

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 25th day of April 2013, 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 located at the address of 1348 Speonk-Riverhead Road in the Town of Southampton, County of Suffolk and State of New York, known and designated on the tax map of the County Clerk of Suffolk as tax map parcel numbers: Section 303.00 Block 01.00 Lot 002.008, being the same as that property conveyed to Grantor by deed(s) dated January 30, 1984 recorded in Liber 9516 at page 241; deed dated June 14, 1983 recorded in Liber 9376 at page 156; deed dated December 15, 1976 recorded in Liber 8166 at page 590 and deed dated March 17, 1976 recorded in Liber 8018 at page 101 in Suffolk County Clerk's Office, comprising approximately 9.992 ± acres, and hereinafter more fully described in the Land Title Survey dated May 9, 2012 prepared by L. K. McLean Associates, P.C., and being more particularly described in Appendix "A," attached to this notice and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program performed by the Department; 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 part of lands 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 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 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 375-1.1 1(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls (ECs) 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. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us .

Institutional and Engineering Controls

1. Building Improvements: Improvements were made to the buildings on-site (former drip pad building, former CCA treatment building, and former frame storage building) to limit the amount of water entering the residual contaminated soils and to stabilize the structure of the buildings.

2. Monitored Natural Attenuation: Groundwater, surface water, and sediment monitoring activities to assess natural attenuation of contamination will continue until the state has determined that residual levels of contaminants in groundwater are consistently below SCGs or have become asymptotic at an acceptable level over an extended period. Potable water supplies will be monitored to determine whether residual levels of contaminants in groundwater meet Maximum Contaminant Levels protective of human health. Monitoring will continue until permission to discontinue is granted in writing by the Department.

3. Site Fencing for Site Access Control

The engineering controls shall continue to be maintained and monitored until (1) the site is deemed by the Department to no longer be capable of discharging contamination or affecting human health and (2) permission to discontinue is granted in writing by the Department.

FOURTH, the remedy was designed to be protective for Commercial or Industrial uses. Therefore, any use for purposes other than Commercial or Industrial uses 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, the 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 has executed this instrument the day written below.

THIS ENVIRONMENTAL NOTICE IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

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

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 25th day of April, in the year 2013, before me, the undersigned, personally appeared Robert W. Schick, 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.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

SCHEDULE "A" PROPERTY DESCRIPTION

DESCRIPTION OF PROPERTY

December 30, 2011

All that certain plot, piece, or parcel of land known as lot 10 and lot 11 on map entitled "2nd Map of Agricultural City Co.", filed July 13, 1896 in the Suffolk County Clerk's Office as file map no. 606; said parcel situate, lying and being at Speonk, Town of Southampton, County of Suffolk, State of New York as shown on a map prepared by L.K. McLean Associates, P.C. dated December 30, 2011. Said parcel being more particularly bounded and described as follows:

Beginning at a point on the easterly boundary line of Speonk-Riverhead Road, also known as Evergreen Avenue, at the southwest corner of the aforementioned lot 10; said point of beginning being 3915.84 feet northerly along said easterly boundary line of Speonk-Riverhead Road from a concrete monument found at the intersection of said boundary line with the northerly boundary line of Old Country Road;

Thence, from said point of beginning, North 08°37'30" East, along said easterly boundary line of Speonk-Riverhead Road, a distance of 921.00 feet to a point on the northerly boundary line of the aforementioned lot 11, also being on the division line between the subject parcel on the south and land now or formerly of Thomas and Anita Samuels Family Partnership, L.P. and Charles and Deborah Guilloz Family Partnership, L.P. on the north;

Thence, South 81°22'49" East, along said northerly boundary line and said division line, a distance of 472.56 feet to a point on the easterly line of said lot 11, also being on the division line between the subject parcel on the west and land now or formerly of Frank Grasso, Jr. on the east;

Thence, South 08°37'11" West, along said easterly line of lot 11 and said division line, and continuing along the easterly line of lot 10 and said division line, a distance of 921.00 feet to a point on the first mentioned southerly boundary line of lot 10, also being on the division line between the subject parcel on the north and land now or formerly of Edward Broidy on the south;

Thence, North 81°22'49" West, along said southerly boundary line of lot 10 and said division line, a distance of 472.65 feet (472.64 feet deed) to the point or place of beginning.

Being 435,271 square feet or 9.992 acres more or less.

