

# ENVIRONMENTAL EASEMENTS

## Getting the Job Done Right

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# Easement Process:

- Remedial party submits easement package to DEC case attorney
- DEC attorney works with RP to resolve issues
- DEC attorney sends final package to DER Director for execution
- DEC sends executed package to RP for filing and required notices
- RP sends proof of notices to DEC



# Subordination Agreements

- *For Past Easements and Other Interests on the Property that were formerly required to have Subordination Agreements*
  - *The Department has rescinded the requirement*
  - *Instituted a Notice Requirement*
  - *Notice of the EE will be served on all parties with interest on the property within 60 days after the filing of the EE*
  - *Certification of the Compliance with the Notice will be filed with the County Clerk and provided to DEC within 90 days of filing of the EE*



# DOCUMENTS LISTED IN CHECKLIST

- *Generic Easement*
- *Title Commitment- w/amount (\$35,000), tax map, physical address, certified to NYS DEC*
- *Current Deed (s)*
- *Schedule “B” supporting documents*
- *Schedule “A” Property Description*
- *Proposed Final Policy/Proforma & Letter stating that it will issue the Title Insurance Policy upon recordation of the EE.*
- *Survey w/ tax map, physical address, certified to NYS DEC ( See Survey Requirements)*



# REVIEW

- *Checklist will be reviewed by DEC for*
  - *Completeness*
  - *Title Clearance issues*
  - *LLC/Incorporation papers/Resolutions/Certificate of Authority*
  - *Deeds/Property surveys, locations of EE on Survey Map, etc.*
- *While Subordination Agreements are no longer required , Notice requirements must be met and a list of those to get Notices must be included*



# SITE MANAGEMENT PLAN

- *Environmental Easements may be executed prior to approval of the SMP*
- *SMP would still have to be completed for FER, but no reason to delay EE*
- *EE will require compliance with DEC approved SMP*



# FINAL SURVEY

- *Survey depicting clearly labeled boundaries of the area covered by the EE and boundaries of the Engineering Control area(s) can be shown using a legend*
- *Other requirements listed in survey requirement sheet.*



# FINAL EASEMENT PACKAGE

- *Signed/Notarized*
- *Copies of Notices etc.,*
- *DEC Execution*
- *Letter, TP 584.2 & fully Executed Easement to participant/s*



# RECORDING REQUIREMENT

- *Within 30 days – 6NYCRR 375-1.5 (1) (i) & Article 9 of RPL*
- *Recorded EE with recording information*



# FINAL ENVIRONMENTAL EASEMENT PACKAGE NEEDED FOR COC ISSUANCE

- *Copy of Final Title Insurance Policy*
- *Copy of recorded Environmental Easement with date and location of recording*
- *Record of Filing of an original full size site Survey Map*
- *Copies of Municipal Notifications and Certificate of Mailing*
- *Complete hard copies of all documents sent for Department file.*

