

**New York State Department of Environmental Conservation  
Division of Environmental Remediation, 12<sup>th</sup> Floor**

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Alexander B. Grannis  
Commissioner

OCT 04 2010

Mayor Robert J. Duffy  
City of Rochester  
City Hall, Room 307A  
30 Church Street  
Rochester, New York 14614

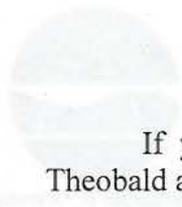
Re: Certificate of Completion  
Davidson Collision  
City of Rochester  
Monroe County  
Site No. C828091

Dear Mayor Duffy:

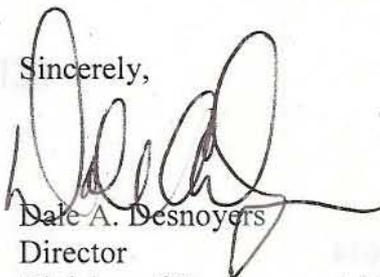
Congratulations on having satisfactorily completed the remedial program at the Davidson Collision Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for Monroe County where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A standard notice form is attached to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC;
- 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 March 2012; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.



If you have any questions regarding any of these items, please contact Charlotte B. Theobald at (585) 226-5354.

Sincerely,  
  
Dale A. Desnoyers  
Director  
Division of Environmental Remediation

cc w/ enclosure:

- Mark Gregor - City of Rochester DEQ ([mgregor@cityofrochester.gov](mailto:mgregor@cityofrochester.gov))
- Steven M. Bates (NYSDOH)
- Melissa Menetti (NYSDOH)

cc w/o enc.:

- Charlotte B. Theobald
- Bart Putzig
- Joe White
- Frank Sowers
- James Charles

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

**Name**

CITY OF ROCHESTER

**Address**

30 Church Street, Rochester, NY 14614

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 2/25/05 **Agreement Execution:** 4/12/05 **Agreement Index No.:** B8-0444-93-12

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION**

**Site No.:** C828091 **Site Name:** Davidson Collision

**Site Owner:** CITY OF ROCHESTER

**Street Address:** 399 GREGORY STREET

**Municipality:** ROCHESTER **County:** Monroe **DEC Region:** 8

**Site Size:** 0.47Acres

**Tax Map Identification Number(s):** 121.650-0001-053.000

**Percentage of site located in an EnZone:** 0 - 49 %

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 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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 Brownfield Site Cleanup Agreement, 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 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 BCP:** Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 2: Restricted use with generic soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.

Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.

Tangible Property Credit Component Rate is 10 %.

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 Monroe County as Liber 10922, Page 472.

#### **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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 27-1419.5 and 6NYCRR Part 375-1.9.

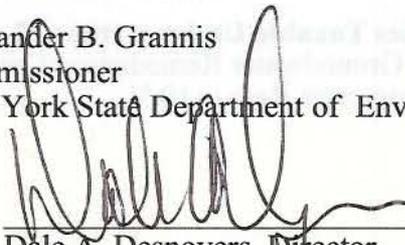
#### **CERTIFICATE MODIFICATION/REVOCAION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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.

Alexander B. Grannis  
Commissioner  
New York State Department of Environmental Conservation

By:   
Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date OCT 04 2010



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 9/28/2010



**SITE DESCRIPTION**

**SITE NO.** C828091  
**SITE NAME** Davidson Collision  
**SITE ADDRESS:** 399 GREGORY STREET ZIP CODE: 14620  
**CITY/TOWN:** Rochester  
**COUNTY:** Monroe  
**ALLOWABLE USE:** Restricted-Residential, 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: 1 year  
 First Periodic Review Date: 3/30/2012

**Description of Institutional Control**

**City of Rochester**  
 399 Gregory Street  
 Environmental Easement  
 Block: 0001  
 Lot: 053  
 Sublot: 000  
 Section: 121  
 Subsection: 650  
 S\_B\_L Image: 121.650-0001-053.000  
 Ground Water Use Restriction  
 IC/EC Plan  
 Landuse Restriction  
 Monitoring Plan  
 Site Management Plan  
 Soil Management Plan

**Description of Engineering Control**



**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6NYCRR Part 375-1.9(d)**

*Davidson Collision, C828091*  
*399 Gregory Street, Rochester, New York*

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to **City of Rochester** for a parcel approximately **0.47 acres** located at the **399 Gregory Street** in the **City of Rochester**.

**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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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 Monroe County as Liber 10922, Page 472.

**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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**Davidson Collision, C828091, 399 Gregory Street, Rochester**

**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 only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 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 8 located at 6274 East Avon-Lima Road, Avon, New York 14414, by contacting the Regional Environmental Remediation Engineer.

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

(Applicant)

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:**  
(Applicant) \_\_\_\_\_  
(Applicant address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12/03/09

EXHIBIT A - PROJECT DESCRIPTION

DESCRIPTION OF PROJECT AND ENVIRONMENTAL FACTORS

All that land or parcel or land containing less than one acre, more or less, situated in the City of Broward County, Florida, State of Florida, and being more particularly shown and described as follows:

Commencing at the point of intersection of the southerly right-of-way line of Grand Street on the west and the easterly right-of-way line of Cayuga Street on the east;

A. A point B along the said southerly right-of-way line of Grand Street a distance of 411 feet to the point of beginning;

B. A point C along the said southerly right-of-way line of Grand Street a distance of 130 feet to a point D;

**EXHIBIT A**

**SITE DESCRIPTION**

C. A point E a distance of 130 feet to a point F on the southerly right-of-way line of Cayuga Street;

D. A point G along the southerly right-of-way line of Grand Street a distance of 411 feet to the point of beginning;

E. A point H a distance of 130 feet to a point I;

F. A point J a distance of 411 feet to the point of beginning.

**EXHIBIT "A" PROPERTY DESCRIPTION**

DESCRIPTION OF PREMISES AND ENVIRONMENTAL EASMENT:

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.465 ACRE, MORE OR LESS, SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF GREGORY STREET (66' WIDE) AND THE EASTERLY RIGHT-OF-WAY LINE OF CAYUGA STREET (60' WIDE); THENCE

- A. N 59°21'03" E, ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF GREGORY STREET, A DISTANCE OF 61.71 FEET TO THE POINT OF BEGINNING; THENCE
  
1. N 59°21'03" E, CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF GREGORY STREET, A DISTANCE OF 120.00 FEET TO A POINT; THENCE
  
2. S 31°25'38" E, A DISTANCE OF 148.82 FEET TO A POINT; THENCE
  
3. S 46°38'40" W, A DISTANCE OF 145.14 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF CAYUGA STREET; THENCE
  
4. N 43°46'32" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT; THENCE
  
5. N 46°38'40" E, A DISTANCE OF 29.06 FEET TO A POINT; THENCE
  
6. N 31°25'38" W, A DISTANCE OF 145.14 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
SITE SURVEY

