

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
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MAY 11 2016

Ms. Adriana Le Blan, Esq.  
Assistant Corporation Counsel  
Department of Law  
City Hall, Room 106  
24 Eagle Street  
Albany, NY 12207

Re: Certificate of Completion  
Site Name: Henry Johnson Boulevard Properties  
Site No. E401049  
SAC No. C302759  
City of Albany, Albany County

Dear Ms. Le Blan:

As requested, enclosed is a revised Environmental Restoration Program (ERP) Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) has made the requested edits to the Site Owner information on the COC. The revised COC is enclosed. Please discard the previously provided COC. Please note that the requirements found in DEC's March 30, 2016 COC cover letter still stand, and are not reiterated in this letter. If you have any further questions regarding the requirements or any other item related to DEC's March 30, 2016 letter, please contact the project manager for this site, Larry Alden, at 518-402-9767.

Sincerely,



Robert W. Schick, P.E.  
Director

Division of Environmental Remediation

Enclosure

ec: Honorable Kathy Sheehan, Mayor ([mayor@albanyny.gov](mailto:mayor@albanyny.gov))  
Faye Andrews – Albany County Development Agency ([fandrews@albanyny.gov](mailto:fandrews@albanyny.gov))  
Krista Anders, DOH  
Albert DeMarco, DOH  
Justin Deming, DOH  
Larry Alden, DEC  
Michael Komoroske, DEC  
Robert Cozzy, DEC  
James Quinn, DEC  
Dolores Tuohy, DEC  
Bradford Burns, DEC



Department of  
Environmental  
Conservation

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

City of Albany

**Address**

City Hall, Room 103, Albany, NY 12207

**SITE INFORMATION**

**Site No.:** E401049 **Site Name:** Henry Johnson Boulevard Properties

**State Assistance Contract No.:** C302759

**Site Owner:** Albany Community Development Agency

**Street Address:** Clinton Ave, Henry Johnson Blvd and 1st St.

**Municipality:** Albany **County:** Albany **DEC Region:** 4

**Site Size:** 0.344 Acres

**Tax Map Identification Number(s):** 65.64-5-1, 65.64-5-2, 65.64-5-23, 65.64-5-4, 65.64-5-5

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

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

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 State Assistance Contract, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the ERP:** Commercial and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Albany County with recording identifier R2016-3696.

**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 56-0509. 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 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 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 56-0509(1) and 6NYCRR Part 375.

### **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 6NYCRR Part 375-1.9(e) upon a finding that:

(1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;

(2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;

(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

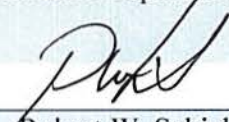
(5) the environmental easement as implemented, if applicable, is not protective or enforceable;  
or

(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.

Basil Seggos  
Acting Commissioner  
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: MARCH 30, 2016