

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

JUN 04 2015

Mr. Shaun Gilliland, Supervisor
Town of Willsboro
P. O. Box 370
Willsboro, NY 12996

Re: Certificate of Completion
Site Name: Willsboro Black Ash Pond
Site No. E516009
State Assistance Contract No.: C302572
Town of Willsboro, Essex County,

Dear Mr. Gilliland:

The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report submitted by Georgia-Pacific, LLC has been approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. Enclosed please find an original, signed COC. The Town of Willsboro 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 Town of Willsboro fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced State Assistance Contract (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:

- 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 the proof of filing within 30 days of receipt. A standard notice form is attached to this letter;



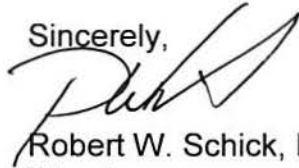
Department of
Environmental
Conservation

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Along with Georgia-Pacific, LCC, 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 May 2016.

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 Mr. John Swartwout, the DEC project manager for this site, at (518)402-9570.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Krista Anders, DOH
Wendy Kuehner, DOH
Michael Ryan, DEC
John Swartwout, DEC
Jim Harrington, DEC
Russ Huyck, DEC
Andrew Guglielmi, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

TOWN OF WILLSBORO

Address

P.O. Box 370, Willsboro, NY 12996

SITE INFORMATION

Site No.: E516009 **Site Name:** Willsboro Black Ash Pond

State Assistance Contract No.: C302572

Site Owner: Town Of Willsboro

Street Address: School Street

Municipality: Willsboro **County:** Essex **DEC Region:** 5

Site Size: 24.830 Acres

Tax Map Identification Number(s): 31.9-1-20.100

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: Restricted-Residential, 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 Essex County with recording identifier 2014-3938.

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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:



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

Date: June 4, 2015

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program

Pursuant to 6 NYCRR Part 375-1.9(d)

Willsboro Black Ash Pond, Site ID No. E516009

School Street, Willsboro, NY 12996

Town of Willsboro, Essex County, Tax Map Identification Number 31.9-1-20.100

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 Town of Willsboro for a parcel of approximately 25 acres located at the end of School Street in the Town of Willsboro, Essex 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):

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 Essex County with recording identifier 2014-3938.

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 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.

Willsboro Black Ash Pond, Site # E516009, School Street, Willsboro, NY

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 the NYSDEC's Region 5 Office located at Route 86, Ray Brook, New York by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Town of Willsboro

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:

Town of Willsboro
P.O. Box 370
Willsboro, NY 12996



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
2/5/2015



SITE DESCRIPTION

SITE NO. E516009

SITE NAME Willsboro Black Ash Pond

SITE ADDRESS: School Street ZIP CODE: 12996

CITY/TOWN: Willsboro

COUNTY: Essex

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	X	
Monitoring Plan	X	
Operation and Maintenance (O&M) Plan	X	

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: May 2016

Description of Institutional Control

Town of Willsboro

School Street

Environmental Easement

Block: 1

Lot: 20.100

Sublot:

Section: 31.9

Subsection:

S_B_L Image: 31.9-1-20.100

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

Town of Willsboro

School Street

Environmental Easement

Block: 1

Lot: 20.100

Sublot:

Section: 31.9

Subsection:

S_B_L Image: 31.9-1-20.100

Cover System

FORM NO. 1. DEED-QUIT CLAIM (FROM A CORPORATION)

(Laws of N.Y. Chan. & Statutory Form DD)

BOOK 453 PAGE 570

TUTTLEMAN REGISTERED U.S. PATENT OFFICE
Tuttle Law Print Publishers, Hartford, R.

This Indenture,

Made the 20th day of December Nineteen Hundred and Sixty-six,

Between GEORGIA-PACIFIC CORPORATION

a corporation organized under the laws of the State of Georgia

party of the first part, and

TOWN OF WILLSBORO, ESSEX COUNTY, NEW YORK,

party of the second part,

Witnesseth, that the party of the first part, in consideration of

-----ONE-----Dollar
(\$1.00-----) lawful money of the United States,

paid by the party of the second part,

does hereby remise, release, and quitclaim unto the party of the second part,
its successors and assigns forever, all

ALL THAT CERTAIN PARCEL OR TRACT OF LAND situate, lying and being on the south side of the big bend of the Bouquet River in the hamlet and Town of Willsboro, said tract being generally known as the "Black Ash Pit" and being bounded and described as follows: BEGINNING at a point in part of the southerly bounds of the tract herein described and conveyed, said point being monumented by a 1/2" iron pipe driven into the ground on the east side of the road or street that runs northerly from the Willsboro Branch of the Essex County-Champlain National Bank building in Willsboro into the tract herein described and being located N 5° 26' E, 108.0 feet from another 1/2" iron pipe monument marking the northwest corner of a house lot owned or occupied by a certain W. Bridge; thence running in a course directly toward and in alignment with the so-called "Lower Dam" of the mill on the Bouquet River or S 70° 03' W, 247.18 feet to a point-on-line monumented by the northwest corner of the concrete dam abutment on the east bank of the Bouquet River; and thence continuing in the same course along the broken crest of said dam an additional 73 feet, more or less, to a point in the center line of said River, said point being the southwest corner of the tract herein described and conveyed; thence running northerly, easterly and southeasterly down and along the center line of said big bend in the Bouquet River as the same winds and turns a distance of 3000 feet, more or less, to a point being the most easterly corner of the tract herein described and conveyed, said point being located N 20° 10' E, 50 feet, more or less, from a 1/2" iron pipe monument driven into the ground on the south bank of the River and at the base of a large sycamore tree; thence running S 20° 10' W, 50 feet, more or less, to the point-on-line marked by said 1/2" iron pipe at the Sycamore tree; and thence continuing in the same course S 20° 10' W, an additional 129.66 feet to a point in the northerly bounds

of other lands owned by the party of the first part hereto, said point being the southeast corner of the tract herein described and conveyed and being monumented by another 1/2" iron pipe driven into the ground on the easterly side of an unimproved roadway reserved by the party of the first part hereto as a right-of-way for ingress and egress to lands owned south and east of the tract herein described; thence running westerly along the northerly bounds of other lands owned by the party of the first part hereto and along the southerly side of said roadway reserved as a right-of-way the following courses and distances, viz: N 78° 52' W, 250.52 feet to a corner monumented by a 1/2" iron pipe driven into the ground; thence N 52° 35' W, 364.43 feet to another corner on the south edge of said roadway right-of-way monumented by a 1/2" iron pipe driven into the ground; thence N 20° 59' W, 532.20 feet to another corner monumented by a 1/2" iron pipe and piled stones set in the ground; thence N 34° 20' W, 250.67 feet to another corner on the south side of said roadway monumented by a 1/2" iron pipe driven into the ground; thence N 86° 19' W, 130.11 feet to another corner monumented by a 1/2" iron pipe driven into the ground on the south side of said roadway; and thence S 14° 20' W, 177.24 feet to the point of place of beginning; containing 25.0 acres of land and river within the bounds of the tract thus traversed, described and conveyed.

The above described magnetic courses, distances and monuments are those determined and established in a survey completed September 16, 1956 by Spencer J. Johnston and Frederick W. Volckmann, licensed land surveyors. Reference is made to the map plotted from said survey for a more detailed and graphic description of the tract herein described and conveyed. Said map is titled: "Map of Survey - showing parcel set off from lands of Georgia Pacific Corp. to be conveyed to the Town of Willabore" and is placed on file at the Essex County Clerk's office as Map No. 2092 in Book 24 of Maps at page 31.

Reserving to the grantor herein an unrestricted right-of-way for ingress and egress by foot, vehicles or otherwise upon, through and over the roadway designated as a right-of-way reserved to the grantor in the aforesaid survey.

EXHIBIT B

