

ENVIRONMENTAL NOTICE**To be issued in lieu of Environmental Easement/Deed Restriction as referenced in DER-33**

THIS ENVIRONMENTAL NOTICE is made the _____ day of _____ 20__, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property indentified as Enter Site Name (SiteEnter Site Number), located on Enter Street Address in the Choose Municipality Type of Enter Municipality Name, County of Enter County Name, State of New York, which is part of lands conveyed by Enter Former Owner's Name to Enter Current Owner's Name by deed dated Enter Date and recorded in the Enter Recording County County Clerk's Office on Enter Recording Date in Book Enter Book Number of Deeds at Page Enter Page Number and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as " the Property" is the subject of a Choose Agreement Typeexecuted by Enter Remedial Party Name as part of the Department's Choose Program Type Program; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "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 Sate 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 disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the remedy was designed to be protective for the following uses: Choose the allowable land use if current land use is selected, enter current use. Therefore, any use for purposes other than Choose abbreviated land use without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: _____
Robert W. Schick, P.E,
Acting Director, Division of
Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 20____, before me, the undersigned, personally appeared Robert Schick, 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 as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

Notary Public – State of New York