

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

JUL 08 2015

Mayor Jack Diamond
City of Glens Falls
42 Ridge Street
Glens Falls, NY 12801

Re: Certificate of Completion
Site Name: 36 Elm Street
Site No. E557019
SAC No.: C303163
City of Glens Falls, Warren County

Dear Mayor Diamond:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of Glens Falls 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 Glens Falls 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 Glens Falls 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 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:

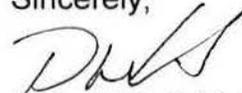
- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide DEC with proof of filing within 30 days of receipt. A standard notice form is attached to this letter;
- Place the notice of the 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 August 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.

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 Michael McLean, the DEC project manager for this site, at (518) 897-1242.

Sincerely,



Robert W. Schick, P.E.,
Director

Division of Environmental Remediation

Enclosures

ec: Krista Anders, DOH
Julia Kenny, DOH
Michael Ryan, DEC
Michael McLean, DEC
Russell Huyck, DEC
Jim Harrington, DEC
Brad Burns, DEC
Andrew Guglielmi, DEC
Louis Oliva, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

CITY OF GLENS FALLS

Address

42 Ridge Street, Glens Falls, NY 12801

SITE INFORMATION

Site No.: E557019 **Site Name:** 36 Elm Street

State Assistance Contract No.: C303163 **Site**

Owner: City Of Glens Falls

Street Address: 36 Elm Street **Municipality:**

Glens Falls **County:** Warren **Site Size:** 0.140 **DEC Region:** 5

Acres

Tax Map Identification Number(s): 309.28-1-13

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 Warren County with recording identifier 2013-2742.

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;

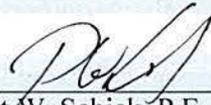
(5) the environmental easement as implemented, if applicable, is not protective or enforceable;

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: July 8, 2015

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program Pursuant to 6 NYCRR Part 375-1.9(d)

36 Elm Street, Site ID No. E557019
36 Elm Street, City of Glens Falls
Warren County, Tax Map Identification Number 309.28-1-13

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 Glens Falls for a parcel approximately 0.14 acre located at 36 Elm Street in the City of Glens Falls, Warren 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 Warren County as 2013-2742.

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 holders 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.

36 Elm Street, E557019, City of Glens Falls

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 the NYSDEC=s Region 5 main office located at 2986 Route 86, Ray Brook, NY 12977 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Glens Falls

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 Glens Falls
42 Ridge Street
Glens Falls, NY 12801



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 1/8/2015



SITE DESCRIPTION

SITE NO.: E557019

SITE NAME: 36 Elm Street

SITE ADDRESS: 36 Elm Street **ZIP CODE:** 12801

CITY/TOWN: Glens Falls

COUNTY: Warren

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	
Monitoring Plan		<input type="checkbox"/>
Operation and Maintenance (O&M) Plan		<input type="checkbox"/>
Periodic Review Frequency: 1 year		
Periodic Review Report Submittal Date: 08/15/2016		

Description of Institutional Control

City of Glens Falls
 36 Elm Street
 Environmental Easement
 Block: 1
 Lot: 13
 Sublot:
 Section: 309
 Subsection: 28
 S_B_L Image:
 Building Use Restriction
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Site Management Plan

Description of Engineering Control
 Not Applicable/No EC's

EXHIBIT A

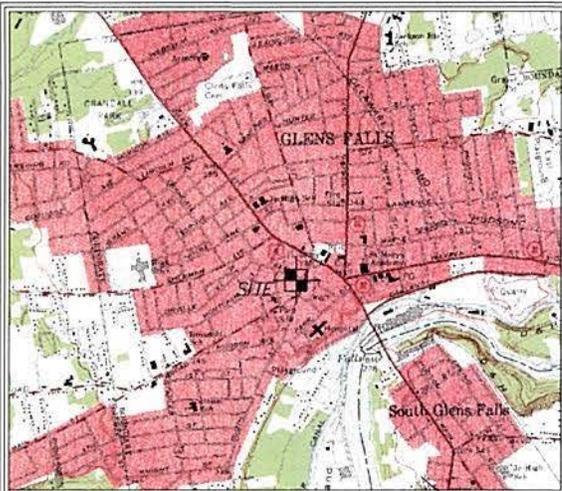
**CHICAGO TITLE INSURANCE COMPANY
SCHEDULE A DESCRIPTION**

Title No.: **0903-37-02784**
GGF-8504

AN EASEMENT OVER THE FOLLOWING DESCRIBED LAND:

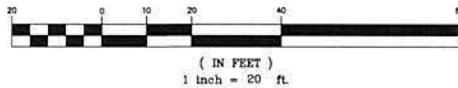
All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Glens Falls, County of Warren and State of New York, and being a part of Lot #12 in a Subdivision of lands of Dwight Hitchcock, as surveyed in October, 1842, by Bartholomew Griffin, according to a survey and map thereof made by Leslie W. Coulter, Licensed Surveyor, dated August 30, 1947, and filed in the Warren County Clerk's Office on October 20, 1947 and being bounded and described, according to said Filed Map, as follows:

BEGINNING at a point on the westerly side of Elm Street, which point is distant northerly 78.96 feet from the corner formed by the intersection of the westerly side of Elm Street and the northerly side of South Street; running thence northerly, along the westerly side of Elm Street, 90 feet; running thence westerly, parallel with the northerly side of South Street, 66 feet; running thence southerly, parallel with the westerly side of Elm Street, 90 feet; running thence easterly, again parallel with the northerly side of South Street, 66 feet to the point or place of BEGINNING.



SITE LOCATION MAP

GRAPHIC SCALE



CERTIFICATION:

- I HEREBY CERTIFY TO:
- GREATER GLENS FALLS DEVELOPMENT CORPORATION
 - THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 - CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005 AND INCLUDES NO ITEMS OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF NEW YORK, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

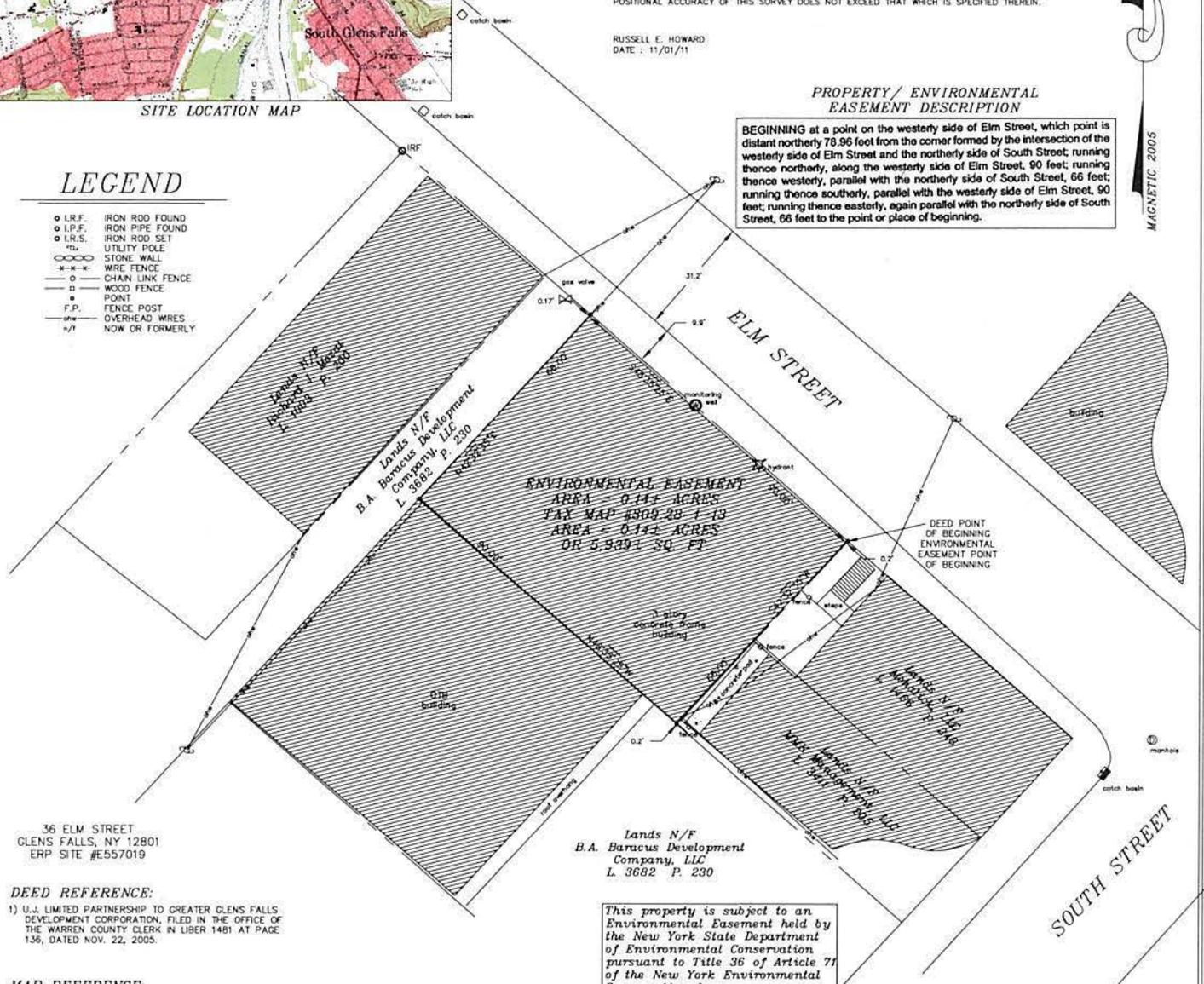
RUSSELL E. HOWARD
DATE: 11/01/11

PROPERTY/ ENVIRONMENTAL
EASEMENT DESCRIPTION

BEGINNING at a point on the westerly side of Elm Street, which point is distant northerly 78.96 feet from the corner formed by the intersection of the westerly side of Elm Street and the northerly side of South Street; running thence northerly, along the westerly side of Elm Street, 90 feet; running thence westerly, parallel with the northerly side of South Street, 66 feet; running thence southerly, parallel with the westerly side of Elm Street, 90 feet; running thence easterly, again parallel with the northerly side of South Street, 66 feet to the point or place of beginning.

LEGEND

- I.R.F. IRON ROD FOUND
- I.P.F. IRON PIPE FOUND
- I.R.S. IRON ROD SET
- U— UTILITY POLE
- S— STONE WALL
- W— WIRE FENCE
- C— CHAIN LINK FENCE
- W— WOOD FENCE
- P— POINT
- F.P. FENCE POST
- O— OVERHEAD WIRES
- /— NOW OR FORMERLY



36 ELM STREET
GLENS FALLS, NY 12801
ERP SITE #E557019

DEED REFERENCE:

- U.J. LIMITED PARTNERSHIP TO GREATER GLENS FALLS DEVELOPMENT CORPORATION, FILED IN THE OFFICE OF THE WARREN COUNTY CLERK IN LIBER 1481 AT PAGE 136, DATED NOV. 22, 2005.

MAP REFERENCE:

- "MAP OF LOT NUMBER 12 IN SUBDIVISION OF LANDS OF DWIGHT HITCHCOCK AS SURVEYED IN OCTOBER 1842 BY BARTHOLOMEW GRIFFIN" DATED AUGUST 30, 1947, FILED OCTOBER 20, 1947, PREPARED BY LESLIE W. COULTER LICENSED LAND SURVEYOR.

NOTES:

- BASE MAP PREPARED FROM A MARCH 2009 FIELD SURVEY.
- NORTH ORIENTATION IS BASED ON MAGNETIC MERIDIAN 2005.
- SUBJECT TO APPLICABLE LAWS AND APPROVALS OF THE TOWN, COUNTY, AND STATE REGARDING THE DEVELOPMENT OF LAND.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL DIG SAFE PRIOR TO ANY EXCAVATION.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

ENGINEERING/ INSTITUTIONAL CONTROLS

- Control entry of groundwater (standing water) in the basement area and the use of groundwater as a source of potable or process water is restricted, without necessary water quality treatment as determined by NYSDOH.
- Restricted Residential use covers the entire Environmental Easement Area.

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us.

MAP OF AN ALTA/ACSM LAND TITLE SURVEY MADE FOR
**GREATER GLENS FALLS
DEVELOPMENT CORPORATION**
City of Glens Falls County of Warren State of New York
BOLSTER AND ASSOCIATES
PROFESSIONAL LAND SURVEYORS
342 Main Street, Hudson Falls, New York 12839 518-747-8747

Russell E. Howard, PLS	N.Y.S. Lic. No. 50540	Date: 03/06/09	Tax Map #: 309 28-1-13
Date Sealed:	Scale: 1 inch = 20 feet	Revised: 11/01/11	Drawing #: 05207C a

MAGNETIC 2005