

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

Honorable Patrick Madden
Mayor
City of Troy
Troy City Hall
433 River Street
Troy, NY 12180

DEC 3 2018

Re: Certificate of Completion,
SAC No.: C303736
Scolite - Upper Hudson River and Estuary Center
City of Troy, Rensselaer County
E442037

Dear Mayor Madden:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of Troy undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (Department) 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, the Department 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 Troy 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 Troy fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC(s), 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 (see the enclosed ERP Site Disposition Form); ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.



Department of
Environmental
Conservation

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

- 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 the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-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 the Department 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 the Department in April 2020.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Sarah Saucier, the Department's project manager, at (518) 402-9813.

Sincerely,

DEC 3 2018



Michael J. Ryan, P.E.
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH

S. Berninger – NYSDOH

ec w/o enc:

S. Saucier

D. Harrington

M. Cruden

R. Mustico, Region 4

K. Lewandowski

J. Andaloro – OGC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)
CERTIFICATE OF COMPLETION

Name

City of Troy

Address

Office of The Mayor,
433 River Street Troy, NY 12180

SITE INFORMATION

Site No.: E442037 **Site Name:** Scolite - Upper Hudson River and Estuary Center

State Assistance Contract No.: C303736

Site Owner: City of Troy

Street Address: 2 Madison Street

Municipality: Troy **County:** Rensselaer **DEC Region:** 4

Site Size: 5.710 Acres

Tax Map Identification Number(s): 111.28-4-1

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 Rensselaer County with recording identifier 2018-535133.

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

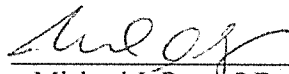
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

- (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
Commissioner
New York State Department of Environmental Conservation

By:



Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Date:

12/3/18

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

Scolite - Upper Hudson River and Estuary Center, Site ID No. E442037
2 Madison Street, City of Troy, NY, 12180
Troy, Rensselaer County, Tax Map Identification Number(s) 111.28-4-1

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 Troy for a parcel approximately 5.71 acres located at 2 Madison Street in the City of Troy in Rensselaer 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 Rensselaer County as Identifier No.: 2018-535133.

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

Scolite - Upper Hudson River and Estuary Center, E442037, 2 Madison St., Troy, NY
reserved to the State by ECL Section 56-0509 and any 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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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, a copy of the Certificate can be reviewed at the NYSDEC's Region 4 located at 1130 North Westcott Road Schenectady, NY by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Troy

By: *Patrick Madden*

Title: Mayor

Date: 12-11-2018

STATE OF NEW YORK) SS:
COUNTY OF Rensselaer)

On the 11th day of December, in the year 2018, before me, the undersigned, personally appeared Mr. Patrick Madden 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

Madden

taking acknowledgments

NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN Rensselaer COUNTY
COMMISSION EXPIRES 05/31/2019

Please record and return to:

Mayor

Patrick

433 River Street

Troy, NY 12180

11/28/18

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Environmental Easement
Former Scolite Site
City of Troy
County of Rensselaer
State of New York

Beginning at a point northerly bounds of Madison Street and the westerly bounds with the lands now or formerly of New York Central Lines LLC; thence along the northerly bounds of Madison Street N81°-28'-23"W (529.87) feet to a point in the 1934 U.S. Pierhead and Bulkhead Line; thence along the 1934 U.S. Pierhead and Bulkhead Line N13°-54'-52"E (433.94) feet to a point in the southerly bounds of the lands now or formerly of Troy Slag Products CO. INC; thence along the southerly bounds of the lands now or formerly of Troy Slag Products CO. INC the following two (2) courses:

1. S81°-28'-25"E (68.28) feet to a point
2. N06°-10'-52"E (68.03) feet to a point in the center of the Poestenkill Creek

Thence along the centerline of the Poestenkill Creek S81°-28'-25"E (423.63) feet to a point in the westerly bounds of the lands now or formerly of New York Central Lines LLC; thence along the westerly bounds of the lands now or formerly of New York Central Lines LLC S08°-31'-35"W (500.00) feet to the point of beginning.

North orientation and bearings are grid north based on New York State Plane Coordinate System, East Zone, NAD 83.

This environmental easement is intended to cover, in its entirety the lands of Scolite International Corp. as contained in Liber 1301 at page 182 and filed in the Rensselaer County Clerk's Office on April 7, 1978.

Containing an area of approximately 5.71 acres more or less.

Exhibit B

Site Survey





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/21/2018



SITE DESCRIPTION

SITE NO. E442037

SITE NAME Scolite - Upper Hudson River and Estuary Center

SITE ADDRESS: Madison and River Street ZIP CODE: 12180

CITY/TOWN: Troy

COUNTY: Rensselaer

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Periodic Review Frequency:	1 year	

Description of Institutional Control

City of Troy
First Street & Madison Street
Environmental Easement
Block: 4
Lot: 1
Sublot:
Section: 111
Subsection: 28
S_B_L Image: 111.28-4-1
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

City of Troy

First Street & Madison Street

Environmental Easement

Block: 4

Lot: 1

Sublot:

Section: 111

Subsection: 28

S_B_L Image: 111.28-4-1

Cover System