

City of North Tonawanda

OFFICE OF THE CITY ATTORNEY
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120-5489

SHAWN P. NICKERSON
CITY ATTORNEY

TELEPHONE
(716) 695-8590
FAX (716) 695-8592

KATHERINE D. ALEXANDER
ASSISTANT CITY ATTORNEY

January 8, 2015

NYS Dept. of Environmental Conservation
Division of Environmental Remediation
Office of the Director, 12th Floor
625 Broadway
Albany, NY 12233-7011

ATT: Robert W. Schick, PE, Director
Division of Environmental Remediation

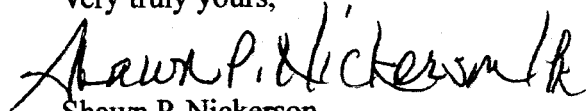
RE: Certificate of Completion
815 River Road Investigation Site – North Tonawanda/Niagara County
NYSDEC Site No.: B00178
SAC No.: C304546

Dear Mr. Schick:

Enclosed, per the instructions in your letter of December 30, 2014, is the Notice of Certificate of Completion in the above-referenced matter, which was filed in the Niagara County Clerk's office on January 7, 2015, as well as the receipt from the Niagara County Clerk's office for the filing.

Should you have any questions or need anything further, please feel free to call.

Very truly yours,



Shawn P. Nickerson
City Attorney

SPN/lk
Encs.

cc: Gregory Sutton, DEC
Benjamin Conlon, Esq., DEC
Arthur Pappas, Mayor
Dale W. Marshall, PE, City Engineer

**NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

ORIGINAL FILED

JAN 7 2015

**WAYNE F. JAGOW
NIAGARA COUNTY CLERK**

**815 River Road Site, Site ID No. B00178
815 River Road, North Tonawanda New York 14120
North Tonawanda, Niagara County, Tax Map Identification Number 181.12-119**

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 North Tonawanda for a parcel approximately 0.86 +/- acres located at 815 River Road in the City of North Tonawanda, Niagara County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 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):

- 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 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 Niagara County as 2014-19693.

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 and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. 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 ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

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



NIAGARA COUNTY CLERK
WAYNE F. JAGOW

RECEIPT

Receipt Date: 01/07/2015 04:01:59 PM

RECEIPT # 2015222925

Recording Clerk: MKS

Cash Drawer: CASH4

Rec'd Frm: SHAWN P. NICKERSON

Rec'd In Person

Instr#: 2015-00245

DOC: MISCELLANEOUS

OR Party: NYS DEPT OF ENVIRONMENTAL
CONSERVATION

EE Party: NYS DEPT OF ENVIRONMENTAL
CONSERVATION

Recording Fees

Cover Page	\$0.00
Recording Fee	\$0.00
Cultural Ed	\$0.00
Records Management - County	\$0.00
Records Management - State	\$0.00

DOCUMENT TOTAL: ----> \$0.00

Receipt Summary

TOTAL RECEIPT: ---->	\$0.00
TOTAL RECEIVED: ---->	\$0.00
CASH BACK: ---->	\$0.00

815 River Road Site, Site ID No. B00178, 815 River Road, North Tonawanda New York 14120
the property constitutes a change of use.

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, 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 NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York 14203 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of North Tonawanda

By: Arthur H. Pappas

Title: MAYOR

Date: 1/7/15

STATE OF NEW YORK) SS:
COUNTY OF)

On the 7 day of January, in the year 2015, before me, the undersigned, personally appeared Arthur G. Pappas 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]
Signature and Office of individual taking acknowledgment

Please record and return to:
City of North Tonawanda
216 Payne Ave., City Hall
North Tonawanda, New York 14120

12/03/09
SHAWN P. NICKERSON
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES 2/2/18