

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov

MAY 21 2014



Joe Martens
Commissioner

Mr. Paul M. Kimball
Supervisor
Town of Clarkson
PO Box 858
Clarkson, New York 14430

RE: Certificate of Completion
Site Name: Former Service Station
Site No.: E828143
SAC No.: C303810
Town of Clarkson, Monroe County

Dear Mr. Kimball:

Congratulations on having satisfactorily completed the Remediation Phase of the Environmental Restoration Project that the Town of Clarkson 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 Town of Clarkson 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 Clarkson 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:

- 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 enclosed to this letter;

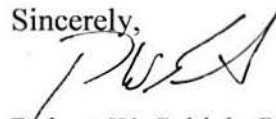
- Place the notice of the COC in the document repository for the site within ten (10) days of issuance of the COC; and
- Implement the DEC-Approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the enclosed Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in August 2015.

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 Matthew Gillette, the DEC Project Manager for this site, at 585-226-5308.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

cc: Krista Anders, DOH
Julia Kenney, DOH
Michael Ryan, DEC
Michael Cruden, DEC
Matthew Gillette, DEC
Bart Putzig, DEC
Ben Conlon, DEC
Andrew Guglielmi, DEC

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Town of Clarkson

Address

3710 Lake Road, Clarkson, NY 14430

SITE INFORMATION

Site No.: E828143 **Site Name:** Former Service Station

State Assistance Contract No.: C303810

Site Owner: Town Of Clarkson

Street Address: 8264 Ridge Road

Municipality: Clarkson **County:** Monroe

DEC Region: 8

Site Size: 0.697 Acres

Tax Map Identification Number(s): 054.14-1-21

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 Monroe County with recording identifier Book 11348 Page 52.

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;

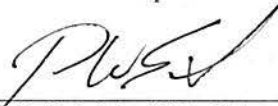
(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

(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: MAY 21, 2014

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program

Pursuant to 6 NYCRR Part 375-1.9(d)

Former Service Station, Site ID No. E828143

8264 Ridge Road, Clarkson, NY, 14430

Town of Clarkson, Monroe County, Tax Map Identification Number(s) 054.14-1-21

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 Clarkson for a parcel approximately 0.697 acres located at 8264 Ridge Road in the Town of Clarkson, Monroe 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 Monroe County as Book 11348 Page 52.

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.

Former Service Station, E828143, 8264 Ridge Road, Clarkson (T), Monroe County

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 8 office located at 6274 East Avon-Lima Rd, Avon, NY by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Town of Clarkson

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:

Paul M. Kimball
Supervisor
Town of Clarkson
P.O. Box 858
Clarkson, New York 14430

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
3/26/2014



SITE DESCRIPTION

SITE NO. E828143

SITE NAME Former Service Station

SITE ADDRESS: 8264 Ridge Road **ZIP CODE:** 14430

CITY/TOWN: Clarkson

COUNTY: Monroe

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: 08/2015

Description of Institutional Control

Town of Clarkson
8264 Ridge Road West
Environmental Easement
Block: 1
Lot: 21
Sublot:
Section: 054
Subsection: 14
S_B_L Image: 054.14-1-21
Ground Water Use Restriction
Landuse Restriction
Site Management Plan
Soil Management Plan

Description of Engineering Control

Town of Clarkson

8264 Ridge Road West

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 054

Subsection: 14

S_B_L Image: 054.14-1-21

Cover System

EXHIBIT A

PROPERTY DESCRIPTION

SCHEDULE "A"
ENVIRONMENTAL EASEMENT
PROPERTY DESCRIPTION

METES AND BOUNDS DESCRIPTION
TOWN OF CLARKSON, MONROE COUNTY

8264 Ridge Rd

ALL THAT TRACT OR PARCEL OF PROPERTY SITUATE IN PART OF TOWN LOT 19, SECTION 5, TOWNSHIP 4, TOWN OF CLARKSON, COUNTY OF MONROE, STATE OF NEW YORK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY HIGHWAY BOUNDS OF LITTLE RIDGE ROAD, STATE HIGHWAY 257, ALSO KNOWN AS NEW YORK STATE ROUTE 104, WHERE IT INTERSECTS THE DIVISION LINE BETWEEN THE PROPERTY OF N/F RANDALL L. DANGLER & DONNA J. DANGLER ON THE WEST AND THE PROPERTY OF THE TOWN OF CLARKSON ON THE EAST AND HAVING COORDINATES OF N 1,178,276.932 AND E 1,324,289.749; THENCE

1) NORTH 22°59'28" EAST ALONG THE LAST MENTIONED DIVISION LINE A DISTANCE OF 322.47 FEET TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF N/F JEAN M. EVANS & GALE PATRICK EVANS ON THE NORTH AND THE PROPERTY OF N/F TOWN OF CLARKSON ON THE SOUTH; THENCE

2) SOUTH 69°55'23" EAST ALONG THE LAST MENTIONED DIVISION LINE A DISTANCE OF 86.14 FEET TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF N/F RONALD A. BEARDSLEE & CHERYL M. BEARDSLEE ON THE EAST AND THE PROPERTY OF N/F TOWN OF CLARKSON ON THE WEST; THENCE

3) SOUTH 25°30'41" WEST ALONG THE LAST MENTIONED DIVISION LINE A DISTANCE OF 223.50 FEET TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF N/F RONALD A. BEARDSLEE & CHERYL M. BEARDSLEE ON THE NORTH AND THE PROPERTY OF N/F TOWN OF CLARKSON ON THE SOUTH; THENCE

4) SOUTH 68°43'58" EAST A DISTANCE ALONG THE LAST MENTIONED DIVISION LINE A DISTANCE OF 50.17 FEET TO A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY OF N/F RONALD A. BEARDSLEE & CHERYL M. BEARDSLEE ON THE EAST AND THE PROPERTY OF N/F TOWN OF CLARKSON ON THE WEST; THENCE

5) SOUTH 14°57'22" WEST ALONG THE LAST MENTIONED DIVISION LINE A DISTANCE OF 85.25 FEET TO A POINT ON THE NORTHERLY HIGHWAY BOUNDS OF LITTLE RIDGE ROAD, STATE HIGHWAY 257, ALSO KNOWN AS NEW YORK STATE ROUTE 104; THENCE

6) NORTH 75°30'32" WEST ALONG THE LAST MENTIONED HIGHWAY BOUNDS A DISTANCE OF 139.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 30,366.85± SQUARE FEET OR 0.697± ACRES OF LAND MORE OR LESS.

TAX ACCOUNT NUMBER 054.14-1-21

DEC SITE NUMBER: E828143

EXHIBIT B

SITE SURVEY

LEGEND

- APPROXIMATE RIGHT-OF-WAY
- PROPERTY LINE
- CENTRIFUGAL SWALE
- EXISTING STORM SEWER
- EXISTING OVERHEAD ELECTRIC
- EXISTING ACADEMIC PROPERTY LINES
- EXISTING DECIDUOUS TREE
- EXISTING UTILITY POLE
- LOW WETLAND
- WATERWAY
- EXISTING WATER SERVICE
- EXISTING WATER VALVE
- EXISTING RICH PAV. FOUND
- WAP AND MEASURE

ENVIRONMENTAL ESSENTIAL AREA ACCESS

THE NYC DO NOT HAVE ANY ACCESS TO THE ENVIRONMENTAL ESSENTIAL AREA OF THE PROJECT. THE PROJECT AREA IS NOT A PART OF THE ENVIRONMENTAL ESSENTIAL AREA. THE PROJECT AREA IS NOT A PART OF THE ENVIRONMENTAL ESSENTIAL AREA.

Survey Notes & References:

- Horizontal Datum is NAD 1983.
- Coordinates are supplied by NYSDOT RA survey office.
- Vertical Datum is MVD 1988 data supplied by NYSDOT RA survey office.
- Boundaries shown between one and four.
- Distances shown between one and four.
- Deeds Liber 8873, Page 638 recorded 08-20-02; Liber 10598, Page 77 recorded 04-01-08; Liber 10426, Page 313 recorded 02-27-07; Liber 58923, Page 342 recorded 08-23-81; Liber 5852, Page 387 recorded 12-28-94; Liber 8802, Page 524 recorded 10-31-86; Liber 8168, Page 447 recorded 04-28-94; Liber 7020, Page 145 dated 10-01-86; Liber 8291, Page 49 recorded 11-22-00; Liber 10590, Page 270 recorded 12-10-00.
- Survey map entitled "Instrument Location Map showing 8258 Ridge Road West", by SCHWAB Associates.
- Deeds listed with the mortgages in the mortgage book: Liber 1517, Page 123 recorded 08-22-00; Liber 1518, Page 123 recorded 08-22-00; Liber 1519, Page 123 recorded 08-22-00; Liber 1520, Page 123 recorded 08-22-00; Liber 1521, Page 123 recorded 08-22-00; Liber 1522, Page 123 recorded 08-22-00; Liber 1523, Page 123 recorded 08-22-00; Liber 1524, Page 123 recorded 08-22-00; Liber 1525, Page 123 recorded 08-22-00; Liber 1526, Page 123 recorded 08-22-00; Liber 1527, Page 123 recorded 08-22-00; Liber 1528, Page 123 recorded 08-22-00; Liber 1529, Page 123 recorded 08-22-00; Liber 1530, Page 123 recorded 08-22-00; Liber 1531, Page 123 recorded 08-22-00; Liber 1532, Page 123 recorded 08-22-00; Liber 1533, Page 123 recorded 08-22-00; Liber 1534, Page 123 recorded 08-22-00; Liber 1535, Page 123 recorded 08-22-00; Liber 1536, Page 123 recorded 08-22-00; Liber 1537, Page 123 recorded 08-22-00; Liber 1538, Page 123 recorded 08-22-00; Liber 1539, Page 123 recorded 08-22-00; Liber 1540, Page 123 recorded 08-22-00; Liber 1541, Page 123 recorded 08-22-00; Liber 1542, Page 123 recorded 08-22-00; Liber 1543, Page 123 recorded 08-22-00; Liber 1544, Page 123 recorded 08-22-00; Liber 1545, Page 123 recorded 08-22-00; Liber 1546, Page 123 recorded 08-22-00; Liber 1547, Page 123 recorded 08-22-00; Liber 1548, Page 123 recorded 08-22-00; Liber 1549, Page 123 recorded 08-22-00; Liber 1550, Page 123 recorded 08-22-00; Liber 1551, Page 123 recorded 08-22-00; Liber 1552, Page 123 recorded 08-22-00; Liber 1553, Page 123 recorded 08-22-00; Liber 1554, Page 123 recorded 08-22-00; Liber 1555, Page 123 recorded 08-22-00; Liber 1556, Page 123 recorded 08-22-00; Liber 1557, Page 123 recorded 08-22-00; Liber 1558, Page 123 recorded 08-22-00; Liber 1559, Page 123 recorded 08-22-00; Liber 1560, Page 123 recorded 08-22-00; Liber 1561, Page 123 recorded 08-22-00; Liber 1562, Page 123 recorded 08-22-00; Liber 1563, Page 123 recorded 08-22-00; Liber 1564, Page 123 recorded 08-22-00; Liber 1565, Page 123 recorded 08-22-00; Liber 1566, Page 123 recorded 08-22-00; Liber 1567, Page 123 recorded 08-22-00; Liber 1568, Page 123 recorded 08-22-00; Liber 1569, Page 123 recorded 08-22-00; Liber 1570, Page 123 recorded 08-22-00; Liber 1571, Page 123 recorded 08-22-00; Liber 1572, Page 123 recorded 08-22-00; Liber 1573, Page 123 recorded 08-22-00; Liber 1574, Page 123 recorded 08-22-00; Liber 1575, Page 123 recorded 08-22-00; Liber 1576, Page 123 recorded 08-22-00; Liber 1577, Page 123 recorded 08-22-00; Liber 1578, Page 123 recorded 08-22-00; Liber 1579, Page 123 recorded 08-22-00; Liber 1580, Page 123 recorded 08-22-00; Liber 1581, Page 123 recorded 08-22-00; Liber 1582, Page 123 recorded 08-22-00; Liber 1583, Page 123 recorded 08-22-00; Liber 1584, Page 123 recorded 08-22-00; Liber 1585, Page 123 recorded 08-22-00; Liber 1586, Page 123 recorded 08-22-00; Liber 1587, Page 123 recorded 08-22-00; Liber 1588, Page 123 recorded 08-22-00; Liber 1589, Page 123 recorded 08-22-00; Liber 1590, Page 123 recorded 08-22-00; 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Liber 1641, Page 123 recorded 08-22-00; Liber 1642, Page 123 recorded 08-22-00; Liber 1643, Page 123 recorded 08-22-00; Liber 1644, Page 123 recorded 08-22-00; Liber 1645, Page 123 recorded 08-22-00; Liber 1646, Page 123 recorded 08-22-00; Liber 1647, Page 123 recorded 08-22-00; Liber 1648, Page 123 recorded 08-22-00; Liber 1649, Page 123 recorded 08-22-00; Liber 1650, Page 123 recorded 08-22-00; Liber 1651, Page 123 recorded 08-22-00; Liber 1652, Page 123 recorded 08-22-00; Liber 1653, Page 123 recorded 08-22-00; Liber 1654, Page 123 recorded 08-22-00; Liber 1655, Page 123 recorded 08-22-00; Liber 1656, Page 123 recorded 08-22-00; Liber 1657, Page 123 recorded 08-22-00; Liber 1658, Page 123 recorded 08-22-00; Liber 1659, Page 123 recorded 08-22-00; Liber 1660, Page 123 recorded 08-22-00; Liber 1661, Page 123 recorded 08-22-00; Liber 1662, Page 123 recorded 08-22-00; Liber 1663, Page 123 recorded 08-22-00; Liber 1664, Page 123 recorded 08-22-00; Liber 1665, Page 123 recorded 08-22-00; Liber