



DANIEL K. MANNION  
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March 22, 2024

**VIA OVERNIGHT DELIVERY**

Brian Rashkow, Esq.  
New York State Department of Environmental Conservation  
Office of General Counsel  
625 Broadway, 14<sup>th</sup> Floor  
Albany, New York 12233-1500

Re: **Downside Risk, Inc. / Environmental Easement**  
**DEC Site No. 704007** - BEC Trucking - Coalem 27 Mar 2024  
**3201 Stewart Road, Vestal, New York 13850 ("Property")**

Dear Brian:

Enclosed with respect to the above matter is one copy of the recorded Notice of Certificate of Completion that was filed in the Broome County Clerk's Office on March 21, 2024 in Book 2754 of Deeds at page 611.

Please let us know if you need anything further.

Thank you.

Very truly yours,

**HANCOCK ESTABROOK, LLP**

Daniel K. Mannion

DKM/lmb  
Enclosure

cc: Doreen A. Simmons, Esq.



BROOME COUNTY – STATE OF NEW YORK  
JOSEPH A. MIHALKO, COUNTY CLERK  
60 HAWLEY STREET, P.O. BOX 2062  
BINGHAMTON, NY 13902

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	30.00
Cross References	0.50
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

Total: 55.50  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

BOOK/PAGE: D2754 / 611  
INSTRUMENT #: 202400008230

Receipt#: 20241222771  
Clerk: SAM  
Rec Date: 03/21/2024 02:50:42 PM  
Doc Grp: D  
Descrip: DEED MISC  
Num Pgs: 3  
Rec'd Frm: CHICAGO TITLE SYRACUSE - 120  
MADISON ST STE 1610 NY 13202

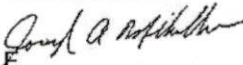
Party1: DOWNSIDE RISK INC  
Party2: VESTAL SELF STORAGE LLC  
Town: TOWN OF VESTAL

WARNING\*\*\*

This sheet constitutes the clerks endorsement,  
required by Section 316-A (5) & Section 319 of the  
Real Property Law of the State of New York. DO  
NOT DETACH.

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

  
Joseph A. Mihalko  
Broome County Clerk

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

**BEC Trucking Site, Site ID No. 704007**  
**3201 Stewart Road, Vestal, NY 13850**

**Town of Vestal, Broome County, Tax Map Identification Number: 158.11-1-15**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Downside Risk, Inc. and Vestal Self Storage LLC for a parcel approximately 3.558 acres located at 3201 Stewart Road in the Town of Vestal, Broome County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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 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):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1) i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2) i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2) ii.
- 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 NYSDEC as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, 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 Broome County as 202300023459.

**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 NYSDEC'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(s) 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 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 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.

**BEC Trucking Site, 704007**  
**3201 Stewart Road, Vestal, NY 13850**

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC 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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

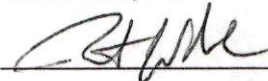
**PLEASE TAKE NOTICE**, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the 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**, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 Office located at 5786 Widewaters Parkway, Syracuse, NY by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/704007/>.

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

Downside Risk, Inc


By: 

Title: SECRETARY

Date: 3/15/24

STATE OF NEW YORK        ) SS:  
COUNTY OF Broome        )

On the 15<sup>th</sup> day of March, in the year 2024 before me, the undersigned, personally appeared Peter Walsh, 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:**  
Downside Risk, Inc.  
200 Plaza Drive  
Vestal, NY 13850

KAREN A WALTER  
Notary Public, State of New York  
No. 01WA4946164  
Qualified in Broome County 21  
Commission Expires January 27, 2029