



K N A U F

S H A W

L L P

January 4, 2005

RECEIVED
JAN 07 2004
DER/HAZ. WASTE REMED
REGION 8

James Charles, Esq.
Senior Attorney
NYS Department of Environmental Conservation
Division of Environmental Enforcement
Western Field Unit
270 Michigan Avenue
Buffalo, New York 14203-2999

**Re: Former Ingleside Machine Company, Inc.
Site No.: V00495-8**

Dear Jim:

Enclosed is a copy of the Notice that has been filed with the Ontario County Clerk. Please let us know if anything more is necessary before we receive our release.

Thank you.

Very truly yours,

KNAUF SHAW LLP

ALAN J. KNAUF

AJK/slh

Encl.

pc: Mr. James Kraft
Mr. Mario Carruba
Jeff Morris, Esq.

C:\Sherry\Clients 2001\Ingleside Machine\2005\DEC 01 05.wpd



This Document has been recorded

This is NOT a bill

ONTARIO COUNTY CLERK'S OFFICE
CLERK'S RECORDING PAGE

1065/651 ✓

Return To:

ALAN J KNAUF
1125 CROSSROADS BLDG
2 STATE STREET
ROCHESTER NEW YORK 14614

INGLESIDE MACHINE CO INC

YS ENVIRONMENTAL CONSERVATION

Index DEED BOOK

Book 01132 Page 0945

No. Pages 0005

Instrument TERMINATION

Date : 12/20/2004

Time : 12:50:22

Control # 200412200118

IN # IN 2004 019227

T/T # TX 2005 001819

Employee ID CLKCJD

RECORDING	\$	21.00
RECORDING	\$	2.00
SURCHARGE	\$	4.75
SURCHARGE	\$	14.25
TRANS TAX	\$	.00
FP-584	\$	5.00
	\$	.00
	\$	.00
	\$	.00

Total: \$ 47.00

STATE OF NEW YORK
ONTARIO COUNTY CLERK'S OFFICE

TRANSFER TAX

THIS SHEET CONSTITUTES THE CLERK'S ENDORSE-
MENT REQUIRED BY SECTION 316-A (5) AND
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. ** DO NOT DETACH **

TRANSFER AMT \$.00

TRANSFER TAX \$.00

JOHN H. COOLEY
COUNTY CLERK



200412200118

**NOTICE OF REMEDIATION AND
TERMINATION OF NOTICE OF AGREEMENT**

THIS NOTICE is made as of the 3 day of December, 2004 by Ingleside Machine Co., Inc., regarding a parcel of real property located at 1118 Mertensia Road, Town of Farmington, County of Ontario bearing Tax Map Number 29.00-1-64.000 (the "Property"); and

WHEREAS, Ingleside Machine Co., Inc. ("Volunteer"), entered into a Voluntary Cleanup Agreement (the "Agreement") with the Department of Environmental Conservation (the "Department") for Site #V00495-8, concerning environmental contamination (the "Contamination") on or near the Property, which Agreement was executed on behalf of the Department on September 26, 2001; and

WHEREAS, Volunteer filed a Notice of Agreement (the "Notice of Agreement") with the Ontario County Clerk in Liber 1065 of Deeds, at page 651, on November 5, 2001; and

WHEREAS, pursuant to the Agreement, Volunteer investigated the Contamination, including chromium wastes discharged through a former dry well (the "Dry Well") located on the adjacent property to the west with Tax Map Number 29.00-1-63.000 (the "Adjacent Property") reputed to be owned by Lakshman Prasad, Bhoopinder Mehta, Vinod Luthra, and Shrawan Singh; and

WHEREAS, Volunteer undertook measures to remediate (the "Remedial Measures") the Contamination, including excavation, transportation and disposal of chromium-impacted soil and debris in the area of the former Dry Well on the Adjacent Property, removal of one (1) 1,000-gallon fuel oil underground storage tank on the Property, and installation and sampling of four (4) groundwater monitoring wells, as indicated by the annexed map; and

WHEREAS, after completion of the Remedial Measures, chromium concentrations on the Property were measured to range from 3.6 ppb to 16.4 parts per billion (ppb) in groundwater, which are below the water quality standard of 50 ppb established by the Department's Division of Water in Technical and Operational Guidance Series (TOGS) #1.1.1 - *Ambient Water Quality Standards and Guidance Values*, and soil samples collected from the bottom and sidewalls of the final Dry Well excavation on the Adjacent Property were measured to contain total chromium concentrations ranging between 27.8 and 126 parts per million (ppm) two of which exceeded the site-specific soil cleanup objective of 50 ppm; and

WHEREAS, Volunteer has completed its obligations under the Agreement; and

WHEREAS, the Department has approved the Remedial Measures and the Remedial Action Final Report submitted by Volunteer, and given Volunteer and its lessees and sublessees, grantees, successors and assigns, including their respective secured creditors, a release, covenant not to sue, and forbearance from bringing any action, proceeding, or suit related to the Site's further investigation or remediation, subject to certain reservations;

A 147 J. Knaut, Esq.
1125 Crossroads Bldg
2 State St.
Rochester, NY 14614

NOW, THEREFORE, Volunteer, for itself and for its successors and assigns, declares that:

1. This Notice of Remedial Measures is hereby given to all parties who may acquire any interest in the Property; and
2. The Notice of Agreement is hereby terminated.

IN WITNESS WHEREOF, Volunteer has executed this Notice by its duly authorized representative.

Dated: December 3, 2004

INGLESIDE MACHINE CO., INC.

By: Mario Carruba
Mario Carruba, President

STATE OF NEW YORK)
COUNTY OF ONTARIO) s.s.

On the 3rd day of December, in the year 2004, before me, the undersigned, personally appeared Mario Carruba, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Gilberto Silvera-Portacio
Notary Public, State of New York
No. 01S16048038
Qualified in Monroe County
Commission Expires Sept. 18, 2008

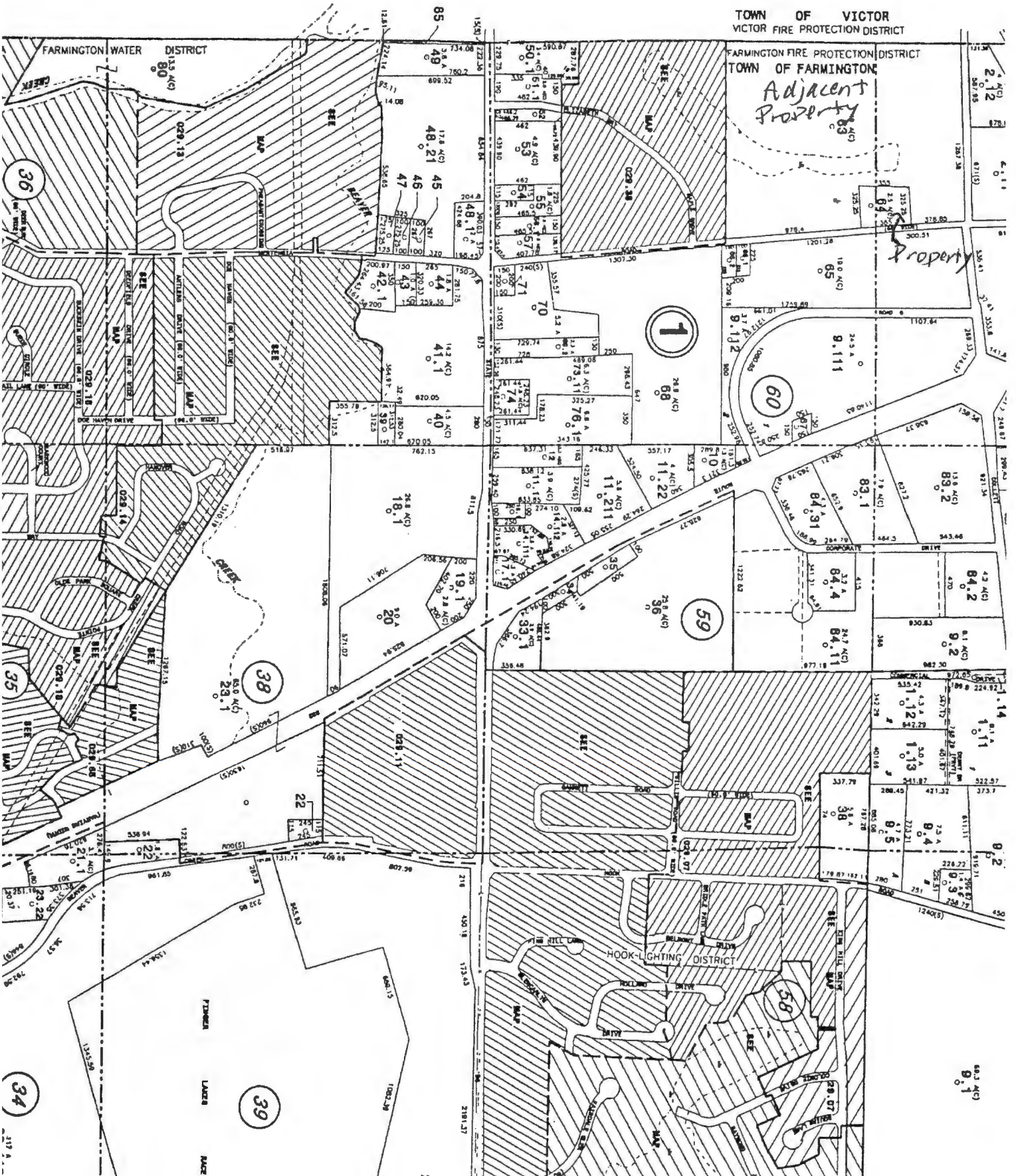
TOWN OF VICTOR
VICTOR FIRE PROTECTION DISTRICT

FARMINGTON FIRE PROTECTION DISTRICT

TOWN OF FARMINGTON

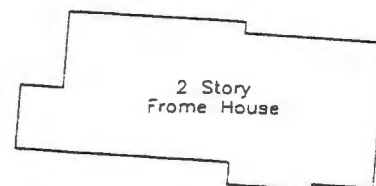
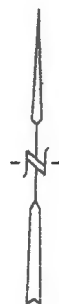
Adjacent
Property

Property

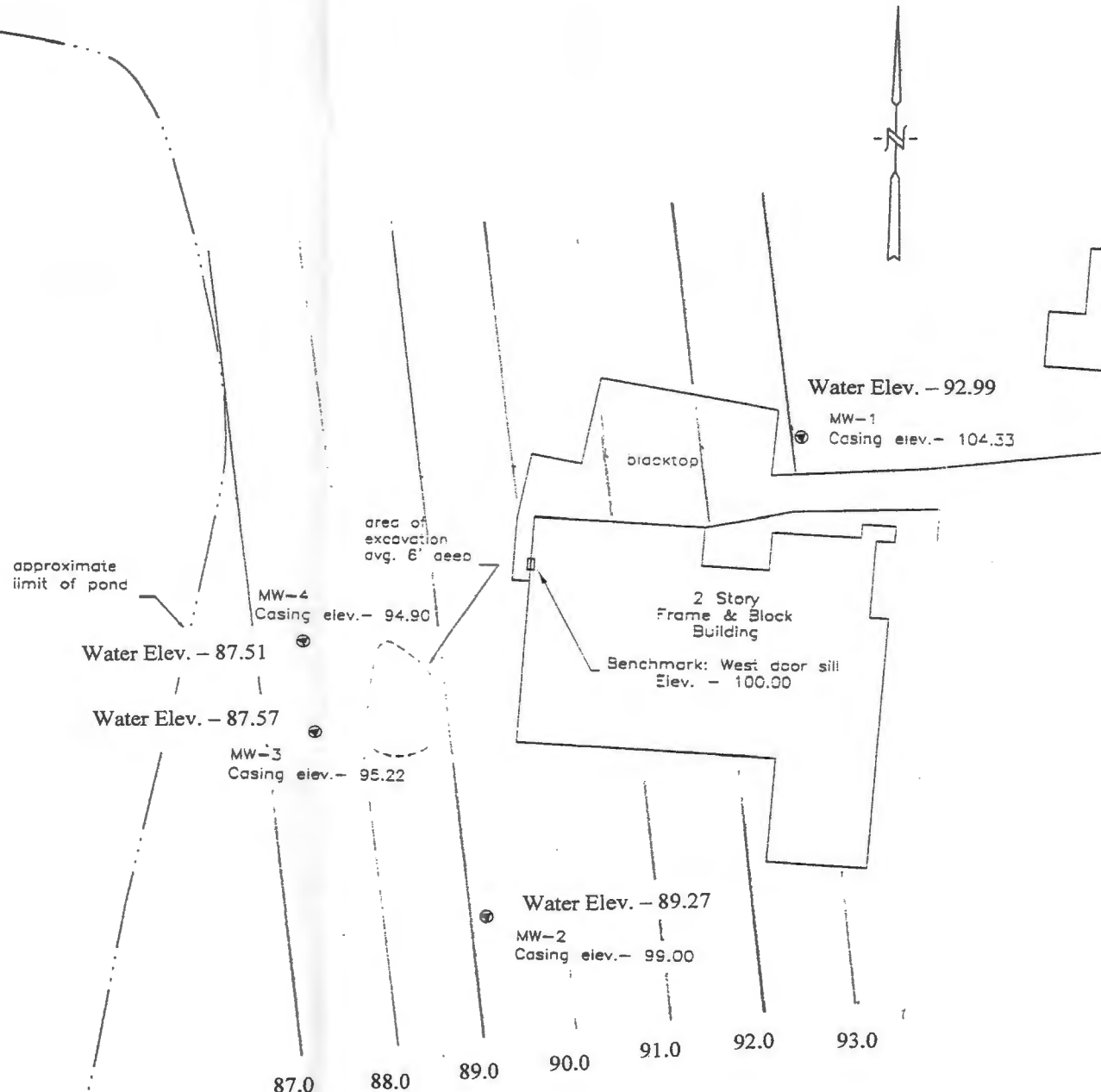


"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2 of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies."



Scale: 1" = 40'



Note:

- 1) Casing elevations shown are to top of the 2" PVC inner pipe. (Elev. recorded 10/4/02)

SKETCH SHOWING
Monitoring Well Location
1118 Mertensia Road

Town of Farmington, Ontario County
New York State

October 7, 2002

Scale: 1" = 40'



EDWIN A. SUMMERHAYS
Land Surveyor
L.S. no. 49446
2509 Browncroft Blvd., Suite 209
Rochester, N.Y. 14625
(585) 586-1450