

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
www.dec.ny.gov

DEC 01 2015

FA Bartlett Tree Expert Company  
Attn: Mr. David Marren, Esq.  
13768 Hamilton Road  
Charlotte, NC 28278

Re: Certificate of Completion and Registry Reclassification from 2 to 4  
Site Name: Bartlett Tree Company  
Site No. 130074  
Village of Westbury, Town of N. Hempstead  
Nassau County

Dear Mr. Bartlett:

Congratulations on having satisfactorily completed the remedial program at the Bartlett Tree Company Site. Enclosed please find an original, signed Certificate of Completion. This also results in the New York State Department of Environmental Conservation's (DEC) reclassification of the above-referenced site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") from Class 2 to Class 4. The effective date of the classification change shall be 20 days from the date of this letter.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- Place the notice of the COC in the document repository for the site within 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. You must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in March 2017.

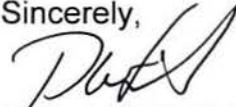


Department of  
Environmental  
Conservation

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, and notifications relating to the reclassification or delisting of the site on the Registry.

If you have any questions regarding the reclassification or any of the above tasks, please contact the project manager for this site, Jamie Ascher, at (631) 444-0246 or by email at [jamie.ascher@dec.ny.gov](mailto:jamie.ascher@dec.ny.gov).

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

cc: Robert Bartlett, Jr. – The Bartlett Realty Company, Inc.  
Krista Anders, DOH  
Anthony Perretta, DOH  
Jim Harrington, DEC  
Walter Parish, DEC  
Jamie Ascher, DEC  
Rosalie K. Rusinko, DEC



NYSDEC STATE SUPERFUND PROGRAM (SSF)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

FA Bartlett Tree Expert Company

**Address**

13768 Hamilton Rd., Charlotte, NC 28278

**SITE INFORMATION**

**Site No.:** 130074 **Site Name:** Bartlett Tree Company

**Order on Consent:** Index No. W1-1091-06-08 **Order Execution Date:** April 20, 2007

**Site Owner:** The Bartlett Realty Company, Inc.

**Street Address:** 345 Union Avenue

**Municipality:** Westbury **County:** Nassau **DEC Region:** 1

**Site Size:** 0.414 Acres

**Tax Map Identification Numbers:** 10-228-206, 10-228-786

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 6 NYCRR §375-1.9.

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 Order on Consent as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

**Allowable Uses under the SSF:** 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 Nassau County as Liber Book D, Pages 39-48.

**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 6NYCRR §375-2.9. 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 6NYCRR §375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL §27-1321 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 6NYCRR §375-1.9(f)-(g).

## **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 §375-1.9(e)(2) upon a finding that:

- (1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;
- (2) there has been a failure to comply with the terms and conditions of the order;
- (3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;
- (4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;
- (5) for good cause;
- (6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;
- (7) non-compliance with the terms of the order, the remedial work plan, site management plan, or the certificate of completion after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 375-1.9(e)(2);
- (8) fraud related to the remedial program for the site committed by the certificate holder;
- (9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or
- (10) a change in the site's use subsequent to the Department's issuance of the certificate of completion, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

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.

Basil Seggos  
Acting Commissioner  
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: December 1, 2015

**NOTICE OF CERTIFICATE OF COMPLETION**  
**Inactive Hazardous Waste Disposal Site Program**  
**Pursuant to 6 NYCRR Part 375-1.9(d)**

Bartlett Tree Company, Site ID No. 1-30-074  
345 Union Ave., Village of Westbury, NY, 11590  
Town of North Hempstead, Nassau County, Section 10, Block 228, Lots 206 & 786

**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 FA Bartlett Tree Expert Company for a parcel approximately 0.414 acres located at the 345 Union Avenue in the Village of Westbury, Nassau County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the construction completion report and data submitted pursuant to the Order on Consent, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 13 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):

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 Nassau County as Liber Book D, Pages 39-48.

**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 shall be entitled to the liability limitation provided in 6 NYCRR Part 375-2.9. The liability limitation shall run with the land, extending to the Certificate holders 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 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of law.



Bartlett Tree Company, Site #1-30-074, 345 Union Ave.

**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 holders 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 DEC's Region One office located at SUNY at Stony Brook, 50 Circle Road, Stony Brook, NY 11790 by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

FA Bartlett Tree Expert Company

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:**  
FA Bartlett Tree Expert Company  
13768 Hamilton Road  
Charlotte, NC 28278



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
11/4/2015



SITE DESCRIPTION

SITE NO. 130074  
SITE NAME Bartlett Tree Company  
SITE ADDRESS: 345 Union Avenue ZIP CODE: 11590  
CITY/TOWN: Westbury  
COUNTY: Nassau  
ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan NO

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 03/01/2017

Description of Institutional Control

Robert A Bartlett, Jr.

345 Union Avenue

Environmental Easement

Block: 228

Lot: 786

Sublot:

Section: 10

Subsection:

S\_B\_L Image: 10-228-786

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Robert A. Bartlett, Jr.

345 Union Avenue

Environmental Easement

Block: 228

Lot: 206

Sublot:

Section: 10

Subsection:

S\_B\_L Image: 10-228-206

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

**Description of Engineering Control**

Not Applicable/No EC's



**SCHEDULE "A" PROPERTY DESCRIPTION**

BEGINNING AT A POINT ON THE NORTHERLY LINE OF UNION AVENUE, FORMERLY KNOWN AS RAILROAD AVENUE, DISTANT 295.10 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY LINE OF UNION AVENUE AND THE WESTERLY LINE OF LINDEN AVENUE, FORMERLY KUSCH AVENUE AND RUNNING THENCE;

ALONG THE NORTHERLY LINE OF UNION AVENUE, SOUTH 73°58'02" WEST A DISTANCE OF 45.00 FEET; THENCE  
ALONG THE NORTHERLY LINE OF UNION AVENUE, SOUTH 73°58'02" WEST A DISTANCE OF 11.63 FEET; THENCE  
NORTH 07°31'41" WEST, A DISTANCE OF 323.75 FEET; THENCE  
NORTH 80°36'52" EAST, A DISTANCE OF 11.51 FEET; THENCE  
NORTH 80°36'52" EAST, A DISTANCE OF 45.00 FEET; THENCE  
SOUTH 07°26'35" EAST, A DISTANCE OF 317.19 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 0.414 ACRES

