

## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

#### **6 NYCRR Part 375-1.9(d)**

**Fmr Endicott Johnson – Ranger Paracord, Southern Seg., C704048**

**Village of Johnson City, Broome County**

**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 Stella Ireland Road Associates, LLC for a parcel approximately 17.04 acres located at the 90 Lester Avenue in the Village of Johnson City, Broome 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):

- ☐ 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 Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Broome County as Book 2302 of Deeds at Pages 374 and 474.

**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**, 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 be 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 7 office located at 615 Erie Boulevard West, Syracuse, New York 13204-2400, by contacting the Regional Environmental Remediation Engineer.

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

(Applicant)

By: [Signature]

Title: Member

Date: 12/30/09

STATE OF NEW YORK ) SS:  
COUNTY OF Broome )

On the 30<sup>th</sup> day of December, in the year 2009, before me, the undersigned, personally appeared Marc Newman, 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.

Patricia Olson, Notary Public  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

(Applicant) \_\_\_\_\_

(Applicant address) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12/03/09

PATRICIA OLSON  
Notary Public, State of New York  
No. 01OL6113776  
Residing in Chenango County  
My Commission Expires 8-2-12



# FACT SHEET

## Brownfield Cleanup Program

Former Endicott-Johnson Ranger Paracord Facility  
Southern Parcel  
BCP# C704048  
Johnson City, NY

December 2009

### NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that Volunteers, Stella Ireland Road Associates, LLC (“Stella”) have achieved cleanup requirements to address contamination related to the Former Endicott-Johnson Ranger Paracord Facility Southern Parcel located at 90 Lester Avenue, Johnson City, Broome County, New York under New York’s Brownfield Cleanup Program (BCP). See map for site location.

NYSDEC has issued a Certificate of Completion to the applicant regarding the site. The applicant is now eligible to redevelop the site. A copy of the Notice of the Certificate of Completion is available at the locations identified below under “Where to Find Information”.

#### Completion of Project

Remedial activities were instituted at the site beginning in June 2005 and included the following:

1) removal of the onsite groundwater wells and supply wells (note that demolition and removal of the former building slabs was conducted as part of the remedial investigation); 2) excavation and offsite disposal of onsite materials (soil, sediment, debris, etc.) that contained compounds above NYSDEC cleanup criteria or asbestos containing materials, that were either encountered during removal of subsurface building features and underground utilities, or during the installation of new utilities; 3) placing a demarcation layer and at least 1 foot of clean NYSDEC-approved cover over the Site and/or installing other restrictive measures where cover could not be placed (e.g. – fencing). Remedial activities were completed in November 2008.

**Brownfield Cleanup Program:** New York’s Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:

[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

Below the demarcation layer and cover system, residual levels of compounds still exist in site soils. Therefore, institutional and engineering controls have been employed as described in the section below.

The Site Management Plan (SMP) was approved on October 21, 2009 and was submitted to the NYSDEC as a final copy concurrently with the Final

Engineering Report (FER) dated November 4, 2009. The SMP included an Engineering and Institutional Controls Plan including an Excavation Management Plan, and a Monitoring Plan. Together these plans describe: the provisions needed to implement and assure the integrity of the engineering controls; the management of Site soil materials; and the implementation of Site monitoring and reporting.

### **Institutional Controls/Engineering Controls**

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

The following institutional and/or engineering controls have been put in place on the site:

- 1) Environmental Easement (Institutional Control) – requiring no change in site use; no use of site groundwater without prior NYSDEC approval; and maintenance and monitoring of engineering controls. The Environmental Easement was filed with the Broome County Clerk on December 10, 2009.
- 2) Engineering Controls – The aforementioned demarcation layer and cover system act as the Engineering Control for the Site. The engineering control consists of a demarcation layer (non-woven geotextile fabric over the main site and orange snow fencing in utility excavations) above which is 1 to 8 feet of NYSDEC-approved cover from offsite sources to serve as a contact barrier for human exposure to residually contaminated soil/fill remaining at the Site. Construction and installation of engineering controls was completed in November 2008.

### **Next Steps**

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report submitted by the applicant. The Final Engineering Report includes: 1) a description of the cleanup activities completed; 2) certification that remedial requirements have been achieved at the site; 3) a description of any institutional/engineering controls to be used; and 4) a certification that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

**Background**

NYSDEC previously accepted an application from the applicant to participate in the Brownfield Cleanup Program. The application proposes that the site will be used for commercial or industrial purposes.

The portion of the former Endicott-Johnson Ranger Paracord facility that is the subject of this Fact Sheet is approximately 15 acres in size and is located in an area of industrial, residential, and commercial properties. The Southern Parcel is part of a larger approximately 27-28 acre parcel that included the Gannett Parcel, which was remediated under a separate BCA, redeveloped into the Gannett Printing Facility and received a Certificate of Completion in December 2006. The entire facility (Southern and Gannett Parcel) was formerly occupied by the Endicott-Johnson company and used for shoe rubber manufacturing operations. The main contaminants encountered at the site were polycyclic aromatic hydrocarbons (PAHs) and metals, specifically arsenic, lead, and copper. Previous investigations have been conducted at the facility under the Voluntary Cleanup Program prior to transition into the Brownfield Cleanup Program in September 2005. A polychlorinated biphenyl (PCB) investigation and remediation took place on the Site in 2005 and 2006 under as part of a PCB Interim Remedial Measure (IRM) and Toxic Substances Control Act (TSCA) Self-Implementing Plan; and as part of remedial activities associated with the northern adjacent Gannett Parcel, which received a certificate of completion in December 2006.

A Supplemental Investigation Work Plan was submitted in October 2005, and investigation activities associated with that work plan (including the removal of onsite building slabs) were completed in December 2006 and summarized in a Supplemental Remedial Investigation Report dated July 2007. Follow up investigation activities took place in November 2007, which were summarized in the Revised Supplemental Remedial Investigation Addendum dated January 2008.

A Remedial Alternatives Analysis (RAA) and Remedial Action Work Plan (RAWP) were submitted to the NYSDEC on March 17, 2008 and subsequently approved on June 5, 2008. The RAA/RAWP summarized the proposed remedial approach to the Site. The Site remedy was completed in November 2008. A Final Engineering Report and associated Site Management Plan were submitted to the NYSDEC in January 2009. Final approval of the FER from the NYSDEC was given with the Certificate of Completion for the site on December 22, 2009.



## **FOR MORE INFORMATION**

### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed. These documents include the Notice of the Certificate of Completion.

Village of Johnson City - City Clerk  
Jennifer Kakusian  
243 Main Street  
Johnson City, NY 13790  
(607) 798-7861

Your Home Public Library  
107 Main Street  
Johnson City, NY 13790  
(607) 797-4816  
Mon – Thurs: 9:00 am to 8:30 pm  
Fri – Sat: 9:00 am to 5:00 pm

Broome County Public Library  
185 Court Street  
Binghamton, NY 13901  
(607) 778-6400  
Mon – Thurs: 9:00 am to 8:00 pm  
Fri – Sat: 9:00 am to 5:00 pm

### **Who to Contact**

Comments and questions are always welcome and should be directed as follows:

#### Project Related Questions

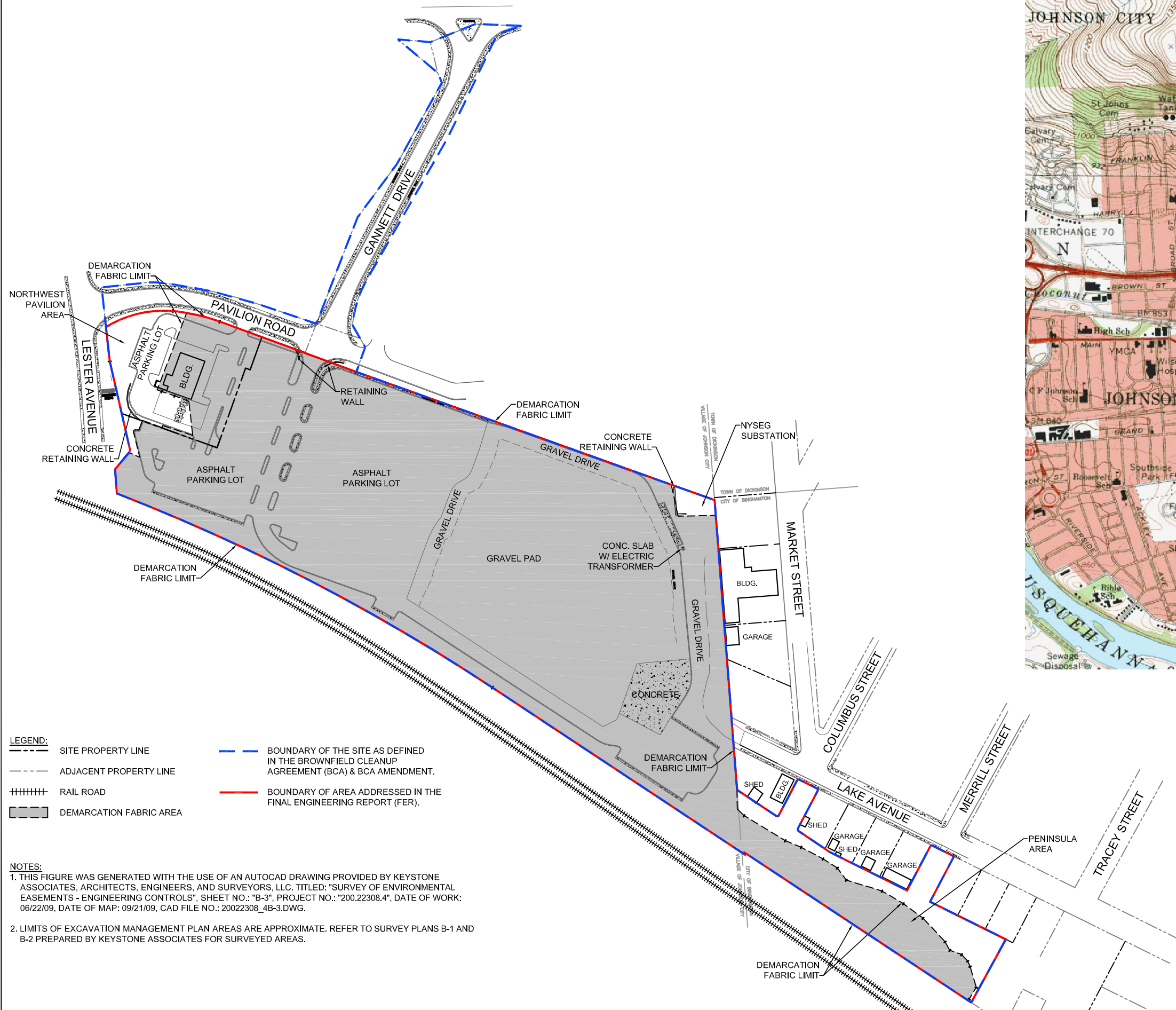
Mr. Gary Priscott  
New York State Department of  
Environmental Conservation  
Kirkwood Sub-Office, Region 7  
1679 NY Route 11  
Kirkwood, NY 13795-1602  
(607) 775-2545, Ext. 116  
gwprisco@gw.dec.state.ny.us

#### Health Related Questions

Dr. Krista Anders  
New York State Department of Health  
Bureau of Environmental Exposure  
Investigation  
547 River Street, Room 300  
Troy, NY 12180-2216  
(518) 402-7860  
kma06@health.state.ny.us

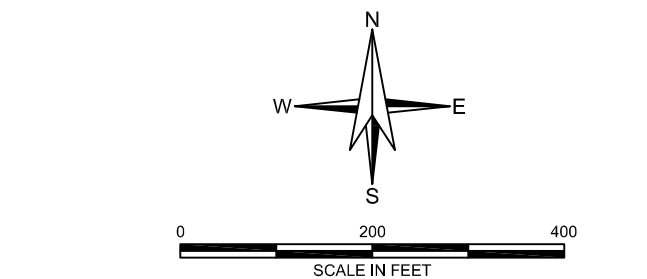
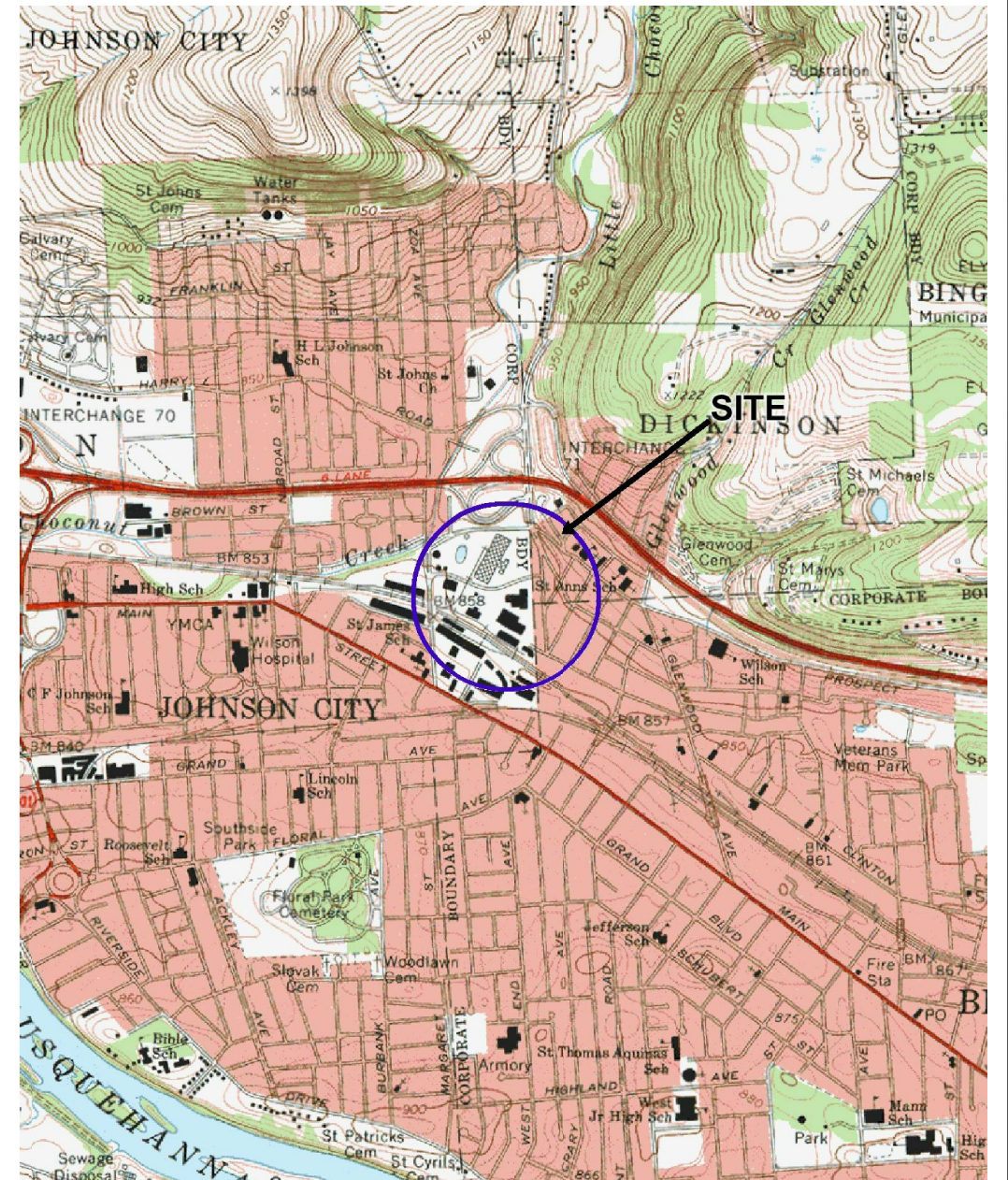
**If you know someone who would like to be added to the site contact list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.**

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- LEGEND:**
- |       |                         |     |  |
|-------|-------------------------|-----|--|
| ---   | SITE PROPERTY LINE      | --- | BOUNDARY OF THE SITE AS DEFINED IN THE BROWNFIELD CLEANUP AGREEMENT (BCA) & BCA AMENDMENT. |
| ---   | ADJACENT PROPERTY LINE  | --- | BOUNDARY OF AREA ADDRESSED IN THE FINAL ENGINEERING REPORT (FER).                          |
| +++++ | RAIL ROAD               |     |  |
| ---   | DEMARCATION FABRIC AREA |     |  |

- NOTES:**
- THIS FIGURE WAS GENERATED WITH THE USE OF AN AUTOCAD DRAWING PROVIDED BY KEYSTONE ASSOCIATES, ARCHITECTS, ENGINEERS, AND SURVEYORS, LLC, TITLED: "SURVEY OF ENVIRONMENTAL EASEMENTS - ENGINEERING CONTROLS", SHEET NO.: "B-3", PROJECT NO.: "200.22308.4", DATE OF WORK: 06/22/09, DATE OF MAP: 09/21/09, CAD FILE NO.: 20022308\_4B-3.DWG.
  - LIMITS OF EXCAVATION MANAGEMENT PLAN AREAS ARE APPROXIMATE. REFER TO SURVEY PLANS B-1 AND B-2 PREPARED BY KEYSTONE ASSOCIATES FOR SURVEYED AREAS.



**HALEY & ALDRICH** FORMER ENDICOTT-JOHNSON RANGER PARACORD SITE  
SOUTHERN PARCEL  
JOHNSON CITY, NEW YORK

PROJECT LOCUS AND SITE PLAN

SCALE: AS SHOWN  
NOVEMBER 2009

FIGURE 1