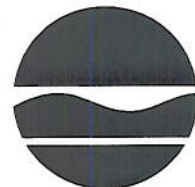


**New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor**

625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • **FAX:** (518) 402-9020
Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

OCT 06 2008

Timothy Cramer
Assistant Secretary
CVS Blasdell Drug, LLC
1 CVS Drive
Woonsocket, Rhode Island 02895

**RE: Certificate of Completion
Jonnie's Porta Signs
3734 South Park Avenue
Village of Blasdell, Erie County**

Dear Mr Cramer:

The New York State Department of Environmental Conservation is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion to be issued for the above referenced site. Enclosed please find an original Certificate issued on October 6, 2008.

With the issuance of this Certificate, please note that the Environmental Conservation Law (ECL) requires the following:

- As required by ECL 27-1419.8, a notice of this Certificate must be recorded in the recording office for the County (or Counties) where any portion of the Site is located within 30 days of the date of issuance, if the Certificate is issued to the Site owner, or within 30 days of acquiring title to the Site, if the Certificate is issued to a prospective purchaser of the Site. A copy of the standard notice form is attached.
- As required by ECL 27-1417.3(i), since institutional and/or engineering controls (IC/ECs) are required at the site, a notice of this Certificate and a fact sheet describing such controls must be provided to the Brownfield Site Contact List within 10 days of the date of issuance.
- As required by ECL 27-1415.7, since the site is now in the site management phase, as remedial party/site owner, you are required to periodically certify that the Institutional Controls (ICs) for the site remain in effect, and submit periodic IC Certifications to the Department in a Periodic Review Report (PRR). The first PRR including the certification of the ICs/ECs, is due to the Department by April 30, 2010.

If you have any questions regarding any of these items, please contact Eugene Melnyk at 716-851-7220.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dale A. Desnoyers", with a stylized flourish at the end.

Dale A. Desnoyers

Director

Division of Environmental Remediation

Enclosures:

Notice of Certificate of Completion
Certificate of Completion
COC Issuance Factsheet

cc w/o enc. Eugene Melnyk/NYSDEC
Martin Doster/NYSDEC
Robert Knizek/NYSDEC
Richard Fedigan/NYSDOH
Maura Desmond/NYSDEC

Please record and return to:
Timothy Cramer
CVS Blasdell Drug, LLC
1 CVS Drive
Woonsocket, Rhode Island 02895

NOTICE OF CERTIFICATE OF COMPLETION

State of New York
(County)

The undersigned, being duly sworn, hereby deposes and states:

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) for the Jonnies Porta-Signs Site (BCP Site No C915192).

The Certificate was issued on October 6, 2008 to CVS Blasdell Drug, LLC for a parcel approximately 0.58 acres in size located at 3734 South Park Avenue in the Village of Blasdell, Erie County. A metes and bounds description of the Site subject to this Certificate is attached to the Certificate as Exhibits A (map) and B (survey) to the Environmental Easement.

The Certificate entitles the Certificate holder(s) 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.

A copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo New York 14203, by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being filed with the Erie County Clerk's office in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site notice of the Certificate.

WHEREFORE, the undersigned has signed this Notice of Certificate

CVS Blasdell Drug, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 200__, 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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION**

CERTIFICATE OF COMPLETION

Certificate Holder(s):

Timothy Cramer,
Assistant Secretary
CVS Blasdell Drug, LLC
1 CVS Drive
Woonsocket, Rhode Island 02895
Tax ID No: 05-0502148

Site Information:

Site Name: **Jonnie's Porta Signs**
Site Owner(s): **SCP 2006-C23-186 LLC**
Site Location: **3734 South Park Avenue -
Village of Blasdell, Town of Hamburg
Erie County**

DER Site Number: **C915192**

Brownfield Site Cleanup Agreement: **B9-0683-05-03**

Effective Date of Brownfield Site Cleanup Agreement : **May 31, 2005**

Site Description: The BCP site is 0.58 acre parcel located at the southeast corner of Lake and South Park Avenues that was formerly used as an automobile service and gasoline station. The BCP site is adjacent to a larger development project undertaken by CVS which include three adjoining parcels used to develop a new pharmacy store. The BCP site is located in the Village of Blasdell and is situated in a commercial district. The BCP site was remediated to remove petroleum impacted soils and other contaminants of concern including metals and semi-volatile compounds. The BCP site was redeveloped into pharmacy customer parking facilities and landscaping for the newly constructed pharmacy store on the adjoining parcels.

A metes and bounds description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

Tax Map Identification Number(s): **151.63-5-1.1**

Percentage of site located in an EnZone? 0-49% X 50-99% 100%

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 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.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

☐ Unrestricted Use (Track 1)
☒ Restricted Use
☒ Track 2 ☐ Track 3 ☐ Track 4
☐ Residential ☐ Restricted Residential ☒ Commercial ☒ Industrial

The Remedial Program includes use restrictions or reliance on 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 Erie County in liber 11146, page 7506.

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

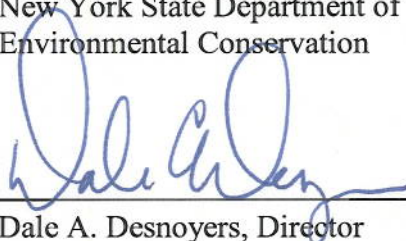
that it was qualified as a Volunteer;

- (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) 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;
- (5) the terms and conditions of the environmental easement have been intentionally violated; or
- (6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30 day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Alexander B. Grannis,
Commissioner
New York State Department of
Environmental Conservation

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

Date of Issuance: OCT 06 2008



FACT SHEET

Brownfield Cleanup Program

Jonnie's Porta-Sign (CVS Blasdel Drug, LLC)
3734 South Park Avenue, Blasdel, Erie County

C915192
September 2008

NYSDEC Certifies Completion of Cleanup Activities at Former Jonnie's Porta-Sign Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that CVS Blasdel Drug, LLC has completed cleanup activities and met cleanup objectives to address contamination at the former Jonnie's Porta-Sign site (current CVS Blasdel Drug, LLC pharmacy) located at 3734 South Park Avenue in the Village of Blasdel, Erie County. Cleanup work was performed under New York State's Brownfield Cleanup Program (BCP). NYSDEC has issued a Certificate of Completion to CVS Blasdel Drug, LLC, which is now eligible to redevelop the site. A copy of the Certificate of Completion is available for public review at the locations listed on page 2 of this fact sheet.



CERTIFICATE OF COMPLETION

The Certificate of Completion issued by NYSDEC contains:

- 1) a description of the cleanup activities completed;
- 2) a certification that cleanup objectives have been or will be achieved;
- 3) the boundaries of the site;
- 4) a description of any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as an environmental easement, when the cleanup action leaves residual contamination that 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;
- 5) a certification that an operation, monitoring and maintenance plan for any engineering controls used at the site has been approved by NYSDEC.

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 and business.

A **brownfield** is any 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

SITE BACKGROUND

The CVS Blasdel Drug site is a .58 acre property located in a mixed commercial and residential area of Blasdel. A gas station was formerly located at the site. An environmental investigation conducted at the site identified petroleum-related contamination in the site's soil and groundwater. The investigation also revealed that fill material on the site contained elevated levels of metals, and that several underground storage tanks (USTs) had been removed from the site.

In May 2005, the site was enrolled in the Brownfield Cleanup Program. Investigation and cleanup activities

conducted in 2005 included the following actions:

- Installing soil borings and monitoring wells to assess the location of suspected contamination;
- Digging test pits to detect the presence of USTs;
- Removing two abandoned petroleum fuel USTs, one waste oil UST, as well as UST piping and former fuel pump islands on the site;
- Excavating two in-ground hydraulic lifts;
- Excavating and disposing of approximately 2,822 cubic yards of petroleum-impacted soil associated with the USTs and hydraulic lifts;
- Excavating and disposing of approximately 998 cubic yards of fill material;
- Collecting samples following contaminated soil removal to confirm cleanup objectives had been met; and
- Backfilling contaminated soil excavations with clean soil and structural fill necessary for site redevelopment.

All contaminated material was properly disposed of at an off-site permitted facility. Metal from the USTs and hydraulic lifts were reclaimed as scrap metal. Following cleanup, residual contamination in the soil is now at levels acceptable for commercial redevelopment of the property. Cleaned up areas have been redeveloped into parking and landscape settings for a newly constructed pharmacy on an adjacent lot. An environmental easement will be established that will restrict the future use of the site to commercial use only.

NEXT STEPS

NYSDEC issued the Certificate of Completion based on review and approval of a Remedial Action Report (RAR) submitted by CVS Blasdel Drug, LLC. The RAR described the cleanup activities completed and certified that cleanup requirements have been achieved for the site.

With its receipt of a Certificate of Completion, CVS Blasdel Drug, LLC is eligible to redevelop the site. In addition, CVS Blasdel Drug, LLC:

- 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.

LOCATIONS TO VIEW PROJECT RELATED DOCUMENTS

DEC will place copies of the approved Remedial Action Report, as well as other relevant documents for this site, at the following locations:

NYS Department of Environmental Conservation, R9 Office
270 Michigan Avenue
Buffalo, NY 14203-2399
(716) 851-7220
(Mon-Fri, 8:30 AM to 4:30 PM – please call for appointment)

Blasdel Village Hall
121 Miriam Avenue
270 Blasdel, NY
(716) 822-1921

FOR MORE INFORMATION

Questions are always welcome and should be directed as follows:

Site Related Project Questions

Mr. Eugene W. Melnyk, PE
Project Manager
NYSDEC
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7220
Email: ewmelnyk@gw.dec.state.ny.us

Site Related Health Questions

Mr. Cameron O'Connor
Public Health Specialist
New York State Department of Health
582 Delaware Avenue
Buffalo, NY 14202
(716) 847-4385
Email: cho01@health.state.ny.us