

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

June 28, 2021

Mr. Rob Speer
Portfolio Manager
Portfolio Operations East
Chevron Environmental Management and Real Estate Co.
1500 Louisiana Street, #38134
Houston, TX 77002

Mr. Clay McPhail
1 Railroad Ventures LLC c/o Argent Ventures
551 Fifth Avenue, 34th Floor
New York, NY 10176

Re: Certificate of Completion and Registry Reclassification from 2 to 4
Site Name: Tappan Terminal – Eastern Portion
Site No.: 360015
Hastings-on-Hudson, Westchester County

Dear Mr. Speer:

Congratulations on having satisfactorily completed the remedial program at the Tappan Terminal-Eastern Portion. 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. This also results in the reclassification of the site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") from Class 2 to Class 4.

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 the County (or Counties) 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. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- 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. You must report the results of these activities to the Department in a



Department of
Environmental
Conservation

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 October 2022.

The Department will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site, and notifications relating to the reclassification or delisting of the site on the Registry.

If you have any questions regarding the reclassification or any of the above tasks, please contact Scott Deyette at (518) 402-9794.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Clay McPhail, 1 Railroad Ventures, LLC c/o Argent Ventures

(cmcphail@argentventures.com)

Christine Vooris, NYSDOH

Jacquelyn Nealon, NYSDOH

Maureen Schuck, NYSDOH

ec w/o enc:

Scott Deyette, NYSDEC

Janet Brown, NYSDEC

Daniel Bendell, NYSDEC

Kelly Lewandowski, NYSDEC

Jennifer Andoloro, NYSDEC

William McCune, Arcadis (william.mccune@arcadis.com)

Robert A. Malinoski, Chevron (rmalinoski@chevron.com)

NYSDEC STATE SUPERFUND PROGRAM (SSF)
CERTIFICATE OF COMPLETION

Name

Chevron Environmental Management and Real Estate Company

Address

Portfolio Operations East, 1500 Louisiana Street, #38134
Houston, TX 77002

SITE INFORMATION

Site No.: 360015 **Site Name:** Tappan Terminal - Eastern Portion

Order on Consent: Index No. A3-0612-1208 **Order Execution Date:** 03/04/2010

Site Owner: 1 Railroad Ventures LLC C/O Argent Ventures

Street Address: 0 Railroad Avenue

Municipality: Hastings-on-Hudson **County:** Westchester

DEC Region: 3

Site Size: 6.330 Acres

Tax Map Identification Number(s): Section 4.100, Block 93, Lot 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 6 NYCRR §375-1.9.

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 Order on Consent as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 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:

Allowable Uses under the SSF: Restricted-Residential, 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 Westchester County with recording identifier 603353484.

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 6NYCRR §375-2.9. 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 6NYCRR §375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL §27-1321 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 6NYCRR §375-1.9(f)-(g).


CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §375-1.9(e)(2) upon a finding that:

- (1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;
- (2) there has been a failure to comply with the terms and conditions of the order;
- (3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;
- (4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;
- (5) for good cause;
- (6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;
- (7) non-compliance with the terms of the order, the remedial work plan, site management plan, or the certificate of completion after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 375-1.9(e)(2);
- (8) fraud related to the remedial program for the site committed by the certificate holder;
- (9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or
- (10) a change in the site's use subsequent to the Department's issuance of the Certificate of Completion, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

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:  Date: 06/28/2021
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Inactive Hazardous Waste Disposal Site Program
Pursuant to 6 NYCRR Part 375-1.9(d)

Tappan Terminal – Eastern Portion Site ID No. 360015
0 Railroad Avenue, Hastings-on-Hudson, New York 10706
Greenburgh, Westchester County, Tax Map Identification Number(s) Section 4.100, Block 93,
Lot 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 Chevron Environmental Management and Real Estate Company for a parcel approximately 6.330 acres located at 0 Railroad Avenue in the Village of Hastings-on-Hudson, Westchester 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 Order on Consent, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 13 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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1) i
- ☐ 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 Westchester County as County Recording Identifier 603353484.

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 6 NYCRR Part 375-2.9. 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 6 NYCRR Part 375-2.9. The liability limitation shall be

Tappan Terminal-Eastern Portion, 360015, 1 Railroad Avenue, Hastings-on-Hudson, NY

subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 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 3 located at 21 South Putt Corners Road, New Paltz, New York, 12561, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/360015/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

1 Railroad Ventures LLC c/o Argent Ventures

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:
Rob Speer
Chevron Environmental Management and
Real Estate Company
1500 Louisiana Street, #38134
Houston, TX 77002

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain tract, piece or parcel of land situate in the Town of Greenburgh, Village of Hastings-on-Hudson, County of Westchester, State of New York, lying East of the Hudson River, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly Paul Uhlich & Co., Inc. as described in Book 8338 of Deeds at Page 333 on the West and the lands now or formerly of Penn Central Railroad Hudson Division on the East with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the South and the lands now or formerly of Arco Environmental Remediation, L.L.C. as described in Book 12132 of Deeds at Page 167 on the North and runs thence from said point of beginning along the above first mentioned division line the following five (5) courses: 1) South 00 deg. 11 min. 22 sec. West 141.67 feet to a point; 2) South 02 deg. 32 min. 58 sec. West 170.00 feet to a point; 3) South 01 deg. 55 min. 53 sec. West 314.00 feet to a point; 4) South 05 deg. 13 min. 28 sec. West 334.94 feet to a point of curvature; and 5) in a Southerly direction along a curve to the right having a radius of 3,971.00 feet, an arc length of 370.10 feet and a chord bearing of South 07 deg. 39 min. 41 sec. West 369.97 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the North and the lands of the People of the State of New York (Hudson River) on the South; thence along said division line North 77 deg. 36 min. 37 sec. West 147.24 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the East and the lands now formerly of Mobil Oil Corporation as described in Book 7238 of Deeds at Page 623 on the West; thence along said division line North 12 deg. 23 min. 23 sec. East 20.00 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the Northeast and the said lands now or formerly of Mobil Oil Corporation on the Southwest; thence along said division line in a Northwesterly direction along a curve to the right having a radius of 83.00 feet, an arc length of 116.70 feet and a chord bearing of North 37 deg. 28 min. 37 sec. West 107.32 feet to a point of tangency on the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the East and the said lands now or formerly of Mobil Oil Corporation on the West; thence along said division line North 03 deg. 05 min. 10 sec. East 53.41 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the North and the said lands now or formerly of Mobil Oil Corporation on the South; thence along said division line North 87 deg. 47 min. 02 sec. West 15.39 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the East and the said lands now or formerly of Mobil Oil Corporation on the West; thence along said division line North 02 deg. 12 min. 58 sec. East 121.69 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the South and the said lands now or formerly of Mobil Oil Corporation on the North; thence along said division line North 87 deg. 47 min. 02 sec. East 16.41 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the East and the said lands now or formerly of Mobil Oil Corporation on the West; thence along said division line North 02 deg. 49 min. 19 sec. East 645.78 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the South and the said lands now or formerly of Mobil Oil Corporation on the North; thence along said division line South 87 deg. 52 min. 36 sec. East 123.01 feet to its point of intersection with the division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the East and the said lands now or formerly of Mobil Oil Corporation on the West; thence along said division line North 02 deg. 07 min. 24 sec. East

379.34 feet to its point of intersection with the above mentioned division line between the said lands now or formerly of Paul Uhlich & Co., Inc. on the South and the said lands now or formerly of Arco Environmental Remediation, L.L.C. on the North; thence along said division line South 87 deg. 39 min. 02 sec. East 125.99 feet to the point or place of beginning and containing 6.33 acres of land, more or less.

Subject to any covenants, easements, or restriction of record.

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
6/23/2021



SITE DESCRIPTION

SITE NO. 360015

SITE NAME Tappan Terminal - Eastern Portion

SITE ADDRESS: Railroad Avenue **ZIP CODE:** 10706

CITY/TOWN: Hastings-On-Hudson

COUNTY: Westchester

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan YES

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 10/30/2022

Description of Institutional Control

1 Railroad Ventures LLC

0 Railroad Avenue

Environmental Easement

Block: 93

Lot: 17

Sublot:

Section: 4.1

Subsection:

S_B_L Image: 00410000930170000000

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

1 Railroad Ventures LLC

0 Railroad Avenue

Environmental Easement

Block: 93

Lot: 17

Sublot:

Section: 4.1

Subsection:

S_B_L Image: 00410000930170000000

Cover System

Groundwater Treatment System

Monitoring Wells