

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

September 22, 2021

Mayor Kamal Johnson
City Hall
520 Warren Street
Hudson, NY 12534

Re: Certificate of Completion,
SAC No.: C302835
Foster Refrigeration, City of Hudson,
Columbia County, Site No. B00184

Dear Mayor Johnson:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of Hudson undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (Department) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result, the Department is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The City of Hudson is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the City of Hudson fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property (see the enclosed ERP Site Disposition Form); ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:



- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department 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 the Department in February 2023.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Brianna Scharf, the Department's project manager, at (518) 402-5987 or by email Brianna.scharf@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.
Director
Division of Environmental Remediation

Enclosure

Ec. w/ enclosure:

C. Vooris – NYSDOH
S. Lawrence – NYSDOH PM
J. Deming – NYSDOH

Ec. w/o enc:

B. Scharf
S. Saucier
M. Cruden
C. O'Neill, R4 RHWE
K. Lewandowski
B. Burns

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

Name

City of Hudson

Address

520 Warren Street, Hudson, NY 12534

SITE INFORMATION

Site No.: B00184 **Site Name:** Foster Refrigeration Site Investigation

State Assistance Contract No.: C302835

Site Owner: City Of Hudson

Street Address: North 2nd Street

Municipality: Hudson (c) **County:** Columbia

DEC Region: 4

Site Size: 2.56 Acres

Tax Map Identification Number(s): 109.8-1-16, 109.8-1-17

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 Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

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 State Assistance Contract, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

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):

Allowable Uses under the ERP: 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 Columbia County with recording identifier 20210005295.

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 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.

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 ECL Section 56-0509(1) and 6NYCRR Part 375.

CERTIFICATE MODIFICATION/REVOICATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Municipality or the Municipality’s successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
 - (2) either the Municipality or the Municipality’s successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
 - (3) either the Municipality or the Municipality’s successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
 - (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
 - (5) the environmental easement as implemented, if applicable, is not protective or enforceable;
- or
- (6) there is good cause for such modification or revocation.

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
Commissioner
New York State Department of Environmental Conservation

By: Michael J. Ryan Date: 09/22/2021
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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

Foster Refrigeration Site, Site ID No. B00184
119 North 2nd Street, Hudson, New York, 12534
City of Hudson, Columbia County Tax Map Identification Number(s) 109.8-1-16, 109.8-1-17

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 City of Hudson for a parcel approximately 2.56 acres located at the 119 North 2nd Street in the City of Hudson, Columbia 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 Columbia County as Instrument #20210005295.

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(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

Foster Refrigeration, Site No. B00184, 119 North 2nd Street

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 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 4 located at 1130 North Westcott Road, Schenectady, New York 12306 by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/B00184/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Hudson

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:

*City of Hudson
City Hall
520 Warren Street
Hudson, New York 12534*

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT CERTAIN TRACT OF LAND SITUATE IN THE CITY OF HUDSON, COUNTY OF COLUMBIA AND STATE OF NEW YORK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a 4" square granite monument located at the intersection of the northwesterly right of way of Second Street with the northerly right of way of Dock Street;

Thence N32°24'01"W along the boundary division line of the lands of The City of Hudson on the north, (Tax ID No. 109.8-1-17) and the lands of an unknown landowner on the south (Tax ID No. 109.8-1-64) a distance of 82.08' to the intersection of the aforementioned boundary division line with a fence line, and the true point of beginning;

Thence N32°24'01"W continuing along the aforementioned boundary division line a distance of 405.15' to a point; Thence through the lands owned by the City of Hudson the following seven (7) courses and distances:

- 1) N53°39'48"E a distance of 71.50' to a rebar;
- 2) N67°29'05"E a distance of 103.61' to a wood lath;
- 3) N61°52'09"E a distance of 29.84' to a rebar;
- 4) S47°57'23"E a distance of 252.20' to the end of a fence;
- 5) S35°23'59"E along the aforementioned fence a distance of 187.07' to a fence corner;
- 6) S56°17'18"W along the aforementioned fence a distance of 233.61' to a fence corner;
- 7) N78°37'31"W along the aforementioned fence a distance of 65.14' to the point of beginning.

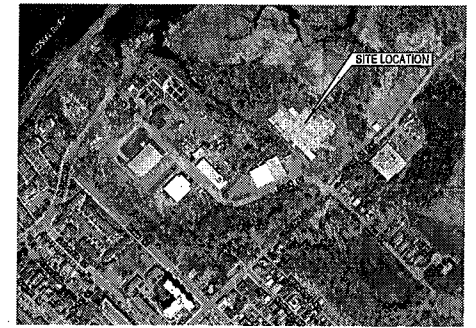
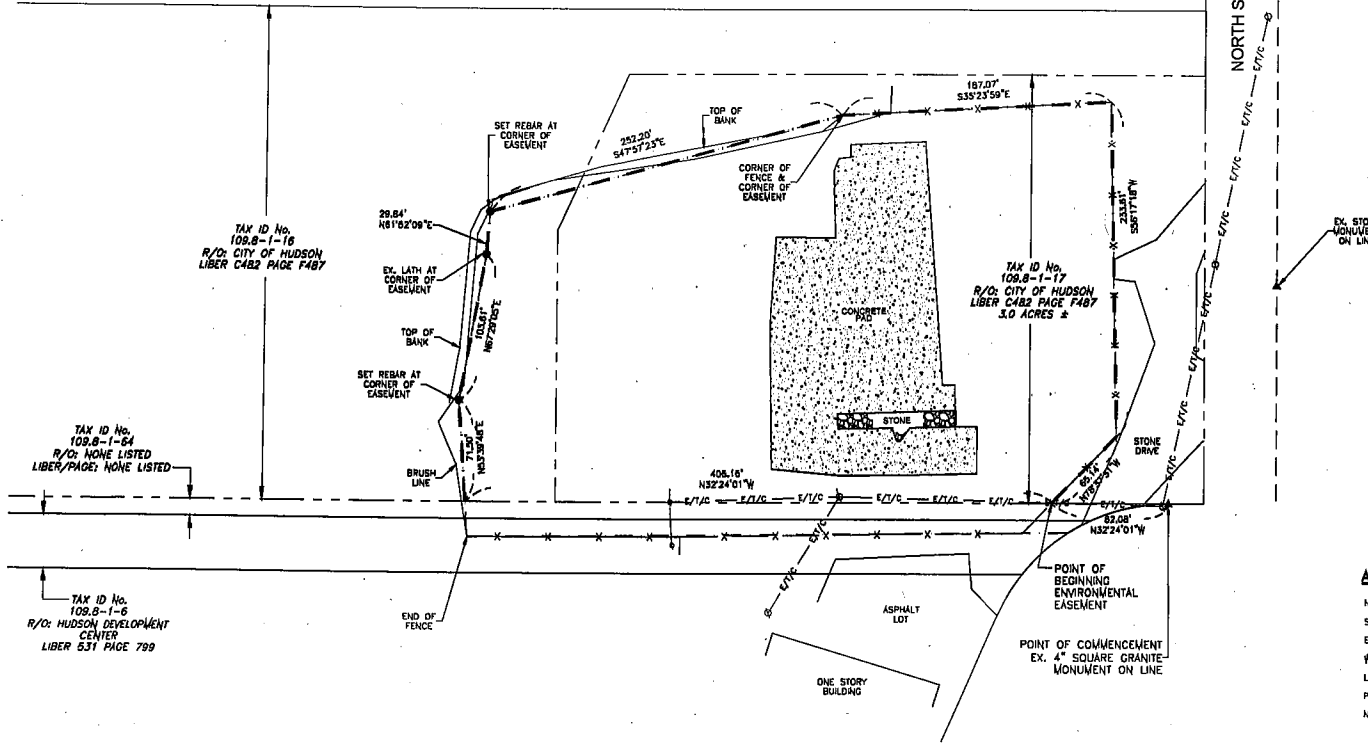
Containing 2.56 acres of land (111314.30 square feet), more or less.

Exhibit B

Site Survey



TAX ID No.
110.5-1-1.2
R/O: CITY OF HUDSON IDA
LIBER 668 PAGE 1053



SITE VICINITY MAP
NOT TO SCALE

DESCRIPTION FOR AN ENVIRONMENTAL EASEMENT ON A PORTION OF LAND OWNED BY THE CITY OF HUDSON:

SBL NO'S. 109.8-1-16 AND 109.8-1-17
ALL THAT CERTAIN TRACT OF LAND SITUATE IN THE CITY OF HUDSON, COUNTY OF COLUMBIA AND STATE OF NEW YORK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a 4' square granite monument located at the intersection of the northwesterly right of way of Second Street with the northerly right of way of Back Street;

Thence N32°24'01\"/>

Thence N32°24'01\"/>

Thence through the lands owned by the City of Hudson the following seven (7) courses and distances:

- 1) N163°39'48\"/>

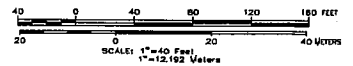
This description is based upon a field survey completed by AECOM in March 2019 and is referenced to the bearing datum from filed map 8819 as recorded in the Columbia County Clerk's Office.

ABBREVIATIONS

- N. NORTH
- S. SOUTH
- E. EAST
- W. WEST
- L. LIBER
- P. PAGE
- NO. NUMBER

LEGEND

- PROPERTY LINE
- - - EASEMENT
- X — X — X RIGHT-OF-WAY
- - - FENCE
- - - E/C C/ELECTRIC, TELEPHONE, CABLE
- Ø UTILITY POLE
- REBAR
- ▲ MONUMENT



NOTES:


1. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND IS SUBJECT TO THE FACTS CONTAINED THEREIN.
2. THIS PARCEL IS IDENTIFIED AS FOLLOWS:
119 NORTH 2ND STREET
CITY OF HUDSON, NY 12534
TAX ID NO. 109.8-1-17
L-C482 P-F487
3. ORIGINAL SURVEY WAS COMPLETED MARCH 2019.

ENVIRONMENTAL EASEMENT AREA ACCESS

THE NYSDEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON AS PROVIDED IN THE ENVIRONMENTAL EASEMENT

AS A CONDITION OF ACCEPTING THIS PERMISSION OF THE NYSDEC, THE NYSDEC FURNISHES THIS PERMIT TO CONDUCT THE SURVEY ONLY FOR THE PURPOSES AND DURATION SPECIFIED HEREIN. THE NYSDEC DOES NOT ASSUME ANY LIABILITY FOR THE RESULTS OF THE SURVEY, INCLUDING ANY ERRORS OR OMISSIONS, AND THE USER OF THE SURVEY SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING THE NECESSARY INSURANCE AND THE SAFE USE OF SUCH EQUIPMENT AND A PROPER OBSERVATION OF THE ACTIVITY.

No.	Date	Revision/Description




AECOM
New York

257 West Connahee Street, Suite 400
Buffalo, New York 14202-2657
(716)858-6636 - (716)858-2545 fax

DRAWN BY: RAL SCALE: AS SHOWN
CHECKED BY: MOR DATE: JULY 2019

AECOM JOB NO. 60695417



THIS MAP YOU'VE RELEASED WITHOUT THE NYSDEC'S SEAL. YOU MAY NOT REPRODUCE OR DISTRIBUTE THIS MAP WITHOUT THE NYSDEC'S SEAL.

NYSDEC ENVIRONMENTAL EASEMENT SURVEY

NYS FOSTER REFRIGERATION
119 NORTH 2ND STREET
CITY OF HUDSON
COLUMBIA COUNTY, NEW YORK
FOSTER REFRIGERATION SITE
NYSDEC SITE No. 800184

SURVEY IN:
CITY OF HUDSON, PART OF TAX LOTS 109.8-1-16 & 109.8-1-17

This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in more detail in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. 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@dec.ny.gov.

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 9/14/2021



SITE DESCRIPTION

SITE NO. B00184

SITE NAME Foster Refrigeration Site Investigation

SITE ADDRESS: North 2nd Street ZIP CODE: 12534-

CITY/TOWN: Hudson (C)

COUNTY: Columbia

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Periodic Review Frequency: 1 year		

Description of Institutional Control

City of Hudson

119 North Second Street
 Environmental Easement

Block: 1

Lot: 16

Sublot:

Section: 109

Subsection: 8

S_B_L Image: 109.8-1-16

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Soil Management Plan

Lot: 17

Sublot:

Section: 109

Subsection: 8

S_B_L Image: 109.8-1-17
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan

Description of Engineering Control

City of Hudson

119 North Second Street
Environmental Easement

Block: 1

Lot: 16

Sublot:

Section: 109

Subsection: 8

S_B_L Image: 109.8-1-16

Cover System

Lot: 17

Sublot:

Section: 109

Subsection: 8

S_B_L Image: 109.8-1-17

Cover System