

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

DEC 01 2015

Honorable Ann Thane
Mayor
City of Amsterdam
61 Church Street
Amsterdam, NY 12010

Re: Certificate of Completion,
Site Name: Chalmers Building
Site No.: E429011
SAC No.: C303155
Amsterdam, Montgomery Co.

Dear Mayor Thane:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of Amsterdam undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (DEC) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result, DEC is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The City of Amsterdam is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the City of Amsterdam fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that DEC has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:



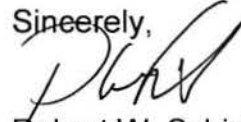
Department of
Environmental
Conservation

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide DEC with proof of filing within 30 days of receipt. A standard notice form is attached to this letter;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in March 2017.

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

If you have any questions, please do not hesitate to contact Larry Alden, DEC's project manager for this site, at 518-402-9767.

Sincerely,



Robert W. Schick, P.E.
Director

Division of Environmental Remediation

Enclosures

cc: Krista Anders, DOH
Albert DeMarco, DOH
Michael Ryan, DEC
Robert Cozzy, DEC
Larry Alden, DEC
Michael Komoroske, DEC
James Quinn, DEC
Dolores Tuohy, DEC
Bradford Burns, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

City of Amsterdam

Address

City Hall, Amsterdam, NY 12010

SITE INFORMATION

Site No.: E429011 **Site Name:** Chalmers Building

State Assistance Contract No.: C303155

Site Owner: City of Amsterdam

Street Address: 21-41 Bridge Street & 32 Gilliland Avenue

Municipality: Amsterdam **County:** Montgomery **DEC Region:** 4

Site Size: 3.300 Acres

Tax Map Identification Number(s): 055.42-1-13, 55.42-1-14

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 Montgomery County with recording identifier 2015-63895.

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;

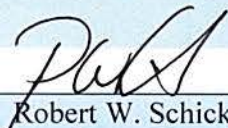
(5) the environmental easement as implemented, if applicable, is not protective or enforceable;
or

(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:

December 1, 2015

NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)

Chalmers Building, Site ID No. E429011

Site Address: 21-41 Bridge Street & 32 Gilliland Avenue, Amsterdam, NY, 12010
City of Amsterdam, Montgomery County, Tax Map ID Numbers 055.42-1-13 &
055.42-1-14

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the City of Amsterdam for a parcel approximately 3.3 acres in size, located at 21-41 Bridge Street & 32 Gilliland Avenue in the City of Amsterdam, Montgomery 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 State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 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 an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Montgomery County as 2015-63895.

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 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

Chalmers Building, E429011, 21-41 Bridge Street & 32 Gilliland Avenue
other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 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 DEC's Region 4 office, located at 1130 North Westcott Road, Schenectady, NY 12306-2014 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Amsterdam

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
City of Amsterdam
City Hall
61 Church Street
Amsterdam, NY 12010



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
9/17/2015



SITE DESCRIPTION

SITE NO. E429011

SITE NAME Chalmers Building

SITE ADDRESS: 21-41 Bridge Street & 32 Gilliland Avenue ZIP CODE: 12010-5505

CITY/TOWN: Amsterdam

COUNTY: Montgomery

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan ☒ ☐

Monitoring Plan ☒ ☐

Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date:

Description of Institutional Control

21-41 Bridge Street
Environmental Easement
Block: 1
Lot: 14
Sublot:
Section: 055
Subsection: 42
S_B_L Image: 55.42-1-14
Building Use Restriction
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

32 Gilliland Avenue
Environmental Easement

Block: 1

Lot: 13

Sublot:

Section: 055

Subsection: 42

S_B_L Image: 055.42-1-13

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

21-41 Bridge Street
Environmental Easement

Block: 1

Lot: 14

Sublot:

Section: 055

Subsection: 42

S_B_L Image: 55.42-1-14

Cover System

32 Gilliland Avenue
Environmental Easement

Block: 1

Lot: 13

Sublot:

Section: 055

Subsection: 42

S_B_L Image: 055.42-1-13

Cover System

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

**DESCRIPTION
PARCEL A
LANDS NOW OR FORMERLY OF THE
CITY OF AMSTERDAM
CITY OF AMSTERDAM, COUNTY OF MONTGOMERY, STATE OF NEW YORK
AREA = 2.54± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the City of Amsterdam, County of Montgomery, State of New York, lying Northwest of Bridge Street and Northeast of Gilliland Avenue, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Northwesterly street boundary of Bridge Street with the Northeasterly street boundary of Gilliland Avenue and runs thence from said point of beginning along said Northeasterly street boundary of Gilliland Avenue the following three (3) courses: 1) North 61 deg. 39 min. 21 sec. West 86.00 feet to a point; 2) North 59 deg. 52 min. 21 sec. West 220.90 feet to a point; and 3) North 53 deg. 40 min. 21 sec. West 22.70 feet to its point of intersection with the common division line between the lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36646 on the Southeast and other lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36645 and lands of the People of the State of New York New York State Barge Canal on the Northwest; thence along said common division line North 39 deg. 33 min. 39 sec. East 343.70 feet to its point of intersection with the division line between the said lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36646 on the Southwest and said lands of the People of the State of New York New York State Barge Canal on the Northeast; thence along said division line South 51 deg. 29 min. 54 sec. East 361.39 feet to its point of intersection with the above mentioned Northwesterly street boundary of Bridge Street; thence along said Northwesterly street boundary the following two (2) courses: 1) South 40 deg. 12 min. 39 sec. West 54.40 feet to a point; and 2) South 47 deg. 58 min. 39 sec. West 244.40 feet to the point or place of beginning and containing 2.54 acres of land, more or less.

Subject to any covenants, easements or restrictions of record.

**DESCRIPTION
PARCEL B
LANDS NOW OR FORMERLY OF THE
CITY OF AMSTERDAM
CITY OF AMSTERDAM, COUNTY OF MONTGOMERY, STATE OF NEW YORK
AREA = 0.77± ACRE OF LAND**

All that certain tract, piece or parcel of land situate in the City of Amsterdam, County of Montgomery, State of New York, lying Northeast of Gilliland Avenue, and being more particularly bounded and described as follows:

COMMENCING at the point of intersection of the Northwestern street boundary of Bridge Street with the Northeasterly street boundary of Gilliland Avenue; thence from said point of commencement along said Northeasterly street boundary of Gilliland Avenue the following three (3) courses: 1) North 61 deg. 39 min. 21 sec. West 86.00 feet to a point; 2) North 59 deg. 52 min. 21 sec. West 220.90 feet to a point; and 3) North 53 deg. 40 min. 21 sec. West 22.70 feet to the point or place of beginning of the herein described Parcel B and runs thence from said point of beginning continuing along said Northeasterly street boundary of Gilliland Avenue North 36 deg. 35 min. 10 sec. West 167.55 feet to its point of intersection with the common division line between the lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36645 on the Southeast and the lands now or formerly of Ralph S. Iannotti, Jr., Mary D. Pikul and Flora R. Iannotti as described in Book 1794 of Deeds at Page 56 and lands of the People of the State of New York New York State Barge Canal on the Northwest; thence along said common division line North 59 deg. 50 min. 55 sec. East 292.00 feet to its point of intersection with the division line between the said lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36645 on the Southwest and lands of the People of the State of New York New York State Barge Canal on the Northeast; thence along said division line South 37 deg. 35 min. 54 sec. East 63.00 feet to its point of intersection with the division line between the said lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36645 on the Northwest and other lands now or formerly of the City of Amsterdam as described in Instrument No. 2010-36646 on the Southeast; thence along said division line South 39 deg. 33 min. 39 sec. West 300.00 feet to the point or place of beginning and containing 0.77 acre of land, more or less.

Subject to any covenants, easements or restrictions of record.

Exhibit B

Site Survey

