



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION TO AMEND AND AMENDMENT

**PART I. BROWNFIELD CLEANUP AMENDMENT APPLICATION**

Check the appropriate box below based on the nature of the amendment modification requested:

Amendment to [check one or more boxes below]

- Add
- Substitute
- Remove
- Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site?  Yes  No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]

Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

As explained more fully in the accompanying 4/30/14 letter from Steven Ricca to Benjamin A. Conlon, in addition to updating the legal descriptions for easement Areas "A", "B" and "C" as specified in Section V of this application and Attachment 1, the following amendments are requested:

Easement Area A: "135 Water Street" address corrected to "125 Water Street" (see p. 4A)

Easement Area B (126 Water Street): .087 acre easement area corrected to .065 acres (see p. 4B)

Easement Area C: "no numbered address apparent" corrected to "145 Water Street"; 1.2 acre easement area corrected to .728 acres (see p. 4C)

New Easement Area D: Not addressed in the BCA as modified June 25, 2009; this application provides a legal description and other identifying information addressing the "boot-shaped" area of excavation depicted in Figure 2 (p. 14) of the July 2011 Decision Document; as more fully delineated in 9/17/13 Thew Associates As-Built Upland Post Excavation Limits provided in Enclosure 6 of the Conlon letter (see p. 4D)

\*Please refer to the attached instructions for guidance on filling out this application\*

04/2014

Section I. Existing Application Information			
BCP SITE NAME: <b>Catskill Former MGP</b>		BCP SITE NUMBER: <b>C420027</b>	
NAME OF CURRENT APPLICANT(S): <b>Central Hudson Gas &amp; Electric Corporation</b>			
INDEX NUMBER OF EXISTING AGREEMENT: <b>A4-0553-0606</b>		DATE OF EXISTING AGREEMENT: <b>June 25, 2009</b>	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.		<input type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.	
		NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.	

**Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)**

Requestor's Relationship to Property (check one):

Prior Owner  
  Current Owner  
  Potential /Future Purchaser  
 Other \_\_\_\_\_

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.  
 Yes  
 No

(Note: proof of site access must be submitted for non-owners)

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- |                                                                                                                                                                                                                  |                              |                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 1. Are any enforcement actions pending against the requestor regarding this site?                                                                                                                                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site?                                                                                                                          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?                                                                                                                             | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27?                                                                                                                           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP?                                                                                                                                                    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?                                                                        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?                                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?                                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 125 Water Street

CITY/TOWN Catskill, New York ZIP CODE 12414

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
135 Water Street (correct address is 125 Water Street)		156.78	3	1	.235

Check appropriate boxes below:

Changes to metes and bounds description or TBL correction

Addition of property (may require a standard application depending on the size and nature of addition -- see attached instructions)

Approximate acreage added: \_\_\_\_\_

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
See Updated Legal Description in Attachment 1					

Reduction of property

Approximate acreage removed: \_\_\_\_\_

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 126 Water Street

CITY/TOWN Catskill, New York ZIP CODE 12414

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
126 Water Street		156.78	3	3	.087

Check appropriate boxes below:  
 Changes to metes and bounds description or TBL correction  
 Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)  
 Approximate acreage added: \_\_\_\_\_

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
See Updated Legal Description in Attachment 1					

Reduction of property  
 Approximate acreage removed: NA-see below \_\_\_\_\_

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
acreage calculation corrected to .065 acres		156.78	3	3	.065

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

(4B)

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 145 Water Street

CITY/TOWN Catskill, New York ZIP CODE 12414

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
"no numbered address apparent" (correct address is 145 Water Street)	IV & V	156.78	2	40	1.2

Check appropriate boxes below:

Changes to metes and bounds description or TBL correction

Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)

Approximate acreage added: \_\_\_\_\_

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
See Updated Legal Description in Attachment 1					

Reduction of property

Approximate acreage removed: .472 acres

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
acreage calculation corrected to cover relevant portion of site formerly operated by CHG&E	V	156.78	2	40	.728

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

(4C)

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 107 Water Street

CITY/TOWN Catskill, New York

ZIP CODE 12414

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
Reflected in 2011 Decision Document but not in BCA as modified June 25, 2009					

Check appropriate boxes below:

- Changes to metes and bounds description or TBL correction
- Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)

Approximate acreage added: .149

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
107 Water Street (see legal description in Attachment 1)		156.78	3	27	.149

- Reduction of property
- Approximate acreage removed: \_\_\_\_\_

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

(4.D)

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: <b>Catskill Former MGP</b>	BCP SITE NUMBER: <b>C420027</b>
NAME OF CURRENT APPLICANT(S): <b>Central Hudson Gas &amp; Electric Corporation</b>	
INDEX NUMBER OF EXISTING AGREEMENT: <b>A4-0553-0606</b>	
EFFECTIVE DATE OF EXISTING AGREEMENT: <b>June 25, 2009</b>	

**Declaration of Amendment:**

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title) of (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>



**Statement of Certification and Signatures: Existing Applicant(s) An authorized representative of each applicant must sign**

(Individual)  
 I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)  
 I hereby affirm that I am Director - Env. Affairs (title) of Central Hudson Gas & Electric Corporation (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  
 Date: April 29, 2014 Signature: Wayne J. Marconi Print Name: Wayne J. Marconi

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

**Status of Agreement:**

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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**Effective Date of the Original Agreement:**

**Effective Date of the Amendment:**

**Signature by the Department:**

**DATED:**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

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

**SUBMITTAL INFORMATION:**

**Three (3)** complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check [DEC's website](#) for information on our regional offices.

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_

**LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

Central Hudson Gas & Electric Corporation  
Catskill Site No. C420027  
Brownfield Cleanup Amendment Application

## **ATTACHMENT 1**

### **Legal Descriptions for:**

**Easement Area A / 125 Water Street / 156.78-3-1**

**Easement Area B / 126 Water Street / 156.78-3-3**

**Easement Area C / 145 Water Street / 156.78-2-40**

**Easement Area D / 107 Water Street / 156.78-3-27**



**Hudson Valley Office**

21 Fox St., Poughkeepsie, NY 12601  
P: (845) 454-3980 F: (845) 454-4026  
www.chazencompanies.com

Capital District Office (518) 273-0055  
North Country Office (518) 812-0513

**SURVEY DESCRIPTION**  
**#125 WATER STREET – TAX PARCEL 156.78-3-1**  
**ENVIRONMENTAL EASEMENT**

ALL that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

**BEGINNING** at a point on the westerly side of Water Street at the southeasterly corner of lands now or formerly of Hudson River Development Corp. as described in Deed liber 1291 at page 95, said point being the southeasterly corner of the herein described easement and the northeasterly corner of the lands now or formerly of Quinoa Holding Co., LLC as described in Deed liber 1412 at page 58; thence along the southerly line of said lands now or formerly of Hudson River Development Corp., along the southerly line of lands now or formerly of the People of the State of New York and the northerly line of said lands now or formerly of Quinoa Holding Co., LLC, S 73°54'20" W 139.32 feet to a point on the easterly side of the Catskill Creek; thence along the Catskill Creek, N 09°04'38" W 4.88 feet, N 15°15'32" W 52.70 feet, N 20°57'11" W 19.76 feet and N 32°31'48" W 12.81 feet to the northwesterly corner of the herein described easement; thence through said lands now or formerly of the People of the State of New York and through said lands now or formerly of Hudson River Development Corp., N 87°11'28" E 82.46 feet, N 56°24'41" E 16.13 feet, N 87°30'26" E 12.47 feet and S 76°47'06" E 38.86 feet to a point on the westerly side of Water Street; thence along the westerly side of Water Street, S 17°49'14" E 53.49 feet to the point or place of BEGINNING.

**CONTAINING:** 0.235 ACRE OR 10,230 S.F. OF LAND MORE OR LESS.

December 3, 2013



**Hudson Valley Office**

21 Fox St., Poughkeepsie, NY 12601  
P: (845) 454-3980 F: (845) 454-4026  
www.chazencompanies.com

Capital District Office (518) 273-0055  
North Country Office (518) 812-0513

**SURVEY DESCRIPTION**  
**#126 WATER STREET – TAX PARCEL 156.78-3-3**  
**ENVIRONMENTAL EASEMENT**

**ALL** that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

**BEGINNING** at a point on the easterly side of Water Street, said point being the southwesterly corner of the herein described easement and said point being located S 16°30'22" E 57.47 feet and S 15°50'29" E 56.52 feet from the intersection of the easterly side of Water Street and the southerly side of Canal Street; thence along the easterly side of Water Street, N 15°50'29" W 56.52 feet to a point; thence along the division line between the herein described easement and the lands now or formerly of Phillip John Maisano as described in Liber 1185 of Deeds at Page 343, N 73°33'22" E 50.00 feet to a point; thence along the division line between the herein described easement and said lands now or formerly of Maisano and also along the lands now or formerly of Kirwan Enterprises, LLC as described in Liber 1371 of Deeds at Page 146, S 15°50'39" E 56.74 feet and S 73°48'59" W 50.00 feet to the point or place of **BEGINNING**.

**CONTAINING:** 0.065 ACRE OR 2,831 S.F. OF LAND MORE OR LESS.

January 15, 2014  
Revised April 29, 2014



**Hudson Valley Office**

21 Fox St., Poughkeepsie, NY 12601  
P: (845) 454-3980 F: (845) 454-4026  
www.chazencompanies.com

Capital District Office (518) 273-0055  
North Country Office (518) 812-0513

**SURVEY DESCRIPTION**  
**#145 WATER STREET—PORTION OF TAX PARCEL 156.78-2-40**  
**ENVIRONMENTAL EASEMENT**

**ALL** that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

**BEGINNING** at a point at the intersection of the westerly side of Water Street with the northerly side of Canal Street, said point being the southeasterly corner of the herein described easement; thence along the northerly side of Canal Street, S 73°55'06" W 145.01 feet to a point on the easterly side of the Catskill Creek; thence along the easterly side of the Catskill creek, N 16°41'34" W 101.95 feet, N 20°51'34" W 112.25 feet, N 71°00'26" E 2.19 feet to a point; thence through the lands now or formerly of the County of Greene, N 71°00'22" E 147.80 feet to a point on the westerly side of Water Street; thence along the westerly side of Water Street, S 17°32'34" E 221.50 feet to the point or place of **BEGINNING**.

**CONTAINING:** 0.728 ACRE OR 31,692 S.F. OF LAND MORE OR LESS.

January 28, 2014



**Hudson Valley Office**

21 Fox St., Poughkeepsie, NY 12601  
P: (845) 454-3980 F: (845) 454-4026  
www.chazencompanies.com

Capital District Office (518) 273-0055  
North Country Office (518) 812-0513

**SURVEY DESCRIPTION**  
**#107-111 WATER STREET – TAX PARCEL 156.78-3-27**  
**ENVIRONMENTAL EASEMENT**

**ALL** that plot, piece or parcel of land situate and being in the Village of Catskill, Town of Catskill, County of Greene, State of New York bounded and described as follows:

**BEGINNING** at a point on the easterly side of the Catskill Creek at the northwesterly corner of the herein described easement, said point being the northwesterly corner of lands now or formerly of Quinoa Holding Co., LLC as described in Deed liber 1412 at page 58, said point also being the southwesterly corner of lands now or formerly of the People of the State of New York; thence along the division line between the herein described easement and said lands now or formerly of the People of the State of New York, N 73°54'20" E 76.41 feet to the northeasterly corner of the herein described easement; thence through said lands now or formerly of the Quinoa Holding Co, LLC, S 04°10'51" E 53.14 feet, S 35°53'00" W 17.15 feet, S 21°34'56" W 14.03 feet, S 02°07'42" E 23.07 feet, S 30°39'16" W 10.23 feet, S 62°06'44" W 10.51 feet, S 75°38'02" W 9.97 feet and S 89°40'16" W 20.41 feet to a point on the easterly side of the Catskill Creek; thence along the easterly side of the Catskill Creek, N 10°35'55" W 99.81 feet to the point or place of **BEGINNING**.

**CONTAINING:** 0.149 ACRE OR 6,506 S.F. OF LAND MORE OR LESS.

December 3, 2013

Steven J. Ricca  
Partner  
Direct: 716.843.3887  
[sricca@jaeckle.com](mailto:sricca@jaeckle.com)

Avant Building | Suite 900  
200 Delaware Avenue  
Buffalo, NY 14202-2107  
Tel: 716.856.0600  
Fax: 716.856.0432

April 30, 2014

**Via FedEx & E-Mail [bxconlon@gw.dec.state.ny.us]**

Benjamin A. Conlon, Esq.  
Bureau Chief  
Office of General Counsel, 14th Floor  
New York State Department of Environmental Conservation  
625 Broadway, Albany, New York 12233-1500

**Re: Catskill Former MGP Site No. C420027  
Application to Amend BCA Index No. A4-0553-0606  
Draft Environmental Easements for Areas A, B, C & D**

Dear Mr. Conlon:

I am assisting Central Hudson Gas & Electric Corporation ("CHG&E") in preparing the multiple draft environmental easements required under Brownfield Cleanup Agreement ("BCA") Index No. A4-0553-0606 for CHG&E's former Catskill Manufactured Gas Plant (Site No. C420027). As I recently discussed with Andrew Guglielmi, recent surveys prepared on behalf of CHG&E for the subject properties contain legal descriptions for Easement Areas "A", "B" and "C", and contain other related identifying information, which differ from the information specified in the BCA, as modified June 25, 2009 ("the 2009 BCA Modification"). As explained more fully below, CHG&E has determined that the more recent survey descriptions and other information represent corrected and/or updated versions of the identifying information set forth in the 2009 BCA Modification. In addition, the 2009 BCA Modification does not address a subsequently remediated area adjacent to Easement Area "A" which encompasses a "boot-shaped" area of excavation depicted in Figure 2 (p. 14) of the July 2011 Decision Document for Site No. C420027 (such additional easement area will be referred to in this letter and the enclosures as "Area D").

Following consultation with Mr. Guglielmi, we believe that the most practical solution is for CHG&E to seek conforming modifications to BCA Index No. A4-0553-0606,



Benjamin A. Conlon, Esq.  
April 30, 2014  
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which would facilitate third party owner execution of the corresponding environmental easements and verification of the related New York State Department of Environmental Conservation ("NYSDEC") checklists. To that end, please accept the following enclosures (I have also enclosed a CD containing electronic versions of these items, including word versions of the draft environmental easements and related legal descriptions):

1. **BCA Index No. A4-0553-0606, as modified June 25, 2009.**
2. **July 2011 Decision Document for Site No. C420027.**
3. **Completed Brownfield Cleanup Amendment Application.**

The enclosed application seeks approval to amend the 2009 BCA Modification to include updated legal descriptions, street addresses and acreage figures for Easement Areas A, B, and C, and to provide identifying information for the new Easement Area D, as outlined below. A supporting explanation from the surveyor regarding Areas A-C is also included in Enclosure 4 of this letter.

Easement Area A / 156.78-3-1

- the legal description on the survey is not identical to the description set forth in the 2009 BCA Modification
- the 2009 BCA Modification describes the property as "135 Water Street" whereas the survey identifies it as "125 water Street"

Easement Area B / 156.78-3-3

- the legal description on the survey is not identical to the description set forth in the 2009 BCA Modification
- the 2009 BCA Modification refers to a .087 easement area whereas the survey shows a calculation of .065 acres

Easement Area C / 156.78-2-4

- the 2009 BCA Modification states " no numbered address apparent," whereas the survey identifies the property as "145 Water Street"

- the legal description on the survey is not identical to the description set forth in the 2009 BCA Modification

- the 2009 BCA Modification refers to a 1.2 acre easement area (apparently encompassing the entire tax parcel), whereas the survey shows a calculation of .728 acres for the easement area (CHG&E has advised that the .728 acre area encompasses the relevant, southern portion of the site formerly operated by CHG&E)

Easement Area D/ 156.78-3-27

- as noted above, the 2009 BCA Modification does not address a subsequently remediated "boot-shaped" area of excavation depicted in Figure 2 (p. 14) of the July 2011 Decision Document. The legal description provided by the surveyor for this Area D describes the delineated excavation area set forth in Enclosure 6, as more fully described below.

**4. April 23, 2014 explanatory memorandum by Chazen Engineering, Land Surveying & Landscape Architecture Co.**

The surveyor's memorandum explains that the above-noted discrepancies in the legal descriptions for Areas A-C are largely attributable to the surveyor's use of the New York State ("NYS") Plane East zone coordinate system so that all of the surveys would be on the same coordinate system and meridian. The surveyor has also verified that its easement area acreage computations are correct, and that the corrected street addresses for Areas A and C are based upon Greene County real property records.

**5. Draft Environmental Easements for Areas A, B, C and D.**

The enclosed draft environmental easements incorporate the same updated legal descriptions, street addresses and acreage figures for areas A through D as those set forth in the enclosed BCA Amendment Application. Please note that the heading on top of each enclosed draft easement refers to a BCA modification date that is "TBD" in light of our enclosed BCA Amendment Application. The following pertinent surveys and title reports are also included with the draft easements:

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- a. Easement Area A / 156.78-3-1
  - December 4, 2013 Survey prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.
  - Title Report No. RF 293-96, Dated August 27, 2013, completed by Feldman-Jacobson Abstract Corp.
- b. Easement Area B / 156.78-3-3
  - April 29, 2014 Survey prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.
  - Title Report No. RF 294-67, Dated January 8, 2014, completed by Feldman-Jacobson Abstract Corp
- c. Easement Area C / 156.78-2-4
  - February 27, 2014 Survey prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.
  - Title Report No. RF 294-87, Dated February 20, 2014, completed by Feldman-Jacobson Abstract Corp.
- d. Easement Area D / 156.78-3-27
  - December 4, 2013 Survey prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.
  - Title Report No. RF 293-96, Dated August 27, 2013, completed by Feldman-Jacobson Abstract Corp.

**6. September 17, 2013 Post Excavation Documentation Survey for Area D.**

The enclosed figure by Thew Associates entitled "As-Built Upland Post Excavation Limits" delineates the aforementioned "boot-shaped" area roughly depicted in the July 2011 Decision Document in Figure 2, page 14. I am advised that the surveyor used this September 17, 2013 delineation to prepare the legal description included in the enclosed draft easement for Area D.

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Thank you very much for your consideration of the above. Please do not hesitate to call me if you have any questions or require anything further.

Yours very truly,

**JAECKLE FLEISCHMANN & MUGEL, LLP**

By:   
Steven J. Ricca

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