

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 8
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www.dec.ny.gov

August 05, 2024

Robert F. Greenebaum
Poinkers Inc.
190 Office Park Way
Pittsford, New York 14534

Re: Site Management
Periodic Review Report
Former J & S Conveyor Property
Site N°: V00644
Honeoye (T), Ontario (C)

Dear Mr. Greenebaum:

The New York State Department of Environmental Conservation (Department) and New York State Department of Health (NYSDOH) have completed a review of your Periodic Review Report (PRR) and IC/EC Certification for following period: June 21, 2022, to June 21, 2023.

The Department accepts the PRR and associated Certification.

If you have any questions or concerns regarding this letter or need further assistance with the Site, please feel free to contact me at (585) 226-5349 or via email Joshua.Ramsey@dec.ny.gov.

Sincerely,



Joshua J. Ramsey
Project Manager

ec:
Michael Rumrill (Marsh)
Dixon Rollins (Marsh)
Justin Deming (NYSDOH)
Julia Kenney (NYSDOH)
David Pratt (NYSDEC)
Charlotte Theobald (NYSDEC)



Department of
Environmental
Conservation

**Former J&S Conveyor
8615 Main Street
Village of Honeoye, Ontario County, New York**

Periodic Review Report

NYSDEC Site Number: V00644

Prepared for:

Poinkers, Inc.
190 Office Park Way
Pittsford, New York 14534

Prepared by:

Marsh Engineering D.P.C.
271 Marsh Road, Suite 2
Pittsford, New York

**REPORTING PERIOD
JUNE 21, 2022 TO JUNE 21, 2023**

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PERIODIC REVIEW REPORT

1.0 EXECUTIVE SUMMARY

Dixon Rollins, P.E. of Marsh Engineering D.P.C. (“Marsh”) has prepared this Periodic Review Report (“Report”) for the Former J&S Conveyor Voluntary Cleanup Agreement (“VCA”) Site located at 39 Main Street in the Village of Honeoye, Town of Richmond, Ontario County, New York (“Site”). The Site is situated on an approximately 3.44-acre area bounded by Route 20 (Main Street) to the north, Mill Creek to the south and private property to the east and west, see Figure 1. The Site is occupied by multiple buildings which share common building walls. The building has three tenants using the building for warehousing, light manufacturing and storage of gently used merchandise for resale on EBay and Marketplace social media platforms.

Investigations conducted by prospective buyers and the New York State Department of Environmental Conservation (“NYSDEC”) found that the Site had soil and groundwater contamination. Surface soils in the vicinity of a former paint booth were contaminated with heavy metals (primarily lead) and subsoils were contaminated with volatile organic compounds. The contamination impacted the Site’s groundwater in the vicinity of the paint booth and beneath the building’s floor slab.

Subsequent investigations were completed to assist with the preparation of a Remedial Action Work Plan. After 2006, legal issues regarding the property ownership delayed the project and the Region 8 office of the NYSDEC took the project lead. Groundwater sampling by Region 8 was completed on June 8, 2010 and July 14, 2011. The analysis showed that during this time (2002 and 2010) the aromatic hydrocarbons originally found in the groundwater had naturally attenuated or were bioremediated by the indigenous bacteria to acceptable levels.

On March 10, 2015, the Remedial Action Work Plan was finalized and included:

1. The removal of surface soil to a depth of one foot to achieve the Soil Cleanup Objective (“SCO”) for commercial/industrial property for lead (1,000 parts per million).
2. Vapor intrusion as a potential exposure pathway, but sampling results have shown the indoor air quality is not impacted.
3. Implementation of deed restrictions including restricting the property to commercial/industrial use, a prohibition on groundwater uses and notice of past spill(s) in the source area.

The Site was remediated in accordance with the remedy selected by the NYSDEC in the Remedial Action Work Plan. The remediation was completed on October 16, 2017. Dixon Rollins, P.E. was the certifying Engineer.

The annual Site inspection was conducted by Frank Thomas of Sessler Environmental Services, Inc. (Sessler) who was retained by Marsh under the direction of Dixon Rollins, P.E.. Mr. Thomas conducted the previous Periodic Review inspection in 2022 as a Marsh employee and performed the this inspection on August 30, 2023. The inspection included full access inside the Site building and grounds. The Site use remains unchanged since performing the last inspection on June 7, 2022. Current uses include warehousing of raw materials for CY Plastics, raw wood table manufacturer and the north end offices are currently leased for the storage of gently used merchandise for resale purposes. During the winter months of 2021 to 2022, a portion of the building was used on a seasonal basis for community softball practice. This space is no longer used for this purpose and is currently vacant.

The cover system was not observed to be disturbed by erosion, burrowing animals or from vehicle traffic. Plant growth is being controlled by periodic mowing so they do not grow to a size that may impact the cover's effectiveness. Plant growth in the gravel appeared to be sparse during the August 30, 2023 Site inspection. Photographs are provided in Appendix A.

2.0 INTRODUCTION

2.1 Background

Poinkers, Inc. entered into a VCA with NYSDEC in February 2004 to investigate and remediate a 3.44-acre property located in the Village of Honeoye, Town of Richmond, Ontario County, New York. The property was remediated to commercial/industrial use criteria.

The Site is located in Ontario County, New York and is identified as a portion of Block 2 and Lot 17 on the Town of Richmond Tax Map # 135.2, which also has a street address of 8615 Main Street. The Site is situated on approximately 3.44-acres of land with NYS Route 20 – Main Street to the north, Mill Creek to the south and private property to the east and west. (See Figure 1). The boundaries of the Site are shown on Figure 2. The Site is occupied by multiple buildings which share common building walls. Three tenants are using the building for warehousing, light trades manufacturing and gently used merchandise storage.

2.2 Chronology of Remediation

Investigations by prospective buyers and the NYSDEC found the Site had soil and groundwater contamination. Surface soils in the vicinity of a former paint booth were contaminated with heavy metals (primarily lead) and subsoils were contaminated with volatile organic compounds. The contamination also impacted the Site's groundwater in the vicinity of the paint booth and beneath the building's floor slab. These investigations were completed in the 1990's.

Subsequent investigations were completed to assist with the preparation of a Remedial Action Work Plan in 2003 and to investigate the potential impact to indoor air in 2006. After 2006, legal issues regarding the property ownership delayed the project and the NYSDEC Region 8 took over as the project lead. Groundwater sampling completed by the NYSDEC was completed on June 8, 2010 and July 14, 2011. The analysis showed that during this time the aromatic hydrocarbons originally found in the groundwater naturally attenuated or were bioremediated by the indigenous bacteria to acceptable levels. In November 2013, NYSDEC issued an Explanation of Significant Difference (“ESD”) for the Site amending the goals for the 2006 Remedial Action Work Plan. The ESD indicated that removal of soils for the protection of groundwater was no longer consistent with the continued use of the property for commercial/industrial purposes.

March 10, 2015, the Remedial Action Work Plan was finalized. The plan addressed the remedy identified in the ESD including:

1. The removal of surface soil to a depth of one foot to achieve the Soil Cleanup Objective (“SCO”) for commercial/industrial property for lead (1,000 parts per million).
2. Vapor intrusion remains a potential exposure pathway, but past sampling results have shown the indoor air quality is not significantly impacted. Further evaluation of the soil vapor intrusion for the on-Site building and any future buildings constructed at the Site will be conducted.
3. Implementation of deed restrictions including a restriction to commercial/industrial use, a prohibition on groundwater use and notice of past spill(s) in the source area.

In addition to the elements of the ESD, the remedy required that a Site Management Plan (“SMP”) be implemented as an institutional control. Periodic certifications are required to ensure the Engineering Controls and Institutional Controls have been implemented and are being maintained.

3.0 REMEDY PERFORMANCE, EFFECTIVENESS AND PROTECTIVENESS

The Site was remediated in accordance with the Remedial Action Work Plan dated February 2006 and amended on March 10, 2015. On October 16, 2015, the excavated soil was removed and disposed of at the Waste Management Inc. – High Acres Landfill in Perinton, New York. The remediation area was backfilled with clean washed stone provided by Hanson Aggregates in Honeoye Falls, New York. Dixon Rollins, P.E. was the certifying Engineer.

The August 30, 2023 inspection confirmed that the gravel cover is not disturbed by erosion, burrowing animals or vehicles. Plant growth is being controlled with periodic mowing. Plant growth within the cover area appeared to be sparse.

The remainder of the Site and its use is consistent with the institutional controls implemented for the Site and there has been no change of use at the Site or changes to the building structure. Currently, CY Plastics, Inc., leases approximately 15,000-square feet of warehouse space for the storage of raw plastic materials in appropriate shipping containers. A privately owned wood working company leases 4,500-square feet with overhead doors on the west side of the building. The business purchases raw lumber slabs for the manufacture of wood tables. There were no liquid varnishes, thinners or paints observed in the occupied space and all wood slabs observed in the shop were unfinished or in the process of sanding. Office spaces at the north end of the building are used for the storage of gently used merchandise for resale on EBay and social medial marketplace platforms. An occupancy location map is provided as Figure 3. Photographs taken during the inspection are provided as Appendix A.

One (1) four-inch diameter monitoring well was observed on the east side of the building in proximity of the cover system. The well cap was removed and groundwater was observed to be approximately four-feet below ground surface. A second monitoring well was observed in a wooded area south of the Site building and the stand-up casing appeared in good condition.

4.0 INSTITUTIONAL CONTROL AND ENGINEERING CONTROL PLAN COMPLIANCE REPORT

The Site was inspected by SES for Marsh on August 30, 2023 for compliance with the Institutional Control (“IC”) Plan and Engineering Control (“EC”) Plan. A copy of the Site-Wide Inspection Form and IC/EC Annual Certification Form is provided as Appendix B.

4.1 IC Plan

Deed restrictions (Declaration of Covenants and Restrictions) were received and notarized by the Ontario County Clerk on June 14, 2017. The deed restriction is recorded in Liber 01386 of Deeds beginning on page 0253. A copy of the receipt from the County Clerk is provided as Appendix C.

This is the fourth annual inspection/review of the Site since the completion of the remediation and submittal of the Final Engineering Report. There have been no changes to the Site warranting an agency notification, review or change to the IC Plan.

4.2 EC Plan

The EC Plan review and inspection indicated the gravel cover remains in place and has not been disturbed. The cover continues to perform as designed and required. There have been no changes to Site development or Site use and no reportable incidents or excavations warranting a notification, review or change to the EC Plan.

5.0 MONITORING PLAN COMPLIANCE REPORT

A monitoring plan was not required.

6.0 OPERATION AND MAINTENANCE PLAN COMPLIANCE REPORT

The SMP does not have an operation and maintenance plan component.

7.0 OVERALL PERIODIC REVIEW CONCLUSIONS AND RECOMMENDATIONS

Currently there have been no changes to the Site structure or Site use. No deterioration of the gravel cover system was observed. The IC/EC plans are adequate and the cover system is functioning as designed. The remedy for the Site remains effective and protective of human health and the environment.

During the June 2022 inspection, a vehicle was observed to be parked on the cover system. At that time, Marsh recommended to Poinkers, Inc. that a “No Parking” sign should be placed in front of the cover system to prevent parking of vehicles on the cover system. Although no signage was observed during the August 30, 2023 inspection, Poinkers management informed the occupants not to park vehicles on the cover system. No evidence of vehicle parking such as tire ruts or gravel disturbance was observed on the cover system during the August 30, 2023 inspection.

No recommendations were made as a result of this annual Periodic Review.

8.0 CERTIFICATION

Certification of Institutional and Engineering Controls.

Following the last inspection of the reporting period, a Professional Engineer licensed to practice in New York State prepared, and included in the Periodic Review Report, the following certification as per the requirements of NYSDEC DER-10:

“For each institutional or engineering control identified for the site, I certify that all of the following statements are true:

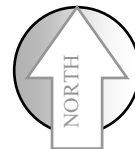
- The inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under my direction;*
- The institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;*

- *Nothing has occurred that would impair the ability of the control to protect the public health and environment;*
- *Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control; Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;*
- *If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;*
- *Use of the site is compliant with the environmental easement;*
- *The engineering control systems are performing as designed and are effective;*
- *To the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program; and*
- *The information presented in this report is accurate and complete.*

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Dixon Rollins, P.E., of Marsh Engineering, D.P.C., am certifying as Remedial Party for the site."

As a part of the annual certification, but at a frequency of every five years the following certification will be added:

- *The assumptions made in the qualitative exposure assessment remain valid.*



Title
Site Location
Former J&S Conveyor Property
8615 Main Street, Honeoye, New York

Prepared For
Poinkers, Inc.
190 Office Parkway
Pittsford, New York 14534

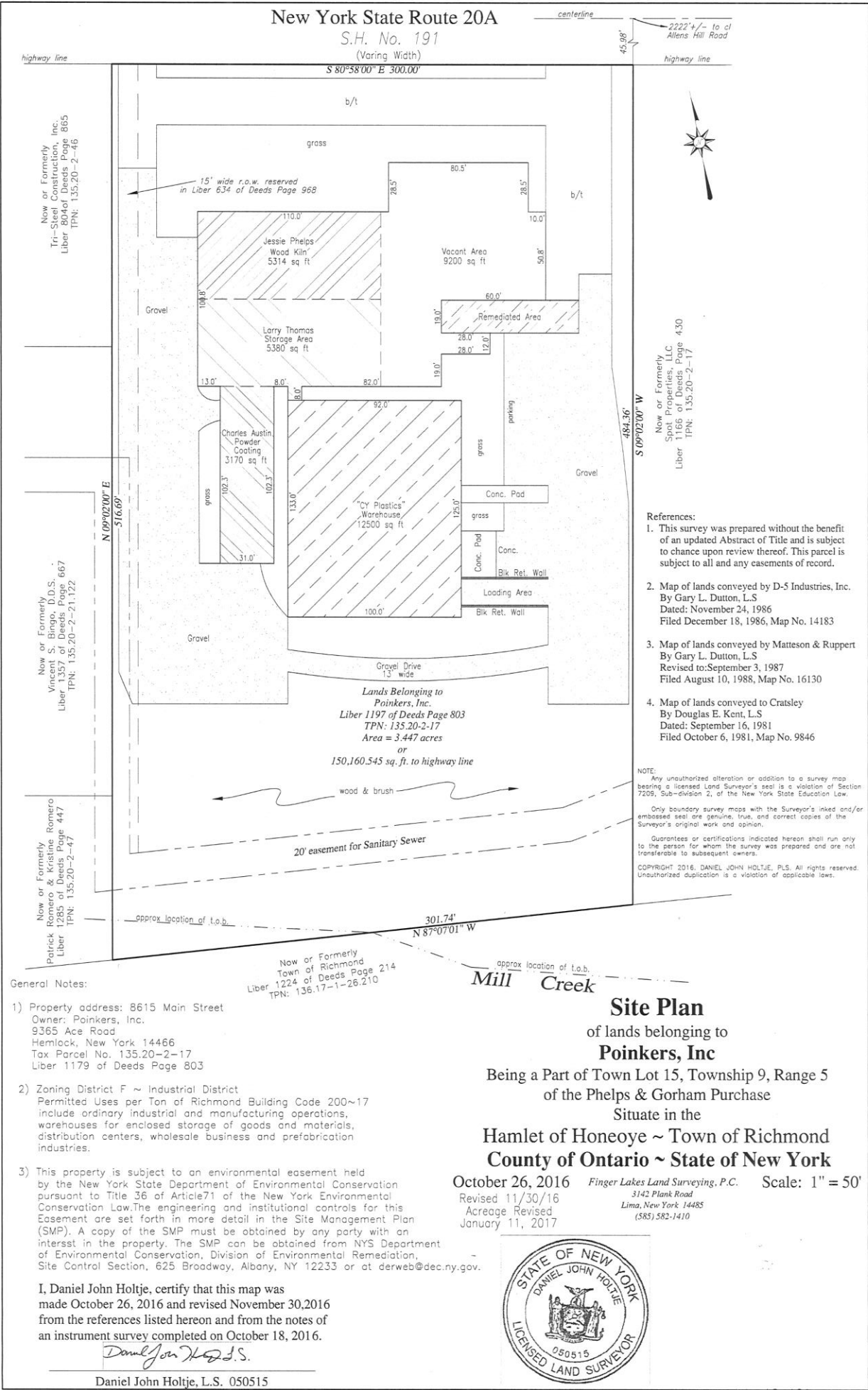
MARSH
ENGINEERING D.P.C.

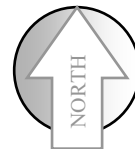
Project
869.006
Date
9/19/2023
Scale
As shown

Drawn
FRT
Checked
MPR
File Name
Site Location

Figure

1





Title
Occupancy Location Map
Former J&S Conveyor Property
Honeoye, New York

Prepared For
Pointkers, Inc
190 Office Park Way
Pittsford, New York 14534

MARSH
ENGINEERING D.P.C.

Project
869.006
Date
9/19/23
Scale
As shown

Drawn
FRT
Checked
MPR
File Name
Tenant Map

Figure

3

APPENDIX A

Photographs

8615 Main Street
Honeoye, New York



Site Building looking south from north side of Main Street.



West side of the Site building looking south.

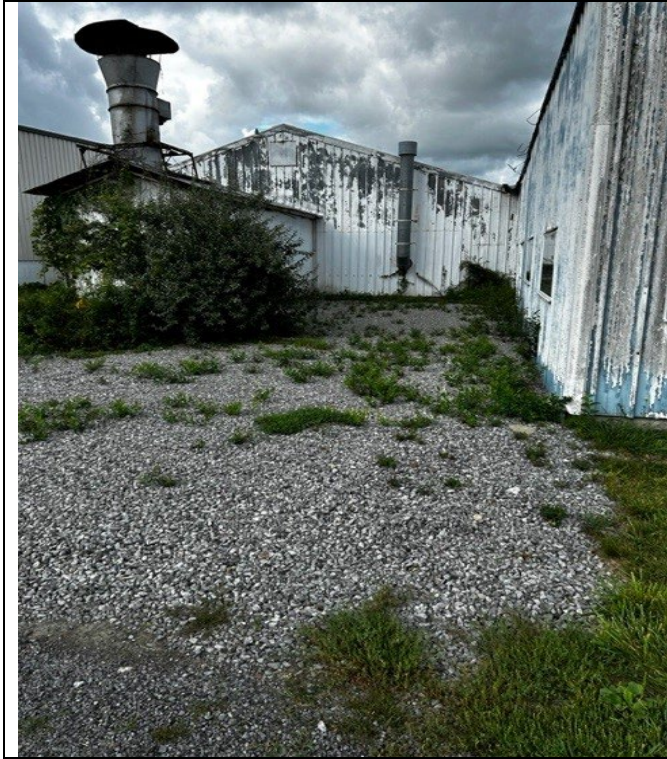


North end of the Site looking east.

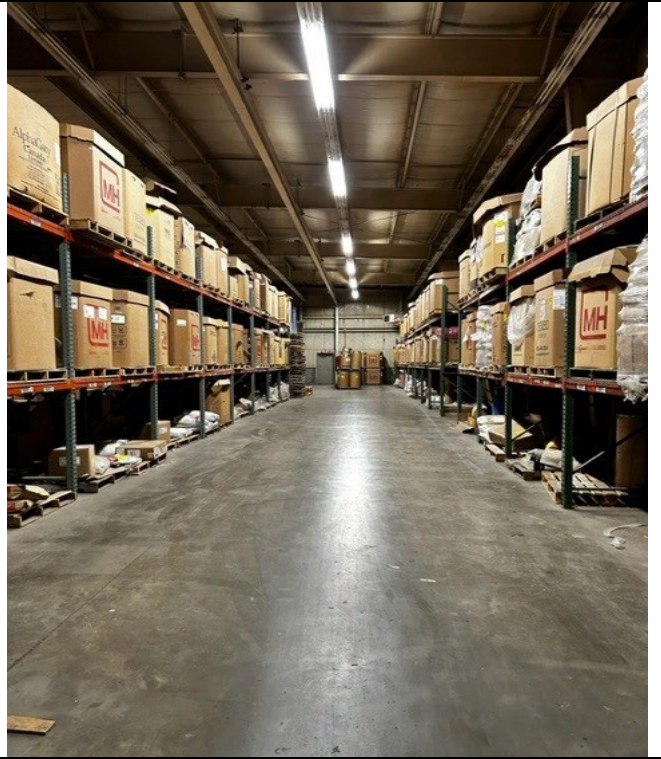


Loading dock used by CY Plastics looking west.

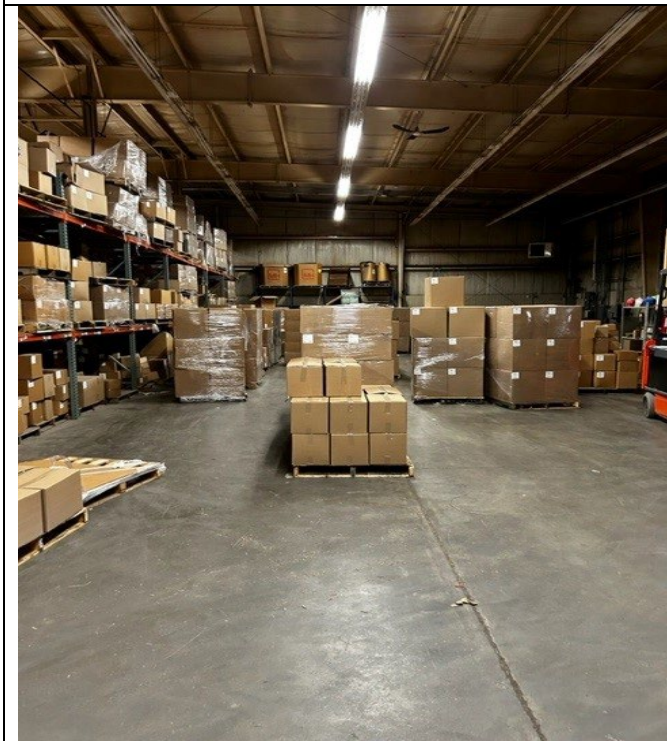
8615 Main Street
Honeoye, New York



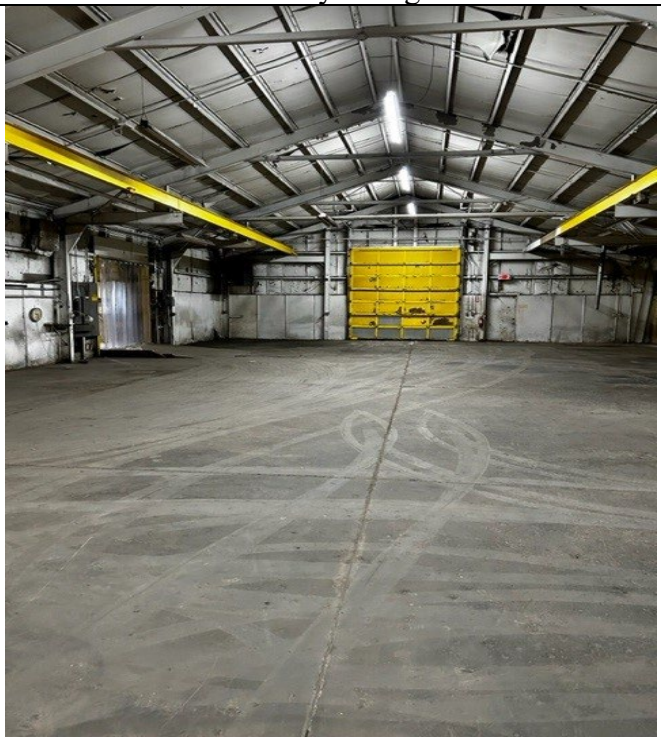
Cover area on east site of building.



Warehouse space used by CY Plastics for inventory storage.

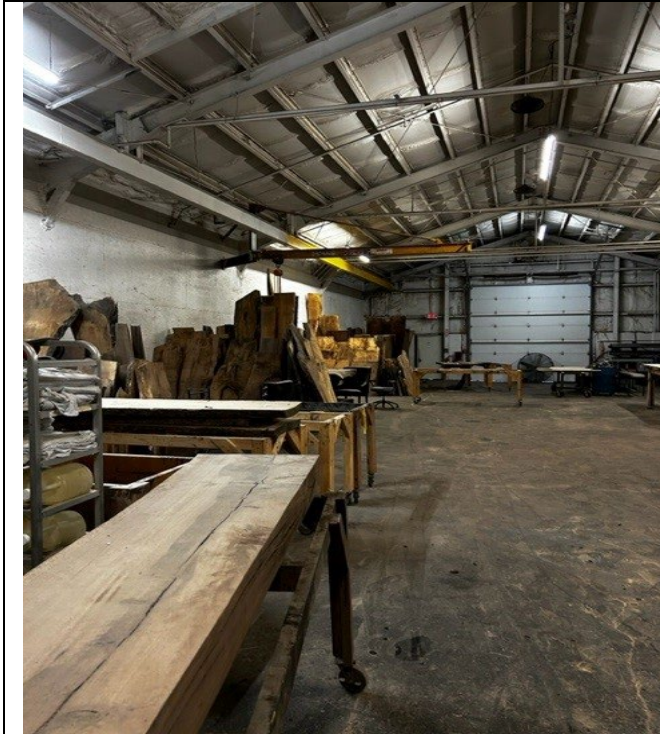


CY Plastics product inventory storage warehouse.



Empty warehouse space leased to CY Plastics.

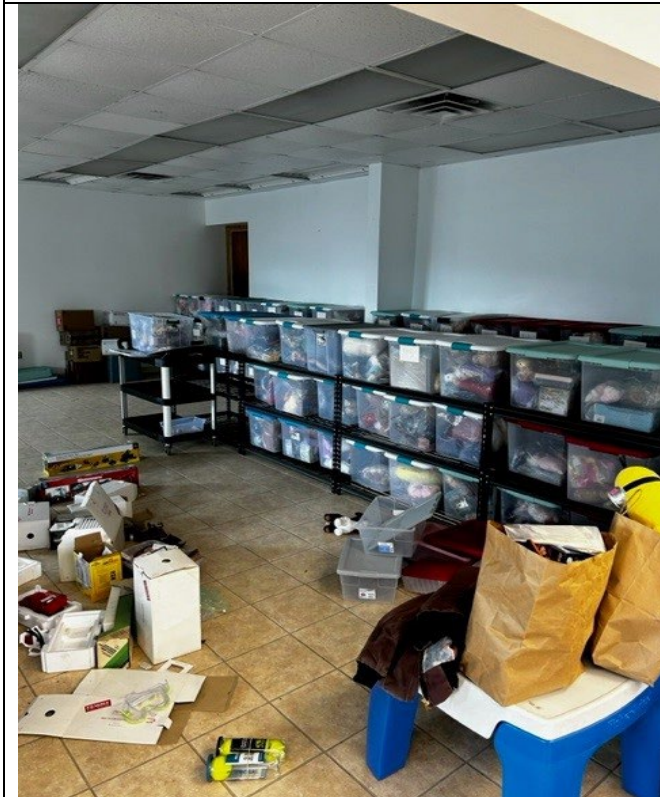
8615 Main Street
Honeoye, New York



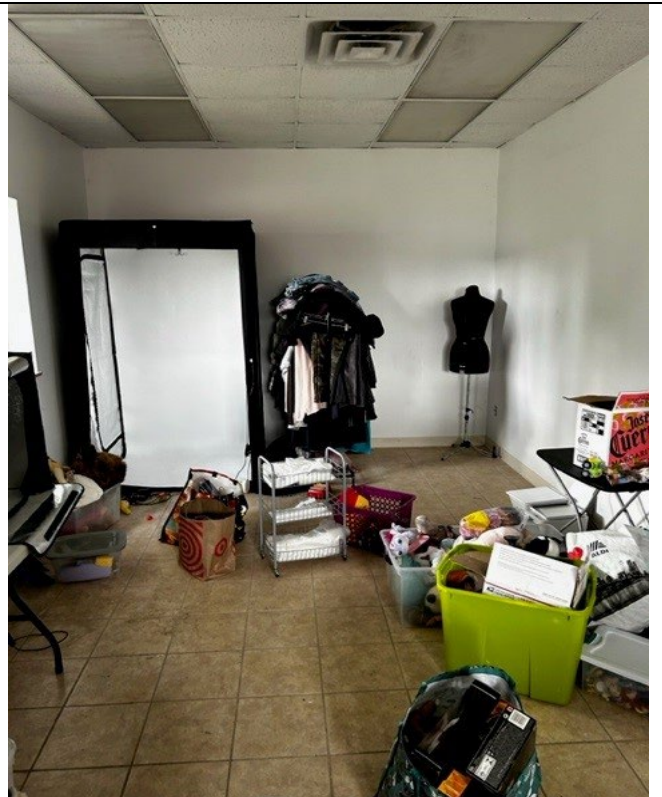
Raw lumber storage inside wood working shop.



Former softball training space currently vacant,



Used merchandise for resale stored in front office space.



Used merchandise for resale with photo booth in front office.

APPENDIX B

Site-Wide Inspection and Certification Forms

Site-Wide Inspection Form

FACILITY NAME AND LOCATION

NYSDEC Site No. V00644 - Former J&S Conveyor

INSPECTOR NAME AND ORGANIZATION

**Frank R. Thomas, Sessler Env. Svcs. on behalf of Marsh
Engineering D.P.C.**

DATE

08/30/2023

INSPECTION FINDINGS:

Site building appeared in good condition. Cover system in good condition. Use of hazardous or petroleum products were not observed. No evidence of spills, waste storage or dumping activity observed.

DESCRIPTION OF BUILDINGS, USES, AND OCCUPANTS:

Warehouse space used by CY Plastics for raw material storage, Woodworking shop occupied by Jessie Phelps for construction of tabletops using raw lumber, and space previously used by Finger Lakes Fast Pitch for softball is currently vacant. Office space at north end of building is currently used by a tenant for storage of goods to be re-sold on Ebay. Occupancy is minimal within the building. Primarily used for storage.

DESCRIPTION OF NEW FEATURES OR BUILDINGS (BUILDING RENOVATIONS, MONITORING WELLS, BUILDINGS WHERE INDIVIDUALS MIGHT WORK, PAVEMENT, UTILITIES, UNDERGROUND TANKS).

Site grounds were in good condition and maintained. No new buildings or additions were constructed. No recent renovations were observed. Site is connected to municipal water and sewers and heated via natural gas fired furnaces. One 4-inch diameter monitoring well observed on east side of building south of cover system. Water appeared to be approximately four feet below ground surface. No evidence of chemical sheen or odors observed on the water. No evidence of underground or aboveground storage tanks were observed.

CONDITION OF SITE PROPERTY AND ADJACENT PROPERTY (DRAINAGE SWALES, PAVEMENT CONDITION [NOTICEABLE STAINS OR SPILLS], WASTE MANAGEMENT PRACTICES [PRESENCE OF UNSECURED DEBRIS, DRUMS, EQUIPMENT]).

Site property in good condition. The driveway leading to CY plastics loading dock appeared to have been resurfaced with crushed stone, eliminating the depressions observed the prior year. Adjacent properties in good condition with CY Plastics to the east and US Postal Service building and office building to the west. Waste management practices are in compliance. General trash stored in trash dumpsters.

SITE RECORDS ARE COMPLETE AND UP TO DATE, AND SITE'S GENERAL COMPLIANCE WITH SITE MANAGEMENT PLAN IC / EC s are adhered to and in compliance with SMP.

ACTION ITEMS:

Poinkers, Inc was informed of the vehicle parked on the cover system during last years inspection. Poinkers informed occupants that this is a no parking area. To their knowledge occupants haven't parked over the cover system since and no evidence of such was observed.

DATE ACTION ITEMS WERE ADDRESSED:

USE OF THE SITE IS COMPLIANT WITH THE ENVIRONMENTAL EASEMENT. ☒ YES ☐ NO

I UNDERSTAND THAT A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR, PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

INSPECTOR SIGNATURE

DATE

08/30/2023





Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Box 1

Site No. **V00644**

Site Name **Former J & S Conveyor Property**

Site Address: 8615 MAIN STREET Zip Code: 14471

City/Town: Honeoye

County: Ontario

Site Acreage: 3.400

Reporting Period: June 21, 2022 to June 21, 2023

YES NO

1. Is the information above correct?



If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?



3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?



4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?



If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?



Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial



7. Are all ICs in place and functioning as designed?



**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Description of Institutional ControlsParcelOwnerInstitutional Control**135.20-2-17**

Poinkers Inc

Ground Water Use Restriction
Landuse Restriction
Site Management Plan
IC/EC Plan

1. Site use is limited to Commercial and industrial uses.
2. Groundwater use is prohibited.
3. Compliance with a Site Management Plan is required.
4. Periodic certifications are required.

Description of Engineering ControlsParcelEngineering Control**135.20-2-17**

Cover System

1. Cover system consisting primarily of 2 crusher run stone in an area near the former paint shop on the east portion of the site.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO



2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO



**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. V00644

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I DIXON ROLLINS at 271 MARSH RD PITTSFORD, NY
print name print business address

am certifying as DESIGNATED REPRESENTATIVE (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Dixon Rollins
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

10/30/2023
Date

EC CERTIFICATIONS

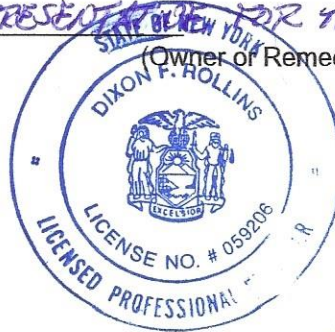
Box 7

Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I DIXON ROLLINS at 271 MARSH RD PITTSFORD, NY
print name print business address

am certifying as a for the DESIGNATED REPRESENTATIVE FOR THE OWNER
(Owner or Remedial Party)



Dixon Rollins
Signature of , for the Owner or Remedial Party,
Rendering Certification

Stamp
(Required for PE)

10/30/2023
Date

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
 - 1. progress made during the reporting period toward meeting the remedial objectives for the site
 - 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 - 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 - 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 - 1. recommend whether any changes to the SMP are needed
 - 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 - 3. recommend whether the requirements for discontinuing site management have been met.
- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.
- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.
- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 - 1. Describe each control, its objective, and how performance of the control is evaluated.
 - 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 - 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 - 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 - 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).
- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.
- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.

APPENDIX C

County Clerk's Record of Receiving Deed Restrictions



Ontario County Clerk Recording Page

Return To

GREENEBAUM SAIGER AND KASDIN PC
190 OFFICE PARK WAY
PITTSFORD, NY 14534

Matthew J. Hoose, County Clerk

Ontario County Clerk
20 Ontario Street
Canandaigua, New York 14424
(585) 396-4200

Document Type: **DECLARATION**

Receipt Number: 305242

Grantor (Party 1)

POINKERS INC

Grantee (Party 2)

Fees

Recording Fee	\$20.00
Pages Fee	\$30.00
State Surcharge	\$20.00
Total Fees Paid:	\$70.00

Control #: 201706140127

State of New York
County of Ontario

Recorded on June 14th, 2017 at 3:07:29 PM
in Liber **01386** of **Deeds**
beginning at page **0253**, ending at page **0258**,
with a total page count of **6**.

Ontario County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

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DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 7th day of June 2017, by Poinkers, Inc., a corporation organized and existing under the laws of the State of NY, 9365 Ace Road, Hemlock, New York and having an office for the transaction of business at same.

WHEREAS, Former J & S Conveyor Property (Site #V00644) is the subject of a Voluntary Cleanup Agreement executed by Poinker, Inc. as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that parcel of real property located at the address of 8615 Main Street in the Town of Richmond, County of Ontario, State of New York, being the same as (or part of) that property conveyed to Poinkers, Inc. by The County of Ontario by deed(s) dated February 21, 2007 and recorded on the February 21, 2007 in Ontario County Clerk's Office in Liber and Page 1179/803, and being more particularly described in Schedule "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants (the "Remedy".)

NOW, THEREFORE, Ponikers, Inc., for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Schedule "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. 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.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for **Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Ontario County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Voluntary Cleanup Agreement requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By: _____

Print Name: _____

Title: _____

Date: _____

Grantor's Acknowledgment

STATE OF NEW YORK)

) s.s.:

COUNTY OF Monroe)

On the 7th day of June, in the year 2017, before me, the undersigned, personally appeared Robert F. Greenbaum, 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.

Rosemary G Perotto

Notary Public State of New York

ROSEMARY G. PEROTTO
Notary Public, State of New York
Qualified in Monroe County
Commission Expires December 30, 2018

SCHEDULE "A"

Enter Property Description

Daniel J. Holtje, L.S.

3142 Plank Road
Lima, NY 14485

Email: d_holtje@yahoo.com

Office (585) 582-1410
Cell (585) 519-5974

January 17, 2017

Legal Description

Lands Belonging to Poinkers, Inc.
8615 Main Street ~ Hamlet of Honeoye
Town of Richmond ~ Ontario County

All that tract or parcel of land situate on the south side of N.Y.S. Route 20A, S.H. No.191 in the Hamlet of Honeoye, Town of Richmond, County of Ontario and State of New York. Beginning at a point in the center line of N.Y.S. Route 20A, S.H. No.191 said point being 2222+/- feet westerly along the centerline of N.Y.S. Route 20A, S.H. No.191 from the centerline of Allens Hill Road, said point also being the north west corner of lands belonging to Spot Properties, LLC, reference Liber 1166 of Deeds at Page 430, thence S 09°02'00" W a distance of 45.98 feet to a point on the north right of way of N.Y.S. Route 20A, S.H. No.191, being the point or place of beginning, thence;

1) S 09°02'00" W along the west line of Spot Properties, LLC a distance of 484.36 feet to a point, said point lying on the north line of lands belonging to the Town of Richmond, reference Liber 1224 of Deeds at Page 214, thence;

2) N 87°07'01" W along the north line of the Town of Richmond a distance of 301.74 feet to a point, said point being the southeast corner of lands belonging to Patrick and Kristine Romero, reference Liber 1285 of Deeds at Page 447, thence;

3) N 09°02'00" E along the east line of Romero and the east line of lands belonging to Vincent S. Bingo, D.D.S., reference Liber 1357 of Deeds at Page 667 and lands belonging to Tri-Steel Construction, Inc., reference Liber 804 of Deeds at Page 865 a distance of 516.69 feet to a point on the south right of way of N.Y.S. Route 20A, S.H. No.191, thence;

4) S 80°58'00" E along the south right of way of N.Y.S. Route 20A, S.H. No.191, a distance of 300.00 feet to the point or place of beginning.

Being 3.447 acres or 150,160.545 square feet to highway line.

SCHEDULE "B"

