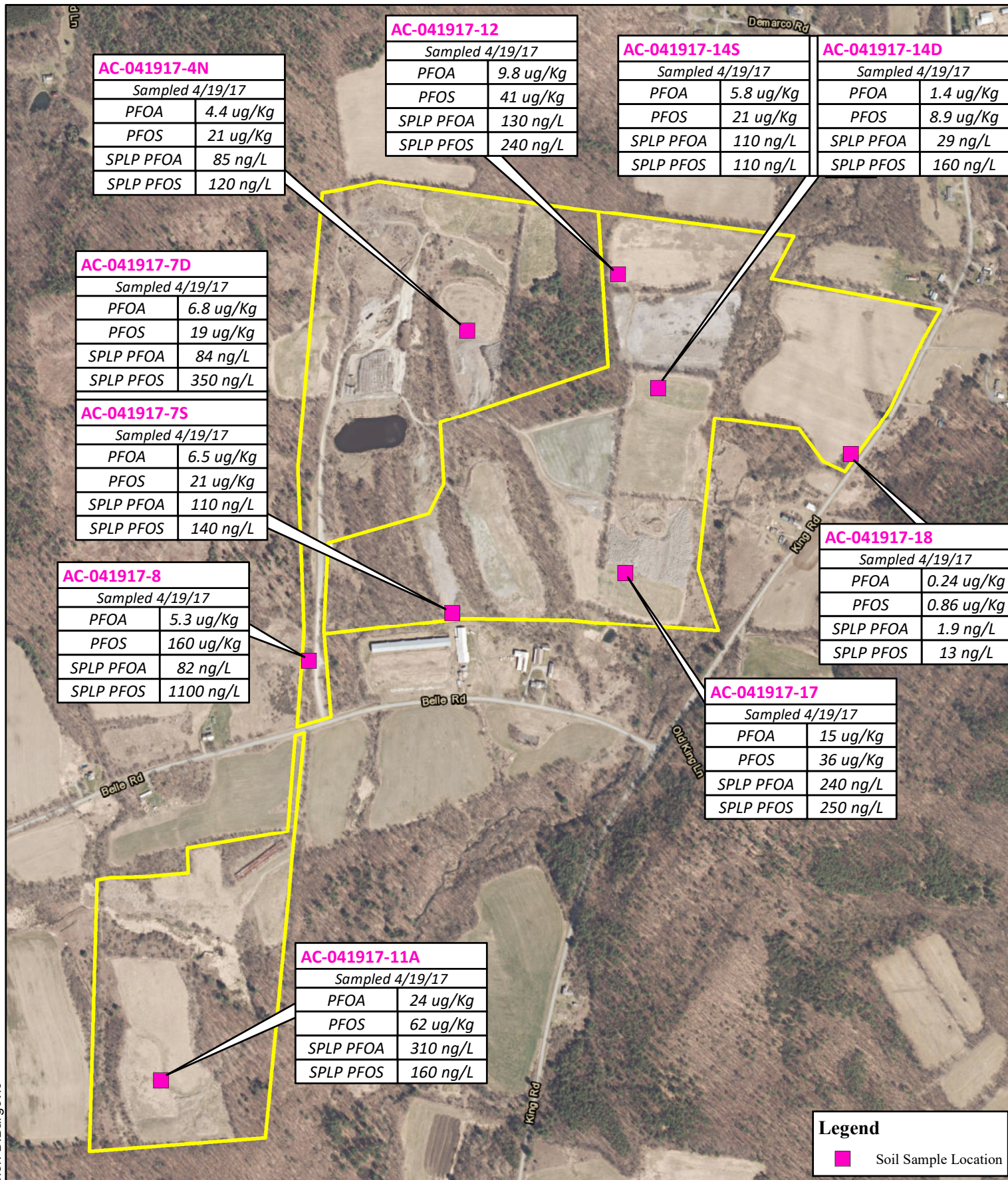
PFOA/PFOS concentrations for the soil samples ranged from the highest value of 165.3 µg/Kg in sample AC-041917-8 collected on the western side of the site to 1.1 µg/Kg in the sample AC-041719-18 collected on the northeastern edge of the site and the furthest away from the compost processing area. Total SPLP PFOA/PFOS results for the soil samples ranged from the high of 1182 ng/L in sample AC-041719-8 to the lowest concentration of 14.9 ng/L in sample AC-041719-18.

Concentrations of PFOA and PFOS were found in the raw paper sludge (26.5 µg/), piled mixtures of paper sludge and yard waste (3.5 µg/Kg and 6.5 µg/Kg), and in the material spread on fields for the aging process (84 µg/Kg).

Groundwater – A summary of the sample locations and analytical results for the groundwater samples, as well as other water samples, are included on the attached Figure III-3. PFOS/PFOA total concentrations in site groundwater in the northwestern portion of the site were reported at concentrations of 160 ng/L in MW-2 and 15 ng/L in MW-3 (in the very northwestern corner of the site at an upgradient location from the processing area). The NYSDEC has set a maximum contaminant level (MCL) for PFOS/PFOA in drinking water of 10 ppt and the EPA has established a health advisory level of 70 ppt for either PFOS or PFOA or both combined. Therefore, the site has contaminated groundwater in excess of the NYSDEC drinking water standard and the EPA health advisory level. Additionally, SPLP analyses have indicated that site soils/materials have been shown to be capable of leaching PFOS/PFOA into water at concentrations above the groundwater standard, presenting the potential for increasing levels of groundwater contamination.

Surface Water – Samples were collected from the on-site stormwater pond on two different occasions and were found to contain PFOS/PFOA total concentrations of 248 ng/L and 227 ng/L (Figure III-3). Additionally, two samples collected from drainage features located on the southern neighboring property reported total PFOA/PFOS concentrations of 219 ng/L (furthest from the site) and 219 ng/L (closest to the site).

Leachate from Composting Pad – A sample of leachate from the composting pad was collected on two separate occasions, in January and in April 2017. Analytical results reported total concentrations of PFOA/PFOS as 420 ng/L and 319 ng/L.



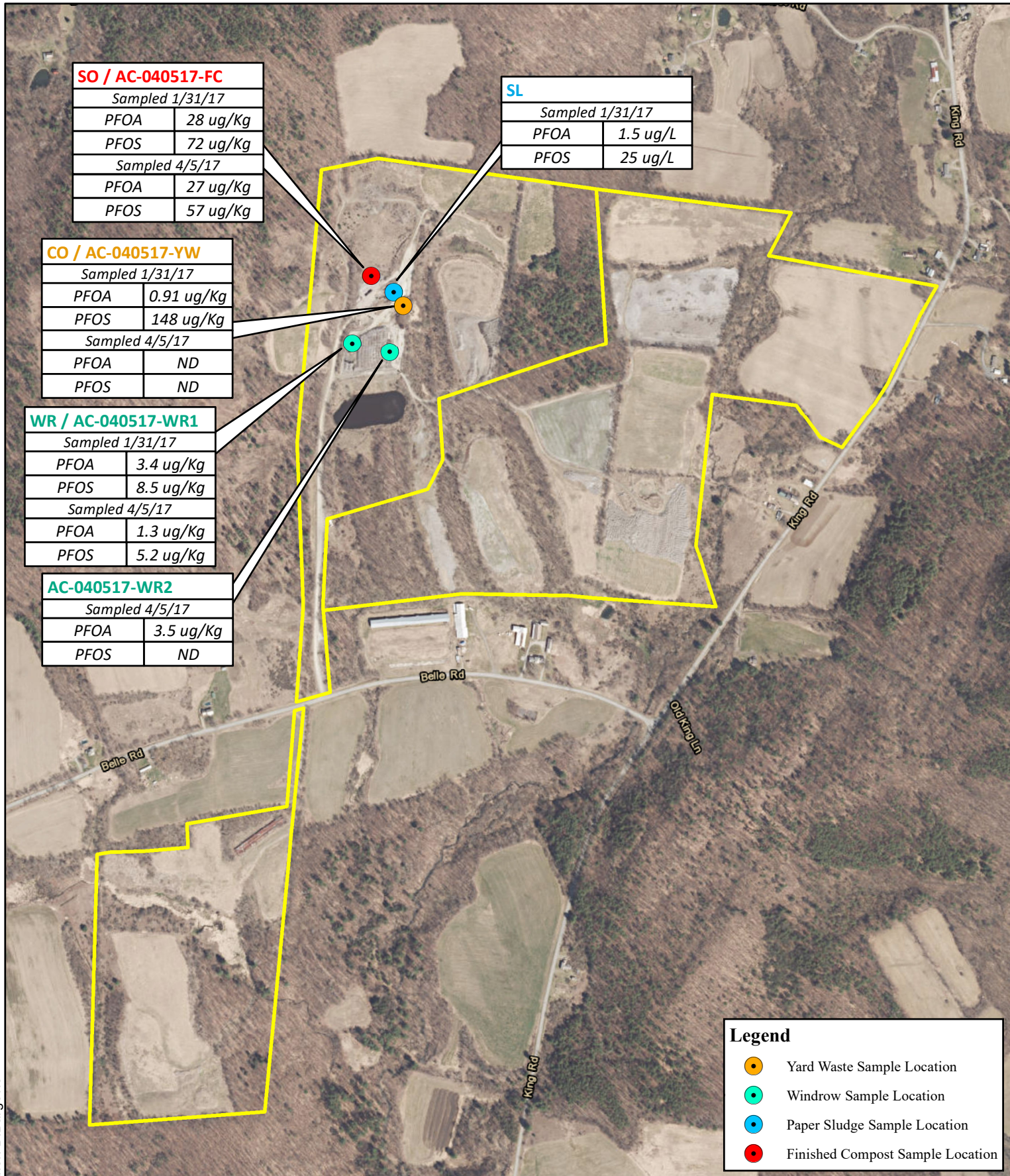
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Scale 1" = 800'

CHA Project No.
057581

III - 1
Soil Sample Location Map
CTI Agri-Cycle Composting Facility
311 Belle Road, Buskirk
Town of Cambridge, Washington County, New York

Image Courtesy of NYS Office of Information Technology Services,
GIS Program Office • Photo Date: 2017

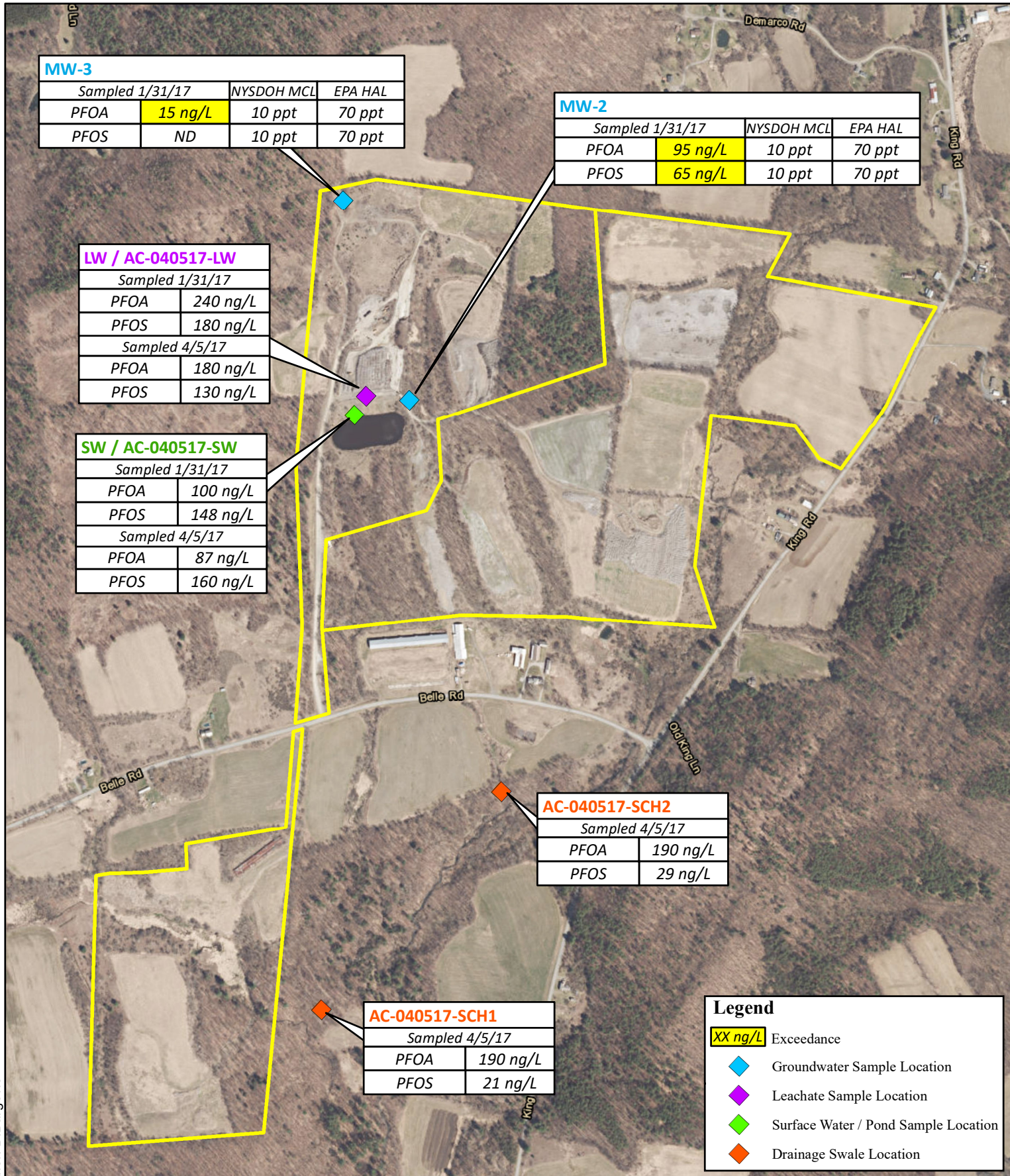


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CHA Project No.
057581

III - 2
Solids Sample Location Map
CTI Agri-Cycle Composting Facility
 311 Belle Road, Buskirk
 Town of Cambridge, Washington County, New York

Image Courtesy of NYS Office of Information Technology Services,
 GIS Program Office • Photo Date: 2017



III - 3

Water Sample Location Map
CTI Agri-Cycle Composting Facility
 311 Belle Road, Buskirk
 Town of Cambridge, Washington County, New York



Scale 1" = 800'

CHA Project No.
057581

Image Courtesy of NYS Office of Information Technology Services,
GIS Program Office • Photo Date: 2017

Part A Section III - Environmental History
Sample Results Table

Sample ID	Sample Location	Sample Date	PFOA	PFOS	Total PFOA/PFOS	Units
SL	Paper Sludge from SCA	1/31/2017	1.5	25	26.5	µg/L
DUPSO	Paper Sludge from SCA - Duplicate	1/31/2017	1.6	25	26.6	µg/L
WR	Windrow Material	1/31/2017	3.4	8.5	11.9	µg/Kg
SO	Finished Compost	1/31/2017	28	72	100	µg/Kg
CO	Yard Waste	1/31/2017	0.91	0.76	1.67	µg/Kg
MW-2	Groundwater	1/31/2017	95	65	160	ng/L
DUPGW	Groundwater - Duplicate	1/31/2017	88	60	148	ng/L
MW-3	Groundwater	1/31/2017	15	ND	15	ng/L
SW	Surface Water - Retention Pond	1/31/2017	100	148	248	ng/L
LW	Leachate from Windrow Stockpile	1/31/2017	240	180	420	ng/L
EB	Equipment Blank	1/31/2017	ND	ND	ND	ng/L
AC-040517-FC	Finished Compost	4/5/2017	27	57	84	µg/Kg Same location as sample SO
AC-040517-YW	Yard Waste	4/5/2017	ND	ND	ND	µg/Kg Same location as sample CO
AC-040517-WR1	Windrow Material (east side of pad)	4/5/2017	1.3	5.2	6.5	µg/Kg
AC-040517-WR2	Windrow Material (west side of pad)	4/5/2017	3.5	ND	3.5	µg/Kg Same location as sample WR
AC-040517-SDUP	solids duplicate (finished compost)	4/5/2017	31	59	90	µg/Kg
AC-040517-SW	Stormwater Pond	4/5/2017	87	140	227	ng/L Same location as sample SW
AC-040517-LW	Leachate from Composting pad	4/5/2017	189	130	319	ng/L Same location as sample LW
AC-040517-SCH1	Schmidt Property - West Drainage	4/5/2017	190	21	211	ng/L
AC-040517-SCH2	Schmidt Property - North Drainage	4/5/2017	190	29	219	ng/L
AC-040517-WDUP	Water duplicate (stormwater pond)	4/5/2017	97	150	247	ng/L
AC-041917-4N	Field 4N	4/19/2017	4.4	21	25.4	µg/Kg
AC-041917-7S	Field 7S	4/19/2017	6.5	21	27.5	µg/Kg
AC-041917-7D	Field 7D	4/19/2017	6.8	19	25.8	µg/Kg
AC-041917-8	Field 8	4/19/2017	5.3	160	165.3	µg/Kg
AC-041917-11A	Field 11A	4/19/2017	24	62	86	µg/Kg
AC-041917-12	Field 12	4/19/2017	9.8	41	50.8	µg/Kg
AC-041917-14S	Field 14S	4/19/2017	5.8	21	26.8	µg/Kg
AC-041917-14D	Field 14D	4/19/2017	1.4	8.9	10.3	µg/Kg
AC-041917-17	Field 17	4/19/2017	15	36	51	µg/Kg
AC-041917-18	Field 18	4/19/2017	0.24	0.86	1.1	µg/Kg
AC-041917-12DUP	Field 12 - Duplicate	4/19/2017	9.5	37	46.5	µg/Kg
AC-041917-4N (SPLP)	Field 4N	4/19/2017	85	120	205	ng/L
AC-041917-7S (SPLP)	Field 7S	4/19/2017	110	140	250	ng/L
AC-041917-7D (SPLP)	Field 7D	4/19/2017	84	350	434	ng/L
AC-041917-8 (SPLP)	Field 8	4/19/2017	82	1100	1182	ng/L
AC-041917-11A (SPLP)	Field 11A	4/19/2017	310	160	470	ng/L
AC-041917-12 (SPLP)	Field 12	4/19/2017	130	240	370	ng/L
AC-041917-14S (SPLP)	Field 14S	4/19/2017	110	110	220	ng/L
AC-041917-14D (SPLP)	Field 14D	4/19/2017	29	160	189	ng/L
AC-041917-17 (SPLP)	Field 17	4/19/2017	240	250	490	ng/L
AC-041917-18 (SPLP)	Field 18	4/19/2017	1.9	13	14.9	ng/L
AC-041917-12DUP (SPLP)	Field 12 - Duplicate	4/19/2017	160	190	350	ng/L

Notes:

Part A Section III - Environmental History
Sample Results Table

- All samples collected by NYSDEC personnel

Part A – Section IV Supplement
Property Description and Environmental Assessment

Part A Section IV

Property Description and Environmental Assessment

Location and Description: The CTI Agri Cycle Site (Site) is located in a rural area located at 308 and 311 Belle Road in Cambridge, Washington County, New York, just east of the intersection of King Road and Belle Road. The Site consists of three adjacent parcels (Tax Map Nos. 280-2-38, 271-3-10 and 271-3-14). Two parcels are located north of Belle Road and west of King Road (northern parcels). The third is located south of King Road and west of Belle Road (southern parcel).

The Site is located in a rural area with a mixture of agricultural land and wooded areas. A Site Location Map (Figure IV-1) and a Site Boundary Map (Figure IV-2) follow this section.

Site Features: The site consists of a mixture of agricultural land and wooded areas. The southern parcel consists of three fields (referred to as fields 9, 10 and 11) and some wooded areas. There is a barn structure and a stockpile area containing paper sludge on the eastern edge of the southern parcel. A dirt road provides access to the fields from Belle Road. The northern parcel consists of sixteen numbered fields (1 through 8 and 12 through 19) with wooded areas interspersed. Stockpile areas containing paper sludge and yard waste and a stormwater retention pond are also located on the northern parcel. One small farm building is located on the northern edge of the northern parcel. Whipple Brook, a NYSDEC Class C stream, passes through a section of the northern parcel and runs adjacent to the remainder of the site as it travels north to south across the area.

Current Zoning and Land Use: The Site is currently used for agricultural purposes as well as for receiving and processing yard waste and paper sludge. These activities consist of receiving raw materials from outside sources and initially processing them in stockpile areas. When ready, these materials are spread on fields in “lifts” to further process the material. Vegetation is allowed to grow on the surface and in some cases, livestock is grazed on the fields. The finished product is compost for export offsite and on-site soil amendment. For on-site purposes, the compost is made on the CTI Agri-Cycle LLC property and then transferred for use on property owned by CTI Demonstration Farms, Inc.

Currently the Site is zoned for agriculture.

Past Use of the Site: This Site has been historically used for agricultural purposes. Aerial photos dating back to the 1950’s show cultivated fields and woodland on the project area. Starting from at least 1994, the site was used to receive residential yard waste and paper sludge from a number of nearby paper mills. These materials were used to create compost material which was then exported offsite to various end users. The processing area and stormwater retention pond were constructed onsite prior to 1994.

In 2017 the NYSDEC investigated potential contamination in source materials and identified perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) contamination in both raw paper sludge and composted material spread on Site fields. PFOA/PFOS contamination was also discovered in site surface water and groundwater as well as on properties located offsite to the South. During the 2017 investigation it was noted that offsite distribution of compost material was prohibited by the DEC.

Part A Section IV
Property Description and Environmental Assessment

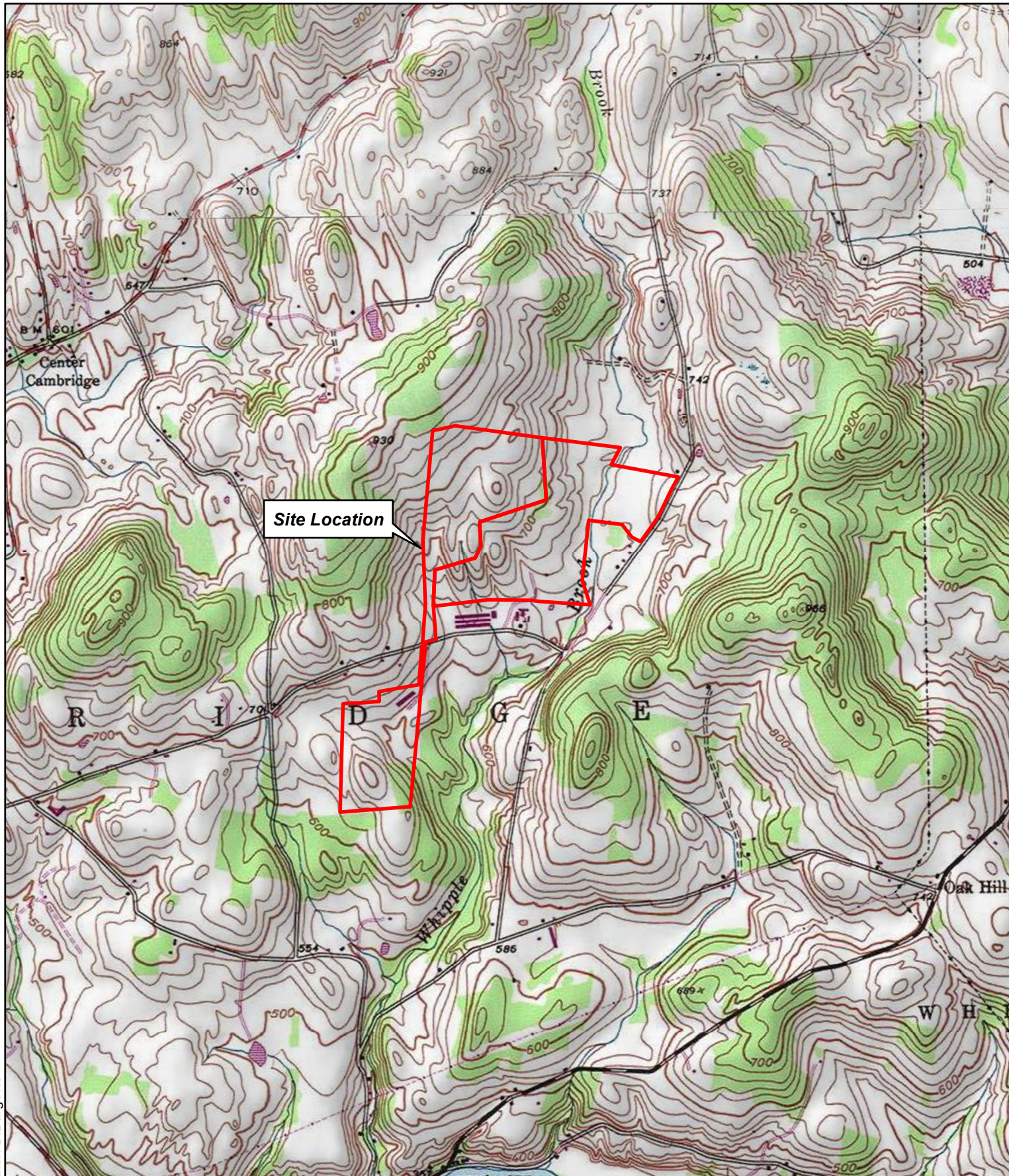
Site Geology and Hydrogeology: The site is located in a hilly area with general drainage to the south into Whipple Brook and ultimately the Hoosick River. Surficial soils at the Site are primarily gravelly or sandy silt loams with lesser amounts of silts and rocky soils. Site soils are underlain primarily by Netop Formation phyllite with lesser areas of Bull Formation Greywacke and some limestones. Depth to bedrock is unknown. A site investigation by the NYSDEC that included groundwater monitoring indicated that depth to groundwater is as little as 5 to 8 feet. Whipple Brook, a tributary of the Hoosick River, flows north to south across the eastern portion of the site before meeting the Hoosick River south of the Site. An artificial stormwater retention pond is located onsite.

Environmental Assessment: Based on the investigations conducted to date, the primary contaminants of concern for the site are PFOS and PFOA.

Soil – PFOS/PFOA were found in Site soils located across the Site. The contaminants were focused in areas used for the storage and processing of paper sludge material as it was being used in the production of compost. Concentrations of PFOA and PFOS were found in the raw paper sludge, piled mixtures of paper sludge and yard waste, and in the material spread on fields for the aging process. Total PFOA/PFOS concentrations ranged from 1.1 ppb to 165.3 ppb.

Groundwater – PFOS/PFOA total concentrations in Site groundwater were detected at a maximum total concentration of 266 ppt. The NYSDEC has set a maximum contaminant level (MCL) for PFOS/PFOA in drinking water of 10 ppt and the EPA has established a health advisory level of 70 ppt for either PFOS or PFOA or both combined. Therefore, the Site has contaminated groundwater in excess of the drinking water standard and the health advisory level. Additionally, recent sampling has indicated that Site materials have been shown to be capable of leaching PFOS/PFOA into water at concentrations above the groundwater standard.

Surface Water – samples were collected from the onsite stormwater pond and were found to contain PFOS and PFOA at a total concentration of 240 ppt. Additionally, a sample collected from Whipple Creek, just offsite and downgradient of the Site, containing contaminants at a total concentration of 219 ppt.



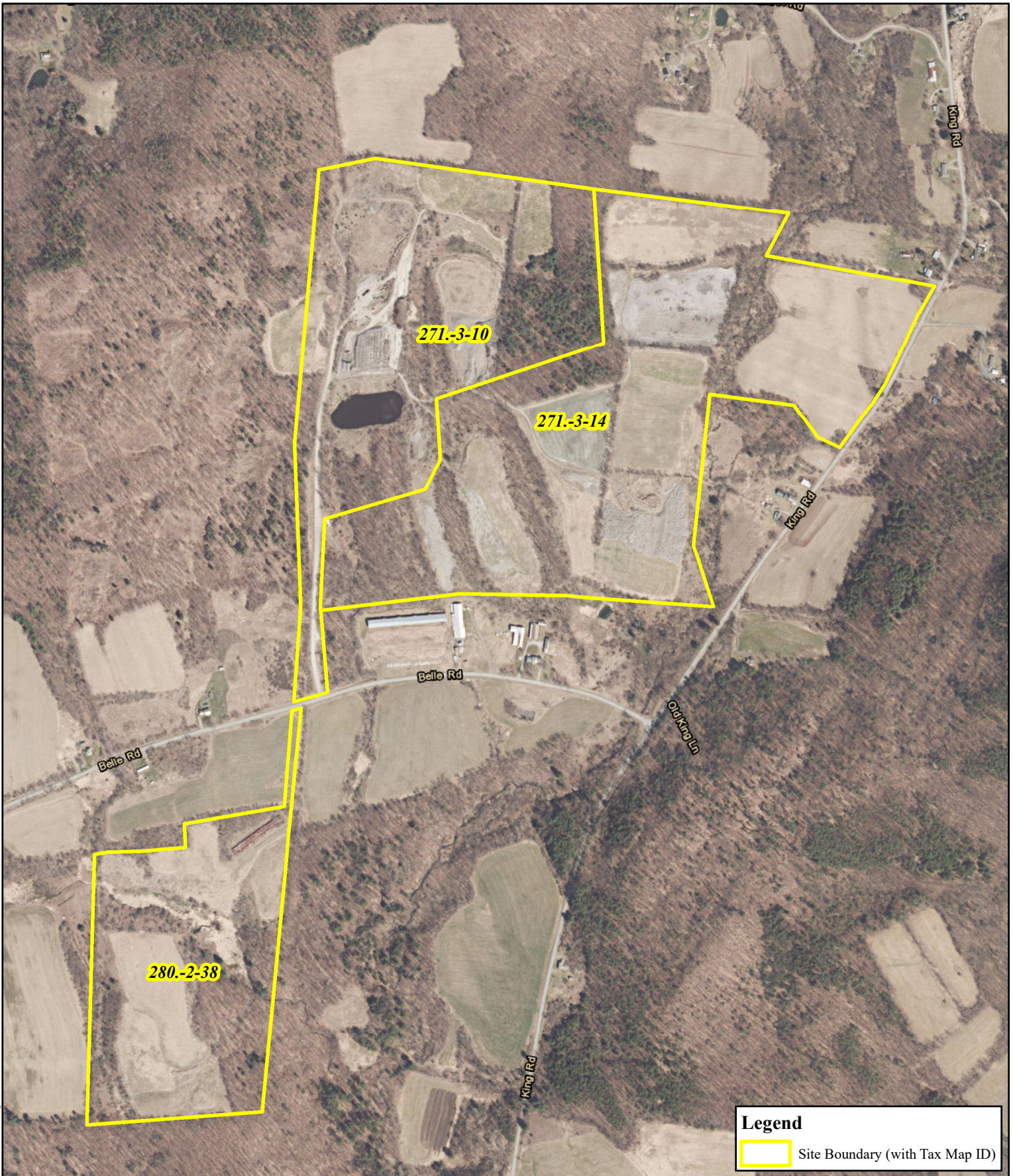
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CHA Project No.
057581

IV - 1
Site Location Map
CTI Agri-Cycle Composting Facility
311 Belle Road, Buskirk
Town of Cambridge, Washington County, New York

Image Courtesy of NYS Office of Information Technology Services,
GIS Program Office • Photo Date: 2017



Legend	
	Site Boundary (with Tax Map ID)

IV - 2

Site Boundary Map
CTI Agri-Cycle Composting Facility

311 Belle Road, Buskirk
Town of Cambridge, Washington County, New York

Image Courtesy of NYS Office of Information Technology Services,
GIS Program Office • Photo Date: 2017
Site Boundary corresponds to Tax Map Boundaries



Scale 1" = 800'

CHA Project No.
057581

Part A - Section IV

Property Tax Maps

Part B – Section VII Supplement
Proof of Site Access

Agri Cycle of Washington County, Inc.
1078 Ash Grove Road
Cambridge, NY 12816

To Whom it may Concern:

I am president of Agri Cycle of Washington County Inc. ("ACWC"). ACWC is the property owner of parcel 271.-3-10, located in the Town of Buskirk, Washington County, New York, with a property address of 311 Belle Rd (the "ACWC Property").

The ACWC Property is operated by CTI Agri-Cycle, LLC ("CTI"). CTI is authorized to undertake investigation and, if necessary, remediation at the ACWC Property under the New York State Brownfield Cleanup Program ("BCP"). CTI has full authorization to access the ACWC Property for any purpose, including granting access to the ACWC Property to any third party. CTI is also authorized to negotiate liens or easements related to the BCP project. CTI's authorization and access the ACWC Property shall remain valid throughout the BCP project.

AGRI CYCLE OF WASHINGTON COUNTY, INC.

By: 

Name: Robert Wilmot

Title: President

Agri Cycle of Washington County, Inc.
1078 Ash Grove Road
Cambridge, NY 12816

To Whom it may Concern:

I am the president of CTI Agri-Cycle, LLC ("CTI")

CTI holds an 80% ownership interest in Agri Cycle of Washington County, Inc. ("ACWC").
I certify that I, through CTI, have authority to bind ACWC.

ACWC is the property owner of parcel 271.-3-10, located in the Town of Buskirk, Washington County, New York, with a property address of 311 Belle Rd (the "ACWC Property").

CTI Demonstration Farm Inc. ("Demonstration Farm") and CTI are authorized to undertake investigation and, if necessary, remediation at the ACWC Property under the New York State Brownfield Cleanup Program ("BCP").

CTI and Demonstration have full authorization to access the ACWC Property for any purpose, including granting access to the ACWC Property to any third party.

CTI and Demonstration Farm are also authorized to negotiate liens or easements related to the BCP project. CTI and Demonstration Farm's authorization and access the ACWC Property shall remain valid throughout the BCP project.

AGRI CYCLE OF WASHINGTON COUNTY, INC.

By:

Name: Eugene N Bernat
EUGENE BERNAT

Title: President, CTI Agri-Cycle, LLC
Director, Agri Cycle of Washington County, Inc.

CTI Demonstration Farm Inc.
228 Mendon Street
Upton, MA 01568


To Whom it may Concern:

I am an authorized officer of CTI Demonstration Farm Inc. ("Demonstration Farm"). Demonstration Farm is the property owner of parcels 271.-3-14 and 280.-2-38, located in the Town of Buskirk, Washington County, New York, with a property address of 311 Belle Rd (the "Demonstration Farm Property").

The Demonstration Farm Property is operated by CTI Agri-Cycle, LLC ("CTI"). CTI is authorized to undertake investigation and, if necessary, remediation at the Demonstration Farm Property under the New York State Brownfield Cleanup Program ("BCP"). CTI has full authorization to access the Demonstration Farm Property for any purpose, including granting access to the Demonstration Farm Property to any third party. CTI is also authorized to negotiate liens or easements related to the BCP project. CTI's authorization and access the Demonstration Farm Property shall remain valid throughout the BCP project.

CTI Demonstration Farm Inc.

By:

Name: 
Eugene Bernat

Title: Authorized Officer

Part B – Section X

Land Use Factors

Part A Section X
Land Use Factors

Current Land Use: The Site is currently used for agricultural purposes as well as for receiving and processing yard waste and paper sludge. These activities consist of receiving raw materials from outside sources and initially processing them in stockpile areas. When ready, these materials are spread on fields in “lifts” to further process the material. Vegetation is allowed to grow on the surface and in some cases, livestock is grazed on the fields. The finished product is compost for export offsite and on-site soil amendment. For on-site purposes, the compost is made on the CTI Agri-Cycle LLC property and then transferred for use on property owned by CTI Demonstration Farms, Inc.

Potential sources of contamination include the imported paper sludge material that is the primary source of contamination on-site. However, since the finished compost includes the impacted paper sludge, the compost is considered a secondary source of the contamination. The Site is currently operating; however, exporting of materials has ceased at this time.

Following any remedial actions for the Site, the anticipated post-remediation use of the site will continue to be for composting and agricultural uses.

Part B – Section IX Supplement

Contact List Information

Part A Section IX
Contact List Information

1. Local Government

Washington County						
Board of Supervisors Chair	Robert A Henke	Municipal Center	383 Broadway, Building B	Fort Edward	NY	12828
Agriculture, Planning, Touris & Community Development Chairman	Jay B Skellie	Municipal Center	383 Broadway, Building B	Fort Edward	NY	12828
Town of Cambridge						
Town Supervisor	Catherine Fedler	Cambridge Town Hall	846 County Route 59	Cambridge	NY	12816
Planning Board Chair	Eric Pearson	Cambridge Town Hall	846 County Route 59	Cambridge	NY	12816

2. Adjacent Properties

271.-3-11.1	Robert Wilmont		1078 Ashgrove Rd	Cambridge	NY	12816
271.-3-13	David B Wilmont and Gretchen Wilmont		281 Belle Rd	Buskirk	NY	12028
271.-3-13	Gretchen Wilcont		266 Belle Rd	Buskirk	NY	12028
271.-3-13.1	Michael L Crandall		266 Belle Rd	Buskirk	NY	12028
271.-3-7-13	Phyllis A Demarco		577 Demarco Ln	Buskirk	NY	12028
271.-3-12	Anthony C DeMarco and Tia M Demarco		67 Demarco Ln	Buskirk	NY	12028
271.-2-21	Shane M Franklin and Ann S Franklin		12 Woodward Ln	Cambridge	NY	12816
271.-3-15	James Wilmont		457 King Rd	Buskirk	NY	12028
271.-3-15.1	Patrick Scheuer and Elizabeth Wilmont		55 Cold Spring Ln	Eagle Bridge	NY	12057
280.-2-1	Timothy N Trinkle and Ann B Trinkle		70 County Rt 59A	Buskirk	NY	12028
280.-2-1.1	Elyssa M Macura		253 Belle Rd	Buskirk	NY	12028
280.-2-6.1	Dorothy J Harrop and David Kievit		60 Dickensens Rd	Buskirk	NY	12028
280.-2-9	Copses Farms, LLC		355 Master St	Valley Falls	NY	12185
280.-2-39	David B Wilmont, Jr		281 Belle Rd	Buskirk	NY	12028
280.2-40	David B Wilmont, Jr and Gretchen Wilmont		281 Belle Rd	Buskirk	NY	12028
280.2-40.2	David B Wilmont, Jr and Gretchen S Wilmont		281 Belle Rd	Buskirk	NY	12028
272.-1-8.2	Paul M Nieckarz, II		500 King Rd	Buskirk	NY	12028
272.-1-10	Paul M Nieckarz		516 King Rd	Buskirk	NY	12028
272.-1-11	Paul M Nieckarz, II		500 King Rd	Buskirk	NY	12028
272.-1-10.4	Eileen Wheeler		132 Duell Hollow Rd	Buskirk	NY	12028

3. Local Media

The Eagle Newspaper			P.O. Box 493	Cambridge	NY	12816
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4. Pubic Water Supplier

No public water supply in the project vacinity.

5. Persons who requested Inclusion

None at this time.

6. Local School or Day Care Administrator

No schools or day care facilities on or near the property. Nearest is Cambridge Central School, over 3 miles away.

7. Document Repository

Cambridge Public Library			21 W. Main Street	Cambridge	NY	12816
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