

Former Diamond Cleaners  
Site No. 808030  
717 Lake Street  
Chemung County, NY  
Tax Map: Section 89.11, Block 3, Lot 83

## ENVIRONMENTAL NOTICE

**THIS ENVIRONMENTAL NOTICE** is made the 20<sup>th</sup> day of December 2011, 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 on 717 Lake Street in the City of Elmira, County of Chemung, State of New York, known and designated on the tax map of the County Clerk of Chemung as tax map number: Section 89.11, Block 3, Lot 83 which is part of lands conveyed by Joseph E. Sartori III, County Treasurer of the County of Chemung, to The County of Chemung by deed dated February 15, 2005 and recorded in the Chemung County Clerk's Office on February 16, 2005, in Instrument # 200502160030 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 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 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 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: Commercial or Industrial. Therefore, any use for purposes other than for commercial or industrial 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.

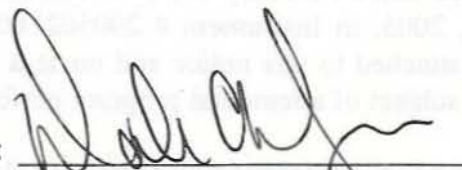
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**FIFTH**, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant 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.

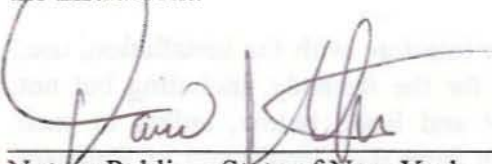
**IN WITNESS WHEREOF**, the undersigned has executed this instrument the day written below.

By:

  
Dale A. Desnoyers, Director  
Division of Remediation

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF ALBANY )

On the day of the 20<sup>th</sup> in the year 2011, before me, the undersigned, personally appeared Dale A. Desnoyers, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual 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

## Appendix A

Former Diamond Cleaners  
Site No: 808030  
717 Lake Street in the City of Elmira  
County of Chemung  
Tax Lot Parcel: Section 89.11, Block 3, Lot 83

### METES AND BOUNDS DESCRIPTION

All that Tract, Piece or Parcel of Land, situated in the City of Elmira, County of Chemung, and State of New York, bounded and described as follows:

BEGINNING at an iron pin in the westerly line of Lake Street 242.00<sup>1</sup> feet north from the intersection of said westerly line of Lake Street with the north line of East Fifth Street, running thence North 82° 2' 20" West 66<sup>2</sup> feet to an iron pin, running thence south 85° 40' 20" West 23.79 feet to an iron pin, running thence north 16° 6' 30" West 13.77 feet to an iron pin, running thence south 73° 48' 30" West 127.45 feet to an iron pin in the east line of Benjamin Street; running thence north 9° 24' west along the easterly line of Benjamin Street 61 feet to an iron pin, running thence north 73° 48' 30" east 120.33 feet to an iron pin, running thence north 81° 27' 50" east 124.70 feet to a drill hole in the westerly line of Lake Street, running thence south 7° 57' 40" West 50 feet to an iron pin and continuing on the same course a distance of 48.23 feet to the point of beginning.

The foregoing description is based on a map of a survey by Weller Associates dated November 27, 1974 and entitled "Map of land of Mary Wich and Anne Pona." A copy of such map is to be filed as case map #1817 in the Chemung County Clerk's Office.

<sup>1</sup> 240.63' per survey of Mactec Engineering and Consulting, Inc. bearing Project No. 3612-09-2140, Drawing No. C-1-1, last revised March 4, 2011.

<sup>2</sup> 66.01' per survey of Mactec Engineering cited above.

Being a part of the same premises conveyed to the County of Monroe by Deed from Joseph E. Sartori III, as County Treasurer of the County of Chemung, dated February 15, 2005 and filed February 16, 2005 in the Chemung County Clerk's Office under Control #200502160030.

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## Appendix B

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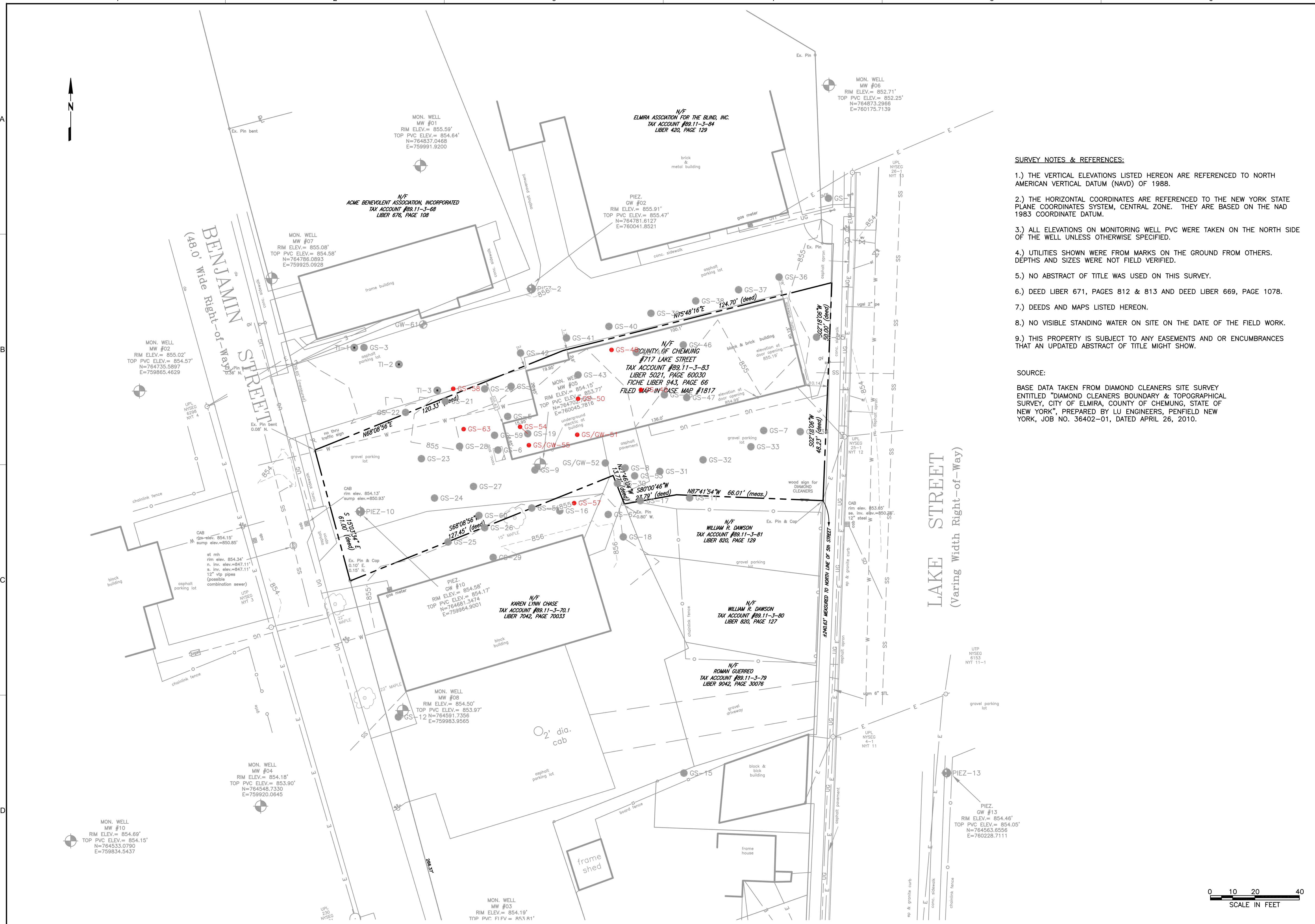
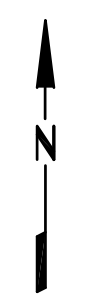
6

A

B

C

D



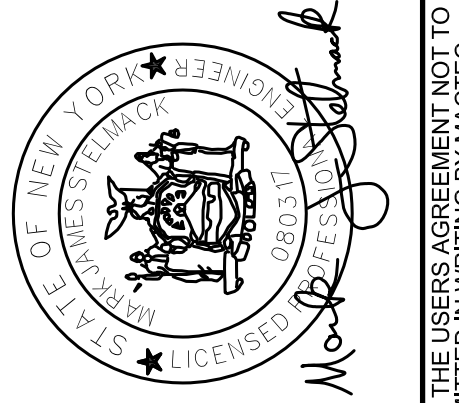
**SURVEY NOTES & REFERENCES:**

- 1.) THE VERTICAL ELEVATIONS LISTED HEREON ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.
- 2.) THE HORIZONTAL COORDINATES ARE REFERENCED TO THE NEW YORK STATE PLANE COORDINATES SYSTEM, CENTRAL ZONE. THEY ARE BASED ON THE NAD 1983 COORDINATE DATUM.
- 3.) ALL ELEVATIONS ON MONITORING WELL PVC WERE TAKEN ON THE NORTH SIDE OF THE WELL UNLESS OTHERWISE SPECIFIED.
- 4.) UTILITIES SHOWN WERE FROM MARKS ON THE GROUND FROM OTHERS. DEPTHS AND SIZES WERE NOT FIELD VERIFIED.
- 5.) NO ABSTRACT OF TITLE WAS USED ON THIS SURVEY.
- 6.) DEED LIBER 671, PAGES 812 & 813 AND DEED LIBER 669, PAGE 1078.
- 7.) DEEDS AND MAPS LISTED HEREON.
- 8.) NO VISIBLE STANDING WATER ON SITE ON THE DATE OF THE FIELD WORK.
- 9.) THIS PROPERTY IS SUBJECT TO ANY EASEMENTS AND OR ENCUMBRANCES THAT AN UPDATED ABSTRACT OF TITLE MIGHT SHOW.

**SOURCE:**

BASE DATA TAKEN FROM DIAMOND CLEANERS SITE SURVEY ENTITLED "DIAMOND CLEANERS BOUNDARY & TOPOGRAPHICAL SURVEY, CITY OF ELMIRA, COUNTY OF CHEMUNG, STATE OF NEW YORK", PREPARED BY LU ENGINEERS, PENFIELD NEW YORK, JOB NO. 36402-01, DATED APRIL 26, 2010.

**LAKE STREET**  
(Varying Width Right-of-Way)



NO.	DATE	REVISION	BY	APVD
B	03/04/11	FINAL DESIGN SUBMITTAL TO NYS/DEC	RJR	MJS
A	10/04/10	DRAFT DESIGN SUBMITTAL TO NYS/DEC	RJR	MJS

**New York State**  
Department of Environmental Conservation

REMEDIAL DESIGN  
FORMER DIAMOND CLEANERS SITE  
ELMIRA, NEW YORK  
NYSDEC SITE NUMBER 8-08-030

**MACTEC**  
CIVIL  
EXISTING CONDITIONS PLAN

MACTEC Engineering and Consulting, Inc.  
P.O. Box 7050, 511 Congress Street  
Port Jervis, NY 13777-7050  
(845) 755-5401

VERIFY SCALE  
BAR IS ONE INCH ON ORIGINAL DRAWING

DATE: 3612-09-2140  
DWG: C-101  
SHEET: 3 OF 8

