

M E M O R A N D U M

TO: Jim Harrington, Director, Remedial Bureau A
Joe Jones, DER Project Manager
Walter Parish, RHWRE, Region 1
Steve Bates, NYSDOH
Charlotte Bethoney, NYSDOH

FROM: Barb Wolosen, EPS, Site Control Section **BW**

THRU: Kelly A. Lewandowski, Chief, Site Control Section **KL**

SUBJECT: Petition to Delist Arkwin Industries Site#130043D

DATE: August 29, 2011

Attached is a copy of a petition from Garfunkel Wild, P.C. on behalf of Arkwin Industries, Inc. dated July 6, 2011 to delist the subject site from the Registry of Inactive Hazardous Waste Disposal Sites in New York State. This petition was received in Site Control on August 25, 2011.

Please have this petition reviewed for technical sufficiency and submit your comments or recommendations to me no later than September 21, 2011.

If you have any questions, please contact me or Barb Wolosen or my staff at (518) 402-9553.

Attachment



GARFUNKEL WILD, P.C.

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FILE NO.: 11688.02
REPLY TO: New York

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WRITER'S DIRECT DIAL: (516) 393-2229

July 6, 2011

Alali M. Tamuno, Esq.
Division of Environmental Enforcement
New York State Department of Environmental Conservation
100 Hillside Avenue, Suite 1W
White Plains, New York 10603

Mr. Joseph Jones
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7015

Re: Petition for De-Listing
Arkwin Industries, Inc., Site # 1-30-043D

Dear Ms. Tamuno and Mr. Jones:

As you know, we represent Arkwin Industries, Inc. ("Arkwin") in the above referenced matter. We are writing to request the issuance of a certificate of remedial completion and to petition the de-listing of the Arkwin Site from the New York State Department of Environmental Conservation ("NYSDEC" or the "Department") Class 2 Hazardous Waste Disposal Site Registry. Pursuant to this Petition, enclosed please find an affidavit from Stephen Holbreich, General Counsel for Arkwin, who has knowledge of the past and current conditions of the Site. Also enclosed is a De-Listing Report from Arkwin's environmental consultant, FPM Group.

RECEIVED

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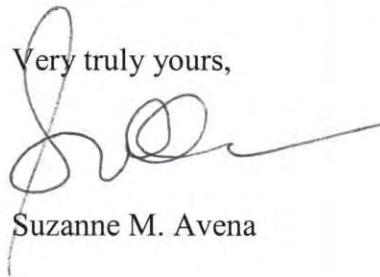
Alali M. Tamuno, Esq.
Mr. Joseph Jones
July 6, 2011
Page 2

In support of this Petition for De-Listing, pursuant to 6 NYCRR §375-2.7 (e) and (f), the enclosed documents set forth a detailed description of the history of environmental investigation and remediation of the Arkwin Site and a description of current resolved conditions. This work was conducted at all times under the guidance of and in accordance with work plans approved by the Department. Taken together, these documents provide the factual allegations and technical reasons and proof that we believe establishes the right to the relief being sought.

Additionally, in advance of your review of the Petition for De-Listing, we have prepared a Site Contact List as required under the above-cited regulation as well as pursuant to NYSDEC DER-23 Program Policy for Citizen Participation Handbook for Remedial Programs. We are also prepared to develop a Fact Sheet for your approval to distribute to the persons and entities listed on the Site Contact List. This Fact Sheet will, of course, also contain a Site map, a brief history of the Arkwin Site, a summary of current conditions, and the reasons for the appropriateness of the de-listing.

We thank you in advance for your courtesies and look forward to your thorough and prompt review of this Petition. If you would like to further discuss this matter at any time, both I and Arkwin's Consultant, Stephanie O. Davis, PG, RG CPG from FPM as well as our client Arkwin, are available for a conference call or meeting with the legal and technical divisions of the DEC.

Very truly yours,



Suzanne M. Avena

Enclosures

cc: Steven Bates, NYS DOH
Peter Scully, NYS DEC
Stephen Holbreich, Esq.
Stephanie O. Davis, PG, RG, CPG

GARFUNKEL WILD, P.C.

**SITE CONTACT LIST
ARKWIN INDUSTRIES SITE
WESTBURY, NEW YORK**

NYSDEC Site # 1-30-043D

Adjacent Property Owners:

Re: 625 Main Street, Westbury, NY

625 Main Associates LLC
29 Clay Street
Brooklyn, NY 11222

Re: 640 Main Street, Westbury, NY 11590

Frantic Realty, Inc.
1041 N. 6th Street
New Hyde Park, NY 11040

Re: 655 Main Street, Westbury, NY 11590

Cortina Associates III, LLC
27 Urban Avenue
Westbury, NY 11590

Re: 675 Main Street, Westbury, NY 11590

METPAR Corp.
95 State Street
Westbury, NY 11590

Re: 689 Main Street, Westbury, NY 11590

Brett Vincent
20 Scotch Mist Lane
Southampton, NY 11968

Re: 686 Main Street, Westbury, NY 11590

Brooklyn 55 Realty Corp.
66 Brooklyn Avenue
Westbury, NY 11590

Re: 67 Bond Street, Westbury, NY 11590

67 Realty Development Corp.
100 Old Country Road, Suite 100-M
Westbury, NY 11590

Re: 75 State Street, Westbury, NY 11590

Leonard and Norma Cohen
51 State Street
Westbury, NY 11590

Re: 60 Brooklyn Avenue, Westbury, NY 11590

Mazel Productions LLC
c/o A.M. Holding Corp.
352 Seventh Avenue
New York, NY 10001

Re: 40 New York Avenue, Westbury, NY 11590

Harlo Associates
401 Broad Hollow Road, Suite 300
Melville, NY 11747

Re: 59 New York Avenue, Westbury, NY 11590

North American Holding Corporation
59 New York Avenue
New Cassel, NY 11590

Municipal Officer:

- Councilwoman Viviana Russell (1st District)
Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

Public Water Supplier:

- John R. Ingram – Superintendent
Westbury Water District
160 Drexel Avenue
Westbury, NY 11590-3037

**AFFIDAVIT OF STEPHEN HOLBREICH, ESQ.
PETITION FOR DELISTING ARKWIN INDUSTRIES, INC.
SITE #1-30-043D FROM NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION REGISTRY OF
INACTIVE HAZARDOUS WASTE DISPOSAL SITES**

Suzanne M. Avena
Garfunkel Wild, P.C.
Attorneys for Defendants Arkwin Industries, Inc.
111 Great Neck Road
Great Neck, New York 11021
(516) 393-2200

STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

STEPHEN HOLBREICH, ESQ., being duly sworn, deposes and says that:

1. I am the Secretary and Vice President and General Counsel of Arkwin Industries, Inc. ("Arkwin") and, in my professional capacity I have knowledge of past and current information pertaining to the hazardous waste investigations and remediation at Arkwin which is the subject matter considered by this petition. I submit this affidavit on behalf of Arkwin, in support of its petition for the issuance of a certificate of completion of remediation and the Delisting from the New York State Department of Environmental Conservation ("NYSDEC") Registry of Inactive Hazardous Waste Disposal Sites ("Registry")

2. The Arkwin Industries site consists of five buildings located at 648-656 and 662-670 Main Street and 66 Brooklyn Avenue, Westbury, New York and is identified by the NYSDEC as Inactive Hazardous Waste Site #1-30-043D ("Arkwin Properties" or the "Site"). The Site is bordered by Main Street to the North, New York Avenue to the west and State Street to the east. The Site is currently serviced by a municipal water and sewer system.

3. The attached Delisting Report ("Delisting Report") has been prepared on behalf of Arkwin by its environmental consultant FPM Group ("FPM"). This Delisting Report was prepared to summarize the Site history, investigation, remediation, and monitoring in support of Delisting of the Site from the NYSDEC Registry. (See, Exhibit 1). For the reasons discussed in this affidavit, as well as in the Delisting Report, the Arkwin Site should be delisted from the NYSDEC Registry and corresponding Covenants and Restrictions dated August 27, 2009 and recorded with Nassau County on October 8, 2009 (Liber Book D 12548 - Pages 94-98; 99-103; 104-108; 109-113; and 114-118) and the Notice of Order signed on July 24, 2007 and recorded

with Nassau County on July 27, 2007 (Liber Book D 12294 - Pages 793-799), and should be omitted from the land records for the Site. (Attached hereto as Exhibit 2).

Background of Arkwin Industries and The Arkwin Site

4. Arkwin Industries began operations in Westbury, NY in 1955 and has since established itself as a leader in custom-designed, precision hydraulic and fuel system components for civil and military fixed-wing aircraft, helicopters, spacecraft, turbine engines, and special applications.

5. Arkwin's operations at the Site involve the engineering, machining, assembly, and testing of small aircraft and aerospace parts. Currently employing more than 300 people, Arkwin has played an important role in the development of the aerospace industry and in the defense of our country.

6. The Arkwin Site is currently used for manufacturing, warehouse and office space. During historical operations, Arkwin received metal stock which was machined, fabricated, degreased, polished, painted, and assembled into finished products. Chlorinated solvents, including tetrachloroethylene ("PCE") and 1,1,1-trichloroethane ("1,1,1-TCA") were used in Arkwin's manufacturing for degreasing purposes. The possible past disposal of industrial wastes into onsite drainage structures prior to the connection of the Site to a municipal sewer system in the 1980s may have resulted in the discovered impacts to soils beneath the Site by PCE, 1,1,1-TCA, and other chlorinated volatile organic compounds ("VOCs").

7. Pursuant to NYSDEC documents, an "Operable Unit" is defined as, "a discrete portion of the remedy for a site that, for technical or administrative reasons, can be addressed

separately to eliminate or mitigate a release, a threat of release or exposure pathway resulting from site contamination.”

8. As relates to the Arkwin Properties, OU 01 (also represented as OU-1) was designated by the NYSDEC for the remediation of onsite soil contaminants and OU 02 (also represented as OU-2) was designated for the remediation of onsite groundwater contamination.

Arkwin Onsite Soil Remediation

9. Beginning in and around March, 1995, Arkwin’s environmental consultant at the time, Anson Environmental, Ltd. (“Anson”), in cooperation with the NYSDEC, conducted and completed extensive OU 01 soil investigations on the Arkwin Properties, including the investigation of eight onsite drywells (DW1, DW2, DW3, DWX4, DWX5, DW6, DWX8, and DWX9), as shown on Figure 3 in Appendix A of the FPM Delisting Report. Sediments were removed from drywells DW1, DW2, DW3 and DW6 with a vehicle-mounted high-powered vacuum (Vactor truck) prior to sampling. The endpoint sample analyses indicated that constituents remaining in the soil in these drywells were below NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046 Recommended Soil Cleanup Objectives (Objectives).¹ No VOCs were detected at drywell DWX4 (and, by inference, at overflow drywell DWX5). Elevated levels of VOCs, including 1,1,1-TCA, PCE, 1,1-dichloroethane (1,1-DCA), and toluene were detected at drywell DWX8 at concentrations above NYSDEC TAGM 4046 Objectives. Sample collection at DWX9 was precluded due to subsurface obstructions.

¹ TAGM 4046 is the NYSDEC’s “Determination Of Soil Cleanup Objectives and Cleanup Levels,” available at <http://www.dec.ny.gov/regulations/2612.html>.

Additional investigation was required by NYSDEC at DWX8 and DWX9 to delineate the vertical and lateral extent of contamination; this work was conducted and completed in 1996.

10. Accordingly, the Arkwin Properties were largely found to contain no contaminants in the soil above the TAGM 4046 cleanup limits established by NYSDEC. The sole area at the Arkwin Properties requiring soil remediation was located only at a single drywell, designated DWX8.

11. A comparison of the 1995 data from soil samples demonstrating the final conditions at drywells DW1 through DW6 to the current NYSDEC Part 375 Soil Cleanup Objectives (SCOs), indicates that the soil in the drywells also meets the current NYSDEC Unrestricted Use SCOs.

12. The Site was added to the NYSDEC Registry as a Class 2 Hazardous Waste Site (Site # 1-30-043D) in May 1995 due to the discovered chlorinated VOCs in onsite soils and groundwater.

13. Negotiations between Arkwin and the NYSDEC regarding the remediation of the OU 01 contaminated soil at the Arkwin Properties culminated in an Order on Consent, Index No. WI-0754-95-06 for a Focused Remedial Investigation (“FRI”)/Feasibility Study (“FS”), which was signed by Arkwin and the NYSDEC on July 26, 1996.

14. The FRI was conducted by Anson in August 1996 and completed in or around December, 1996, and included performing 31 soil borings to collect soil samples for analysis from within, below, and adjacent to the eight drywells. Groundwater samples were also

collected from five existing onsite monitoring wells and one downgradient Nassau County monitoring well, as discussed in Section 2.2 of the FPM Delisting Report.

15. An Interim Remedial Measure Work Plan ("IRM Work Plan"), for remediation of the single contaminated drywell DWX8, was completed in June 1997, and soil excavation was selected by Anson and approved by the NYSDEC as the most effective method for remediation of the OU 01 contaminated soil.

16. The results of the 1995 soil investigations and the 1996 FRI (Anson Environmental Ltd., August 15, 1997) indicated that one drywell (DWX8) contained 1,1-DCA, 1,1,1-TCA, PCE, and trichloroethylene (TCE) at levels exceeding NYSDEC Objectives at depths between 11 and 27 feet below grade. However, no contaminants were detected in soils adjacent to this drywell, and no constituents were detected above NYSDEC Objectives in soil samples from the remaining drywells, including DWX9, as shown in Table 3.1.1 of the FPM Delisting Report.

17. Following the completion of the 1996 FRI, an FS was conducted to determine the preferred method for remediating drywell DWX8. The FS recommended removal of the impacted soil. Drywell DWX8 was subsequently remediated in 1997 as an IRM, as described in Section 3.1 of the FPM Delisting Report.

18. Under the oversight of the NYSDEC, Arkwin removed 133 tons of soil from DWX8 and backfilled it with clean soil. Work started on the IRM Work Plan on June 17, 1997, and was completed on June 18, 1997.

19. The contaminated soil in DWX8 was found to be located only in a narrow band, around 3-4 feet in diameter, and at a depth of between approximately 13 and 26 feet below ground surface. Tests of the soil at 29 feet found that no contamination had seeped to that depth.

20. Accordingly, on behalf of Arkwin, Anson concluded that the soil in the contaminated band found in the single drywell on the Site had not passed through the soil to a depth at which the contaminants could have encountered groundwater, which, according to NYSDEC begins at approximately 55 – 60 feet below ground surface.

21. In sum, Arkwin's environmental consultants determined that the limited depth of soil contamination present in a single drywell on the Site was not responsible for any groundwater contamination onsite at the Arkwin Properties or any migration of contaminated groundwater offsite.

22. Accordingly, in January 1998, the NYSDEC issued a Record of Decision ("ROD") relating to OU 01 (onsite soils), which determined that *no further action* was necessary for the Site Soils, because all onsite soil contamination had been remediated in June 1997, and the remaining soil did not exhibit any VOCs in excess of applicable criteria. (Emphasis added.)

Arkwin Onsite Groundwater Remediation

23. Having successfully remediated the single contaminated drywell onsite, Arkwin thereafter engaged in discussions with the NYSDEC regarding OU 02, or onsite groundwater. It was and still is Arkwin's position that any onsite groundwater contamination is flowing onto Arkwin's properties from an offsite source.

24. Extensive groundwater sampling had been conducted by the NYSDEC during the entire period of the soil sampling at the Site described above, as far back as at least the late 1980's, and even before the soil remediation work commenced at the Arkwin Properties pursuant to OU 01.

25. Onsite groundwater had also been investigated by Arkwin during the 1996 FRI. This included the collection of six groundwater samples from shallow groundwater monitoring wells MW-1, MW-2, MW-4, MW-6, and MW-7 (situated upgradient and proximal to potential source areas), and Nassau County monitoring well NC24 (downgradient and offsite). The groundwater results indicated chlorinated VOCs in onsite groundwater at concentrations exceeding NYSDEC Class GA Ambient Water Quality Standards (Standards), including TCE and PCE in well MW-6 (upgradient), and 1,1-DCA, 1,1-dichloroethene (1,1-DCE), 1,1,1-TCA, and methylene chloride in well NC24. However, the NYSDEC acknowledged in the December 1999 ROD for OU 02 that the VOCs in downgradient Nassau County well NC24 were primarily attributable to Tishcon Corporation facilities located at 30-36 New York Avenue and 31-33 Brooklyn Avenue (NYSDEC, December 1999).

26. In June, 1997, with the soil remediation completed, Arkwin wrote to Jeanna Hussey, Esq., who was then a staff attorney employed by NYSDEC. Arkwin advised Ms. Hussey that, given the fact that Arkwin did not appear to be responsible for groundwater contamination based upon the results of the soil remediation and surrounding studies, absent some data from the NYSDEC showing that Arkwin bore some responsibility for the groundwater contamination, it was and is Arkwin's position that any groundwater contamination onsite at the Site was flowing onto Arkwin's properties from an offsite source.

27. Following the successful remediation of Site soils in June 1997, a FRI/FS for onsite groundwater was conducted in October 1998 by the NYSDEC. The FRI included installation and sampling of six upgradient monitoring wells to assess the quality of groundwater entering the Site (installed as two clusters of three wells at depths of approximately 70, 90 and 150 feet below ground surface, or bgs); installation and sampling of six downgradient monitoring wells to assess the vertical and horizontal extent of contamination potentially attributable to the Site (installed as two clusters of three wells at depths of approximately 70, 90 and 150 feet bgs); sampling of the five existing onsite monitoring wells (screened to approximately 60 feet bgs); and performing three soil borings with associated soil and groundwater sampling at 60, 70 and 80 feet bgs to confirm the absence of contamination in soils near the onsite drywells.

28. The FRI conducted by NYSDEC indicated high levels of VOCs in shallow (approximately 50-80 feet bgs) onsite and downgradient groundwater. Several VOCs and their breakdown products were detected at concentrations above applicable SCGs (NYSDEC Standards and Part V of the New York State Sanitary Code). The identified VOCs in the groundwater were 1,1,1-TCA, PCE, TCE, 1,1-DCA, 1,1-DCE, and 1,2-dichloroethene (1,2-DCE) and remediation was required. However, the NYSDEC in its OU 02 Proposed Remedial Action Plan ("PRAP") noted that the contamination readings from a monitoring well downgradient of the Arkwin Properties were "primarily attributable" to an upgradient defendant instead of Arkwin. For intermediate (80-90 feet bgs) and deep (130-150 feet bgs) groundwater, higher levels of contamination were noted in upgradient wells than downgradient wells, indicating impacts to the onsite groundwater from upgradient sources. No VOCs were detected

in the soil samples at concentrations exceeding NYSDEC Objectives during this FRI (NYSDEC, December 1999), confirming the previous investigation and remedial results for onsite soil.

29. As for groundwater contamination found by the NYSDEC at deeper depths, the NYSDEC's OU 02 PRAP found that higher concentrations of VOC's were present in the monitoring wells up-gradient of the Site monitoring wells than in those down-gradient of the Site, indicating that contaminants were and are flowing into the groundwater under the Arkwin Properties from up-gradient sources, rather than being caused by Arkwin.

30. The NYSDEC issued a ROD for OU 02 in December 1999 and air sparging/soil vapor extraction (AS/SVE) was selected as the remedy for onsite groundwater.

31. At or around this time, Arkwin began negotiations with NYSDEC relating to the remediation of groundwater contamination under the Arkwin Properties, including negotiations for a proposed Order on Consent whereby Arkwin would remediate the groundwater at its own cost, under NYSDEC supervision.

32. Arkwin selected FPM as its environmental consultant for remediation of the groundwater under the Arkwin Properties. In cooperation with NYSDEC, Arkwin engaged FPM to prepare a Groundwater Remediation Work Plan ("GRWP") in or around November 2000 (the "OU 02 Work Plan"), detailing the implementation of the NYSDEC selected remedy, the AS/SVE System.

33. Implementation of the AS/SVE systems included system design, pilot tests, installation of AS and SVE wells to volatilize and capture groundwater contaminants, AS/SVE

system monitoring to document remedial progress, and semiannual groundwater sampling to monitor the effectiveness of the systems.

34. During 2001 Arkwin negotiated with the NYSDEC an Order on Consent relating to OU 02 which authorized Arkwin to implement the OU 02 Work Plan. Order on Consent Index No. WI-0861-00-02 was effective on February 5, 2002. As part of this Order, Arkwin paid to NYSDEC \$374,000 in Past Costs for its investigation and oversight of OU 01 and OU 02.

35. Pilot tests were conducted in April 2002 in accordance with the NYSDEC-approved Groundwater Remediation Work Plan, (FPM, November 2000 and addendums in January 2002). Two AS/SVE systems, System A and System B, were installed on the eastern and western portions of the Site, respectively, in October 2002; system locations are shown on Figure 1.1.2 of the FPM Delisting Report. These systems were operated, monitored, and maintained from December 2002 through April 2006 and 2005, respectively, in accordance with the March 2003 Operation, Maintenance and Monitoring Plan approved by the NYSDEC (FPM, March 2003). SVE effluent monitoring conducted and reported during system operation documented compliance with NYSDEC Air Guide 1 limits and chlorinated VOC mass removal from groundwater, confirming that the system was effective for VOC remediation and eventually reached the limits of its effectiveness (FPM, September 19, 2005).

36. Semiannual groundwater monitoring was conducted from March 2003 until June 2007 in conjunction with the operating and post-shutdown monitoring periods of the AS/SVE system. Groundwater monitoring included sampling of downgradient wells AIMW-10A, AIMW-10B, AIMW-11A, AIMW-11B, MW-4, and MW-7 and upgradient wells AIMW-8A,

AIMW-8B, AIMW9A, AIMW-9B, MW-1, MW-2 and MW-3. Monitoring well locations are depicted on Figure 1.1.2 of the FPM Delisting Report.

37. VOC concentrations in downgradient monitoring wells declined to levels below NYSDEC Standards during the operation of the AS/SVE systems and have remained low since 2006. A summary of the most recent monitoring data is provided in Section 3.3.2 of the FPM Delisting Report.

38. In accordance with the shut-down closure criteria in the NYSDEC-approved GRWP, the eastern (A) and western (B) AS/SVE systems were deactivated in April 2006 and April 2005, respectively. Post-shutdown groundwater monitoring activities were continued until June 2007 and confirmed that no rebound had occurred. The systems remained present and offline during the post-shutdown monitoring period.

39. Lastly, a soil vapor investigation was conducted in August 2008. Several Site-related VOCs were present in two soil vapor samples collected in proximity to the former remedial areas. Lower concentrations of several of these VOCs were also noted in two upgradient sampling locations, suggesting potential contribution of upgradient offsite sources to the VOC detections in the former remedial areas. The VOC levels are not indicative of a continuing source and do not suggest a significant concern for soil vapor intrusion.

Current Site Conditions

40. The NYSDEC issued a January 1998 ROD for OU 01, wherein no further action was required. A summary of the most recent soil data for each of the drywells is presented in Table 3.3.1 of the FPM Delisting Report. The data are compared to current NYSDEC SCOs for

Unrestricted Use and indicate that none of the constituents exceeds these SCOs. Based on these data, the Site soil conditions are supportive of Delisting of the Site from the NYSDEC Registry.

41. During the FRI for onsite groundwater, three soil borings were performed in proximity to the drywells to confirm the absence of contamination in nearby soils as discussed in Section 2.2 of the FPM Delisting Report. No VOCs were detected in any of these soil samples at concentrations exceeding NYSDEC Objectives. These data were compared to current NYSDEC SCOs for Unrestricted Use and none of the constituents exceeds these SCOs. These Site soil data are also supportive of Delisting of the Site from the NYSDEC Registry.

42. As discussed in Sections 2.2 and 3.2 of the FPM Delisting Report, Site groundwater was investigated in 1996 and 1998. The NYSDEC issued a ROD for OU 02 (onsite groundwater) in December 1999, selecting AS/SVE as the remedy for identified VOC impacts. Two AS/SVE remediation systems were operated between December 2002 and April 2005 (Western System) and April 2006 (Eastern System). Semiannual groundwater monitoring was conducted until June 2007 and confirmed Site-related VOC concentrations in downgradient monitoring wells had declined to below NYSDEC Standards with the exception of a slight exceedance of PCE in shallow downgradient monitoring well AIMW-11A, situated on the east side of the Site (FPM, October 17, 2007).

43. One additional groundwater monitoring event was performed in August 2008 in conjunction with a soil vapor investigation (discussed below in Section 3.3.3 of the FPM Delisting Report). This monitoring event included sampling of onsite shallow groundwater monitoring wells MW-2, MW-3, MW-4, and MW-7. Analytical results indicated that VOC

concentrations in these wells were below or only slightly above NYSDEC Standards, with the highest concentrations occurring both upgradient and downgradient on the east side of the Site (FPM, December 9, 2008).

44. TCE was consistently detected in shallow downgradient well MW-4 from 2003 through June 2007. Similar detections of TCE and other chlorinated VOCs were also noted in shallow-screened upgradient wells AIMW-8A and MW-2 from 2004 through 2007. Based on these data and the previously-obtained drywell soil data, it was determined that some chlorinated solvents, including TCE, found in Site groundwater resulted from migration of VOC-impacted groundwater onto the Site from offsite upgradient sources (FPM, December 2008).

45. The most recent groundwater analytical data from all of the Site wells are presented on Tables 3.3.2.1 (Eastern System) and 3.3.2.2 (Western System) of the FPM Delisting Report and indicate that Site-related groundwater impacts have been remediated to below the NYSDEC Standards with the exception of very low levels of PCE downgradient of the eastern system. Low to moderate levels of VOCs continue to migrate onto the eastern portion of the Site from upgradient offsite sources and are not related to Site conditions. These data are supportive of Delisting of the Site from the NYSDEC Registry.

46. A soil vapor investigation was conducted at the Site in August 2008 in accordance with a NYSDEC-approved Soil Vapor Work Plan (FPM, February 2007). This investigation was conducted in accordance with NYSDOH procedures for evaluation of the potential for soil vapor intrusion (NYSDOH, October 2006). Soil vapor sampling was performed at four locations (SG-1 through SG-4) at approximately six feet below grade. Two of the sampling locations were

situated in proximity to the former remedial areas (Eastern and Western AS/SVE Systems) and the other two were situated upgradient of the Site to assess potential soil vapors from impacted groundwater migrating from upgradient sources.

47. Several Site-related VOCs (1,1,1-TCA, 1,1-DCA, 1,1-DCE, and PCE) were present in soil vapor samples SG-1 and SG-4, collected in proximity to the former remedial areas, as shown in Table 3.3.3.1. Lower concentrations of several of these VOCs were also noted in the upgradient sampling locations SG-2 and SG-3, suggesting a potential contribution from upgradient offsite sources. A comparison of the analytical data to the NYSDOH Matrix 1 and Matrix 2 values suggested that the levels of 1,1,1-TCA, PCE, and TCE in soil vapor at SG-1 and SG-4 are above typical subsurface levels but are not suggestive of any remaining source soil and do not indicate a significant potential for soil vapor intrusion. These data were reported to the NYSDEC (FPM, December 9, 2008). No further work has been required.

48. The soil vapor data, which do not suggest the presence of source soil and do not indicate a significant potential for soil vapor intrusion, are supportive of Delisting of the Arkwin Site from the NYSDEC Registry.

RECOMMENDATION FOR DELISTING

49. The Site has been investigated, remediated, and monitored under the oversight of the NYSDEC. Remedial activities have included removal of impacted soils from drywells and treatment of onsite groundwater by AS/SVE for approximately four years.

50. Soil sampling performed during investigation and following remedial activities confirmed that VOCs in the remaining soil following remedial activities were below NYSDEC

SCGs current at that time (NYSDEC TAGM 4046). The NYSDEC issued a ROD for OU 01 (soil) in January 1998 requiring no further action for Site soils. An evaluation of the soil data relative to current SCGs (NYSDEC SCOs) has confirmed that the VOCs in the remaining soil were below the NYSDEC Unrestricted Use SCOs in the 1990s and are likely to have been further reduced by the operation of the AS/SVE systems from 2002 to 2006. Furthermore, soil vapor sampling conducted in 2008 the vicinity of the former remedial areas does not suggest the continued presence of source soil. These data are supportive of Delisting of the Arkwin Site from the NYSDEC Registry as the VOCs formerly impacting Site soils have been properly and completely addressed and no further action is required.

51. Groundwater monitoring was conducted at the Site following the NYSDEC-approved shutdown of the AS/SVE systems and confirmed that Site-related groundwater impacts have been remediated to below the NYSDEC Standards with very limited exceptions. Low to moderate levels of VOCs continue to migrate onto the eastern portion of the Site from upgradient offsite sources and are not related to Site conditions. These data are supportive of Delisting of the Site from the NYSDEC Registry as the Site-related VOCs have been addressed and no further action is indicated.

52. Soil vapor data collected in 2008 are not suggestive of any remaining source soil and do not indicate a significant potential for soil vapor intrusion. These data, which are also supportive of Delisting, were reported to the NYSDEC and no further work has been required.

53. All investigation, remediation and monitoring activities required for the Site have been completed with NYSDEC oversight and approval. Analytical data for Site media illustrate

the absence of Site-related conditions in excess of applicable SCGs, with the exception of very low-level groundwater impacts that results from onsite migration of impacted groundwater from offsite sources.

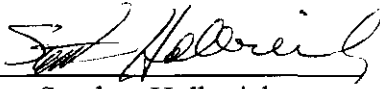
54. In accordance with 6 NYCRR Part 375-2(e), site closeout and Delisting from the NYSDEC Registry may occur when all investigation and/or remediation required for the remedial program has been completed, even if an environmental easement and/or Site Management Plan is required, as such documents only require institutional controls. Accordingly, as these conditions have been met for the Arkwin Site, Arkwin requests, and FPM recommends, that the Site be delisted from the NYSDEC Registry and that the corresponding Declaration of Covenants and Restrictions for the Site signed August 27, 2009 and recorded with Nassau County on October 8, 2009 (Liber Book D 12548 - Pages 94-98; 99-103; 104-108; 109-113; and 114-118) and the Notice of Order signed on July 24, 2007 and recorded with Nassau County on July 27, 2007 (Liber Book D 12294 - Pages 793-799), and should be omitted from the land records for the Site.

Conclusion

Accordingly, for all the reasons set forth herein, and for reasons set forth in the accompanying FPM Petition for Delisting Report, a certificate of completion should be issued regarding the remediation of the Arkwin Site #1-30-043D, and the Site should be delisted for the NYSDEC Registry and that the corresponding Declarations of Covenants and Restrictions dated August 27, 2009 and recorded with Nassau County on October 8, 2009 (Liber Book D 12548 - Pages 94-98; 99-103; 104-108; 109-113; and 114-118) and the Notice of Order signed on July

Holbreich Affidavit for Delisting of Arkwin Site
Page 17 of 20

24, 2007 and recorded with Nassau County on July 27, 2007 (Liber Book D 12294 - Pages 793-799), and should be omitted from the land records for the Site.


Stephen Holbreich

Sworn to before me this
30th day of JUNE, 2011


Notary Public

BRIAN GRUNTHAL
NOTARY PUBLIC, State of New York
No. 01686035236
Qualified in Suffolk County
Commission Expires 12-27-2013

EXHIBIT 1

**FPM DELISTING REPORT
FOR
ARKWIN INDUSTRIES SITE**

EXHIBIT 2

**DECLARATION OF COVENANTS AND RESTRICTIONS
NOTICE OF ORDER**



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 10-08-2009
Recorded Time: 2:30:35 p

Record and Return To:
ARKWIN INDUSTRIES INC
STEPHEN HOLBREICH
686 MAIN STREET
WESTBURY, NY 11590

Liber Book: D 12548
Pages From: 94
To: 98

Control
Number: 1909
Ref #:
Doc Type: D03 DECLARATION RESTRICTIONS

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0011	00079-00	00001	
N. HEMPSTEAD (2822)	0011	00079-00	00002	

	Taxes Total	.00
	Recording Totals	75.00
KAV001	Total Payment	75.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



2009100801909

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT, made the 11th day of September, 2009, by Arkwin Industries, Inc., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 686 Main Street, Westbury, NY 11590:

WHEREAS, Arkwin Industries, Inc. is the operator of an inactive hazardous waste disposal site, namely the Arkwin Industries, Inc. site (*Registry of Inactive Hazardous Waste Disposal Sites in New York State, site No. 1-30-043D*), located at 648, 656, 662 and 670 Main Street and 66 Brooklyn Avenue, Westbury, Town of North Hempstead, County of Nassau, State of New York (the "Site") and is the owner of a portion of the Site. The portion of the Site located at 662 Main Street, Westbury, Town of North Hempstead, County of Nassau, State of New York, is property which was conveyed by Sylvia Shatz to Arkwin Industries, Inc. by deed dated February 27, 1976 and recorded in the Nassau County Clerk's Office on March 3, 1976 in Book of Deeds 8901 at Pages 41-42 and identified on the Nassau County tax map as Section 11, Block 79, Lots 1 and 2 in the Town of North Hempstead, Nassau County, New York, known as and by the number 662 Main Street, Westbury, New York and being more particularly described in Appendix "A", attached to this declaration and made a part hereof and hereinafter referred to as the "Property"; and

WHEREAS, the Site is the subject of Consent Orders, Index No.'s W1-0754-95-06 (dated July 26, 1996) and W1-0861-00-02 (dated February 26, 2002), issued by the New York State Department of Environmental Conservation on the consent of Arkwin Industries, Inc. (the "Consent Orders"); and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposed of at the Site in Records of Decision ("RODs") dated January 1998 (Operable Unit 01-Soil) and December 1999 (Operable Unit 02-Groundwater) respectively, and such RODs or the Work Plans for the implementation of the RODs required that the Site be subject to restrictive covenants regarding the groundwater underlying the Site.

NOW, THEREFORE, Arkwin Industries, Inc., for itself, and its successors and assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is commonly known as 662 Main Street, Westbury, Town of North Hempstead, Nassau County, New York and is fully described and delineated by the metes and bounds description set forth in Appendix "A", attached hereto and made a part hereof.

RECORD AND RETURN TO
STEPHEN HOLBREICH
ARKWIN INDUSTRIES, INC.
686 MAIN STREET
WESTBURY, NY 11590

SECTION 11 BLOCK 79 LOTS 1 AND 2

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fourth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Arkwin Industries, Inc. to put in place and maintain such controls and comply with all elements of the Department-approved work plans for the Site, including but not limited to, the Department-approved November 2000 Groundwater Remediation Work Plan with addendum dated January 2002 and the Operation, Maintenance and Monitoring Plan dated March 2003, unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Fifth, the owner of the Property shall in three (3) years following the recording of this Declaration of Covenants and Restrictions in the Nassau County Clerk's Office and every three years thereafter submit to the Relevant Agency a written statement certifying under penalty of perjury that the institutional control employed at the Property is in-place, and that nothing has occurred that would impair the ability of such control to protect the public health and environment.

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph XII of the Consent Order for the Site dated February 26, 2002, Index No. W1-0861-00-02, requires to be recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this agreement the day written below.

By:

MARC MAC DOUGAL

Title:

Victorias Reef

RECEIVED IN
THIS CONDITION

On the 11th day of SEPTEMBER, in the year 2009,
before me, the undersigned, a Notary Public in and for
said

satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to
me

that he executed the same in his capacity, and that by his signature on the instrument, the person or entity upon behalf

Notary Public

STEPHEN HOLBREICH
Notary Public, State of New York
No. 52-1821530
Qualified in Suffolk County
Commission Expires: 1-31-2010

APPENDIX A

662 Main Street, Westbury, NY

BEGINNING at the corner formed by the intersection of the southerly side of Main Street and the easterly side of Brooklyn Avenue, running thence easterly along the southerly side of Main Street 50 feet; thence southerly and parallel with Brooklyn Avenue 100 feet; thence westerly and parallel with Main Street 50 feet to the easterly side of Brooklyn Avenue; thence northerly along the easterly side of Brooklyn Avenue 100 feet to the southerly side of Main street, at the point or place of beginning.



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 10-08-2009
Recorded Time: 2:30:35 p
Liber Book: D 12548
Pages From: 99
To: 103

Record and Return To:
ARKWIN INDUSTRIES INC
STEPHEN HOLBREICH
686 MAIN STREET
WESTBURY, NY 11590

Control
Number: 1910
Ref #:
Doc Type: D03 DECLARATION RESTRICTIONS

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0011	00079-00	00003	
N. HEMPSTEAD (2822)	0011	00079-00	00004	
N. HEMPSTEAD (2822)	0011	00079-00	00005	
N. HEMPSTEAD (2822)	0011	00079-00	00006	
N. HEMPSTEAD (2822)	0011	00079-00	00007	<i>see attached</i>

	Taxes Total	.00
KAV001	Recording Totals	75.00
	Total Payment	75.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



2009100801910

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT, made the 27th day of August, 2009, by Brooklyn 55 Realty Corp., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 686 Main Street, Westbury, NY 11590:

WHEREAS, Arkwin Industries, Inc. is the operator of an inactive hazardous waste disposal site, namely the Arkwin Industries, Inc. site (*Registry of Inactive Hazardous Waste Disposal Sites in New York State, site No. 1-30-043D*), located at 648, 656, 662 and 670 Main Street and 66 Brooklyn Avenue, Westbury, Town of North Hempstead, County of Nassau, State of New York (the "Site") and is the owner of a portion of the Site. Brooklyn 55 Realty Corp. and Arkwin Industries, Inc. are related entities. The portion of the Site located at 670 Main Street, Westbury, Town of North Hempstead, County of Nassau, State of New York, is property which was conveyed by Carl H. Anderson to Brooklyn 55 Realty Corp. by deed dated March 21, 1979 and recorded in the Nassau County Clerk's Office on March 28, 1979 in Book of Deeds 9179 at Pages 858-859 and identified on the Nassau County tax map as Section 11, Block 79, Lots 3 to 8 inclusive in the Town of North Hempstead, Nassau County, New York, known as and by the number 670 Main Street, Westbury, Town of North Hempstead, New York and being more particularly described in Appendix "A", attached to this declaration and made a part hereof and hereinafter referred to as the "Property"; and

WHEREAS, the Site is the subject of Consent Orders, Index No.'s W1-0754-95-06 (dated July 26, 1996) and W1-0861-00-02 (dated February 26, 2002), issued by the New York State Department of Environmental Conservation on the consent of Arkwin Industries, Inc. (the "Consent Orders"); and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposed of at the Site in Records of Decision ("RODs") for the Site dated January 1998 (Operable Unit 01-Soil) and December 1999 (Operable Unit 02-Groundwater) respectively, and such RODs or the Work Plans for the implementation of the RODs required that the Site be subject to restrictive covenants regarding the groundwater underlying the Site.

NOW, THEREFORE, Brooklyn 55 Realty Corp., for itself, and its successors and assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is commonly known as 670 Main Street, Westbury, Town of North Hempstead, Nassau County, New York and is fully described and delineated by the metes

RECORD AND RETURN TO
STEPHEN HOLBREICH
ARKWIN INDUSTRIES, INC.
686 MAIN ST.
WESTBURY, NY 11590

SECTION 11 BLOCK 79 LOTS 3-8

and bounds description set forth in Appendix "A", attached hereto and made a part hereof.

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fourth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Arkwin Industries, Inc. to put in place and maintain such controls and comply with all elements of the Department-approved work plans for the Site, including but not limited to, the Department-approved November 2000 Groundwater Remediation Work Plan with addendum dated January 2002 and the Operation, Maintenance and Monitoring Plan dated March 2003, unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Fifth, the owner of the Property shall in three (3) years following the recording of this Declaration of Covenants and Restrictions in the Nassau County Clerk's Office and every three years thereafter submit to the Relevant Agency a written statement certifying under penalty of perjury that the institutional control employed at the Property is in-place, and that nothing has occurred that would impair the ability of such control to protect the public health and environment.

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph XII of the Consent Order for the Site dated February 26, 2002, Index No. W1-0861-00-02, requires to be recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such

APPENDIX A

670 Main Street, Westbury, NY

BEGINNING at the corner formed by the intersection of the southerly side of Main Street and the westerly side of State Street; thence southerly along the westerly side of State Street 100 feet; thence westerly at right angles to the westerly side of State Street 150 feet; thence northerly at right angles to the southerly side of Main Street 100 feet; thence easterly along the southerly side of Main street 150 feet to the point or place of beginning



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 10-08-2009
Recorded Time: 2:30:35 p

Record and Return To:
ARKWIN INDUSTRIES INC
STEPHEN HOLBREICH
686 MAIN STREET
WESTBURY, NY 11590

Liber Book: D 12548
Pages From: 104
To: 108

Control
Number: 1911
Ref #:
Doc Type: D03 DECLARATION RESTRICTIONS

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0011	00078-00	00001	
N. HEMPSTEAD (2822)	0011	00078-00	00002	
N. HEMPSTEAD (2822)	0011	00078-00	00003	
N. HEMPSTEAD (2822)	0011	00078-00	00004	
N. HEMPSTEAD (2822)	0011	00078-00	00009	<i>see attached</i>

	Taxes Total	.00
	Recording Totals	75.00
KAV001	Total Payment	75.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



2009100801911

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT, made the 11th day of SEPTEMBER, 2009, by Arkwin Industries, Inc., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 686 Main Street, Westbury, NY 11590:

WHEREAS, Arkwin Industries, Inc. is the operator of an inactive hazardous waste disposal site, namely the Arkwin Industries, Inc. site (*Registry of Inactive Hazardous Waste Disposal Sites in New York State*, site No. 1-30-043D), located at 648, 656, 662 and 670 Main Street and 66 Brooklyn Avenue, Westbury, Town of North Hempstead, County of Nassau, State of New York (the "Site") and is the owner of a portion of the Site. The portion of the Site located at 648 Main Street, Westbury, Town of North Hempstead, County of Nassau, State of New York is property which was conveyed by Ro-Cal Industrial Buildings, Inc. to Arkwin Industries, Inc. by deed dated November 30, 1972 and recorded in the Nassau County Clerk's Office on December 6, 1972 in Book of Deeds 8475 at Pages 393-394 and identified on the Nassau County tax map as Section 11, Block 78, Lots 1 to 4 inclusive and Lots 9 to 11 inclusive, in the Town of North Hempstead, Nassau County, New York, known as and by the number 648 Main Street, Westbury, Town of North Hempstead, New York and being more particularly described in Appendix "A", attached to this declaration and made a part hereof and hereinafter referred to as the "Property"; and

WHEREAS, the Site is the subject of Consent Orders, Index No.'s W1-0754-95-06 (dated July 26, 1996) and W1-0861-00-02 (dated February 26, 2002), issued by the New York State Department of Environmental Conservation on the consent of Arkwin Industries, Inc. (the "Consent Orders"); and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposed of at the Site in Records of Decision ("RODs") for the Site dated January 1998 (Operable Unit 01-Soil) and December 1999 (Operable Unit 02-Groundwater) respectively, and such RODs or the Work Plans for the implementation of the RODs required that the Site be subject to restrictive covenants regarding the groundwater underlying the Site.

NOW, THEREFORE, Arkwin Industries, Inc. for itself, and its successors and assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is commonly known as 648 Main Street, Westbury, Town of North Hempstead, Nassau County, New York and is fully described and delineated by the metes and bounds description set forth in Exhibit "A", attached hereto and made a part hereof.

RECORD AND RETURN TO
STEPHEN HOLBREICHT
ARKWIN INDUSTRIES, INC.
686 MAIN ST.
WESTBURY, NY 11590

SECTION 11 BLOCK 78 LOTS 1-4 AND 9-11

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fourth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Arkwin Industries, Inc. to put in place and maintain such controls and comply with all elements of the Department-approved work plans for the Site, including but not limited to, the Department-approved November 2000 Groundwater Remediation Work Plan with addendum dated January 2002 and the Operation, Maintenance and Monitoring Plan dated March 2003, unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

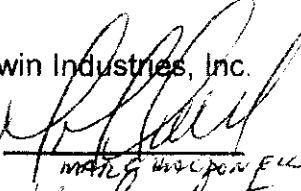
Fifth, the owner of the Property shall in three (3) years following the recording of this Declaration of Covenants and Restrictions in the Nassau County Clerk's Office and every three years thereafter submit to the Relevant Agency a written statement certifying under penalty of perjury that the institutional control employed at the Property is in-place, and that nothing has occurred that would impair the ability of such control to protect the public health and environment.

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph XII of the Consent Order for the Site dated February 26, 2002, Index No. W1-0861-00-02, requires to be recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this agreement the day written below.

Arkwin Industries, Inc.

By: 

Title: Vice President

Date: September 11, 2009

RECEIVED IN
THIS CONDITION

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

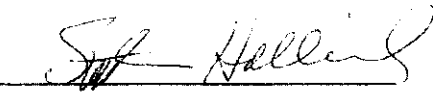
On the 11th day of SEPTEMBER, in the year 2009,
before me, the undersigned, a Notary Public in and for
said

state, personally appeared MARC MACDONELL,
personally known to me or proved to me on the basis of

satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to
me

that he executed the same in his capacity, and that by
his signature on the instrument, the person or entity upon
behalf

of which the person acted, executed the instrument.


Notary Public

STEPHEN HOLBREICH
Notary Public, State of New York
No. 52-163153C
Qualified in Suffolk County
Commission Expires 1-31-2010

APPENDIX A

648 Main Street, Westbury, NY

BEGINNING at the corner formed by the intersection of the southerly side of Main Street with the easterly side of New York Avenue; running thence easterly along the southerly side of Main Street 100 feet; thence southerly and at right angles to the southerly side of Main Street 175 feet; thence westerly and at right angles to the easterly side of New York Avenue 100 feet to the easterly side of New York Avenue; thence northerly and along the easterly side of New York Avenue and at right angles to the southerly side of Main Street 175 feet to the corner, at the point or place of beginning.



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 10-08-2009
Recorded Time: 2:30:35 p

Record and Return To:
ARKWIN INDUSTRIES INC
STEPHEN HOLBREICH
686 MAIN STREET
WESTBURY, NY 11590

Liber Book: D 12548
Pages From: 109
To: 113

Control
Number: 1912
Ref #:
Doc Type: D03 DECLARATION RESTRICTIONS

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0011	00078-00	00005	
N. HEMPSTEAD (2822)	0011	00078-00	00006	
N. HEMPSTEAD (2822)	0011	00078-00	00007	
N. HEMPSTEAD (2822)	0011	00078-00	00008	
N. HEMPSTEAD (2822)	0011	00078-00	00064	<i>see attached</i>

	Taxes Total	.00
KAV001	Recording Totals	75.00
	Total Payment	75.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



2009100801912

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT, made the 27th day of August, 2009, by Brooklyn 55 Realty Corp., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 686 Main Street, Westbury, NY 11590:

WHEREAS, Arkwin Industries, Inc. is the operator of an inactive hazardous waste disposal site, namely the Arkwin Industries, Inc. site (*Registry of Inactive Hazardous Waste Disposal Sites in New York State, site Number 01-30-043D*), located at 648, 656, 662 and 670 Main Street and 66 Brooklyn Avenue, Westbury, in the Town of North Hempstead, County of Nassau, State of New York (the "Site") and is the owner of a portion of the Site. Brooklyn 55 Realty Corp. and Arkwin Industries, Inc. are related entities. The portion of the Site located at 656 Main Street, Westbury, Town of North Hempstead, County of Nassau, State of New York, is property which was conveyed by Vincy Realty Corporation to Brooklyn 55 Realty Corp. by deed dated August 3, 1966 and recorded in the Nassau County Clerk's Office on August 9, 1966 in Book of Deeds 7557 at Pages 212-213 and identified on the Nassau County tax map as Section 11, Block 78, Lots 5 to 8 inclusive and Lots 64 to 67 inclusive, in the Town of North Hempstead, Nassau County, New York, known as and by the number 656 Main Street, Westbury, Town of North Hempstead, New York and being more particularly described in Appendix "A", attached to this declaration and made a part thereof and hereinafter referred to as the "Property"; and

WHEREAS, the Site is the subject of Consent Orders, Index No.'s W1-0754-95-06 (dated July 26, 1996) and W1-0861-00-02 (dated February 26, 2002), issued by the New York State Department of Environmental Conservation on the consent of Arkwin Industries, Inc. (the "Consent Orders"); and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposed of at the Site in Records of Decision ("RODs") for the Site dated January 1998 (Operable Unit 01-Soil) and December 1999 (Operable Unit 02-Groundwater), respectively, and such RODs or the Work Plans for the implementation of the RODs required that the Site be subject to restrictive covenants regarding the groundwater underlying the Site.

NOW, THEREFORE, Brooklyn 55 Realty Corp., for itself, and its successors and assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is commonly known as 656 Main Street, Westbury, Town of North Hempstead, Nassau County, New York and is fully described and delineated by the metes

RECORD AND RETURN TO
STEPHEN HOLBREICH
ARKWIN INDUSTRIES, INC.
686 MAIN ST.
WESTBURY, NY 11590

Section 11 Block 78 Lots 5-8 AND 64-67

and bounds description set forth in Appendix "A", attached hereto and made a part hereof.

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fourth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Arkwin Industries, Inc. to put in place and maintain such controls and comply with all elements of the Department-approved work plans for the Site, including but not limited to, the Department-approved November 2000 Groundwater Remediation Work Plan with addendum dated January 2002 and the Operation, Maintenance and Monitoring Plan dated March 2003, unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Fifth, the owner of the Property shall in three (3) years following the recording of this Declaration of Covenants and Restrictions in the Nassau County Clerk's Office and every three years thereafter submit to the Relevant Agency a written statement certifying under penalty of perjury that the institutional control employed at the Property is in-place, and that nothing has occurred that would impair the ability of such control to protect the public health and environment.

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph XII of the Consent Order for the Site dated February 26, 2002, Index No. W1-0861-00-02 requires to be recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such

covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this agreement the day written below.

Brooklyn 55 Realty Corp.

By: William Maglio
WILLIAM MAGLIO

Title: VICE PRESIDENT

Date: AUGUST 27 2009

RECEIVED IN
THIS CONDITION

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

On the 27th day of AUGUST, in the year 2009,
before me, the undersigned, a Notary Public in and for
said

state, personally appeared WILLIAM MAGLIO,
personally known to me or proved to me on the basis of

satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to
me

that he executed the same in his capacity, and that by
his signature on the instrument, the person or entity upon
behalf

of which the person acted, executed the instrument.

Stephen Holbreich
Notary Public

STEPHEN HOLBREICH
Notary Public, State of New York
No. 52-1831530
Qualified in Suffolk County
Commission Expires: 1-31-2010

APPENDIX A

656 Main Street, Westbury, NY

BEGINNING at the corner formed by the intersection of the southerly side of Main Street and the westerly side of Brooklyn Avenue; running thence westerly along the southerly side of Main Street 100 feet; thence southerly and parallel with the westerly side of Brooklyn Avenue 200 feet; thence easterly and parallel with the southerly side of Main Street 100 feet; thence northerly along the westerly side of Brooklyn Avenue 200 feet to the corner at the point or place of beginning.



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 10-08-2009
Recorded Time: 2:30:35 p

Liber Book: D 12548
Pages From: 114
To: 118

Record and Return To:
ARKWIN INDUSTRIES INC
STEPHEN HOLBREICH
686 MAIN STREET
WESTBURY, NY 11590

Control
Number: 1913
Ref #:
Doc Type: D03 DECLARATION RESTRICTIONS

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0011	00079-00	00266	
N. HEMPSTEAD (2822)	0011	00079-00	00267	
N. HEMPSTEAD (2822)	0011	00079-00	00268	
N. HEMPSTEAD (2822)	0011	00079-00	00269	
N. HEMPSTEAD (2822)	0011	00079-00	00270	

	Taxes Total	.00
KAV001	Recording Totals	75.00
	Total Payment	75.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



2009100801913

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT, made the 27th day of AUGUST, 2009, by Brooklyn 55 Realty Corp., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 686 Main Street, Westbury, NY 11590:

WHEREAS, Arkwin Industries, Inc. is the operator of an inactive hazardous waste disposal site, namely the Arkwin Industries, Inc. site (*Registry of Inactive Hazardous Waste Disposal Sites in New York State, site No. 1-30-043D*), located at 648, 656, 662 and 670 Main Street and 66 Brooklyn Avenue, Westbury, in the Town of North Hempstead, County of Nassau, State of New York (the "Site") and is the owner of a portion of the Site. Brooklyn 55 Realty Corp. and Arkwin Industries, Inc. are related entities. The portion of the Site located at 66 Brooklyn Avenue, Westbury, Town of North Hempstead, County of Nassau, State of New York, is property which was conveyed by Jomilfe Associates, Inc. to Modan Associates, Inc. (now known as Brooklyn 55 Realty Corp.) by deed dated April 28, 1961 and recorded in the Nassau County Clerk's Office on May 3, 1961 in Book of Deeds 6852 at Pages 260-261 and identified on the Nassau County tax map as Section 11, Block 79, Lots 9 to 12 inclusive, in the Town of North Hempstead, Nassau County, New York, known as and by the number 66 Brooklyn Avenue, Westbury, Town of North Hempstead, New York and being more particularly described in Appendix "A", attached to this declaration and made a part hereof and hereinafter referred to as the "Property"; and

WHEREAS, the Site is the subject of Consent Orders, Index No.'s W1-0754-95-06 (dated July 26, 1996) and W1-0861-00-02 (dated February 26, 2002), issued by the New York State Department of Environmental Conservation on the consent of Arkwin Industries, Inc. (the "Consent Orders"); and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposed of at the Site in Records of Decision ("RODs") for the Site dated January 1998 (Operable Unit 01-Soil) and December 1999 (Operable Unit 02-Groundwater) respectively, and such RODs or the Work Plans for the implementation of the RODs required that the Site be subject to restrictive covenants regarding the groundwater underlying the Site.

NOW, THEREFORE, Brooklyn 55 Realty Corp., for itself, and its successors and assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is commonly known as 66 Brooklyn Avenue, Westbury, Town of North Hempstead, Nassau County, New York and is fully described and delineated by the metes

RECORD AND RETURN TO
STEPHEN HOLBREICH
ARKWIN INDUSTRIES, INC.
686 MAIN ST.
WESTBURY, NY 11590

SECTION 11 BLOCK 79 LOTS 9-12

and bounds description set forth in Exhibit "A", attached hereto and made a part hereof.

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fourth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Arkwin Industries, Inc. to put in place and maintain such controls and comply with all elements of the Department-approved work plans for the Site, including but not limited to, the Department-approved November 2000 Groundwater Remediation Work Plan with addendum dated January 2002 and the Operation, Maintenance and Monitoring Plan dated March 2003, unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Fifth, the owner of the Property shall in three (3) years following the recording of this Declaration of Covenants and Restrictions in the Nassau County Clerk's Office and every three years thereafter submit to the Relevant Agency a written statement certifying under penalty of perjury that the institutional control employed at the Property is in-place, and that nothing has occurred that would impair the ability of such control to protect the public health and environment.

Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph XII of the Consent Order for the Site dated February 26, 2002, Index No. W1-0861-00-02, requires to be recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such

covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this agreement the day written below.

Brooklyn 55 Realty Corp.

By: William Maglio
WILLIAM MAGLIO

Title: VICE PRESIDENT

Date: AUGUST 27, 2009

RECEIVED IN
THIS CONDITION

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

On the 27th day of AUGUST, in the year 2009,
before me, the undersigned, a Notary Public in and for
said

state, personally appeared WILLIAM MAGLIO,
personally known to me or proved to me on the basis of

satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to
me

that he executed the same in his capacity, and that by
his signature on the instrument, the person or entity upon
behalf

of which the person acted, executed the instrument.

Stephen Holbreich
Notary Public

STEPHEN HOLBREICH
Notary Public State of New York
No. 52-1831530
Qualified in Suffolk County
Commission Expires: 1-31-2010

APPENDIX A

66 Brooklyn Avenue, Westbury, NY

BEGINNING at a point on the easterly side of Brooklyn Avenue, distant 100 feet southerly from the corner formed by the intersection of the southerly side of Main Street and the easterly side of Brooklyn Avenue; running thence south 88 degrees 49 minutes 00 seconds east, 100 feet; running thence south 1 degree 11 minutes 00 seconds west, 100 feet; running thence north 88 degrees 49 minutes 00 seconds west, 100 feet, to the easterly side of Brooklyn Avenue; running thence north 1 degree 11 minutes 00 seconds east, along the easterly side of Brooklyn Avenue, 100 feet to the point or place of beginning.



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 07-27-2007
Recorded Time: 11:32:17 a

Record and Return To:
STEPHEN HOLBREICH
ARKWIN INDUSTRIES INC
686 MAIN STREET
WESTBURY, NY 11590

Liber Book: D 12294
Pages From: 793
To: 799

Control
Number: 927
Ref #:
Doc Type: D98 DEED MISCELLANEOUS WITH FEE

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0011	00078-00	00001	
N. HEMPSTEAD (2822)	0011	00078-00	00002	
N. HEMPSTEAD (2822)	0011	00078-00	00003	
N. HEMPSTEAD (2822)	0011	00078-00	00004	
N. HEMPSTEAD (2822)	0011	00078-00	00005	- See Attached

	Taxes Total	.00
	Recording Totals	66.00
KAV001	Total Payment	66.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK



2007072700927

298
7

NOTICE OF ORDER

Arkwin Industries Inc. (the "Respondent") has entered into an Order on Consent (Index no. W1-0861-00-02) (the "Order") with the New York State Department of Environmental Conservation (the "Department") relative to an Inactive Hazardous Waste Disposal Site under Article 27, Title 13, and Article 71, Title 27 of the Environmental Conservation Law of the State of New York ("ECL") for the Arkwin Industries, Inc. Site located at 648-656 Main Street, 662-670 Main Street and 66 Brooklyn Avenue, Westbury, New York (the "Site" or "facility").

The Site is an inactive hazardous waste disposal site, as that term is defined at ECL Section 27-1301.2, and it has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site no. 1-30-043D. The Department has classified the Site as a Class 2 site pursuant to ECL Section 27-1305.4.b. This classification means that the Department has determined that the Site presents a significant threat to the public health or environment. The Site is more particularly described in the legal descriptions that are attached hereto as Schedules "A" through "E".

The purpose of the Order is to address the environmental conditions at or migrating from the site. The effective date of the Order was March 8, 2002. A copy of the order, as well as any and all Department-approved Work Plans under this Order can be reviewed at the Department's central office located at 625 Broadway, Albany, New York 12233-7015 by contacting Joseph Jones.

This Notice of Order is being filed with the Nassau County Clerk in accordance with paragraph XII of the Order to give all parties who may acquire any interest in the Site notice of this Order.

WHEREFORE, the undersigned has signed this Notice of Order to comply with the terms of the Order.

Arkwin Industries, Inc.

By: Thomas M. Molloy
Thomas M. Molloy
Vice President

Date: Feb. 24, 2007

STATE OF NEW YORK
COUNTY OF NASSAU) ss.:

On the 24th day of June, 2007, before me, the undersigned, a notary public in and for said State, personally appeared Thomas M. Molloy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person on behalf of which the individual acted, executed this instrument.

Stephen Holbreich
Notary Public

STEPHEN HOLBREICH
Notary Public State of New York
No. 52-1831530
Qualified in Suffolk County
Commission Expires: JAN. 31, 2010

Section 11, Block 78, LOTS 1-4 AND 9-11
Section 11, Block 78, LOTS 5-8 AND 64-67
Section 11, Block 79, LOTS 1-2
Section 11, Block 79, LOTS 3-8
Section 11, Block 79, LOTS 266-270

SCHEDULE "A"

Section 11, Block 78, Lots 1-4 and 9-11 in the Town of North Hempstead, Nassau County, New York, more commonly known as 648 Main Street, Westbury, New York.

RHR

STEPHEN HOLBREICH, ESQ.
ARKWIN INDUSTRIES, INC.
686 MAIN ST.
WESTBURY, NY 11590

SCHEDULE "B"

Section 11, Block 78, Lots 5-8 and 64-67 in the Town of North Hempstead, Nassau County, New York,
more commonly known as 656 Main Street, Westbury, New York.

**NASSAU
COUNTY
CLERK**

SCHEDULE "C"

Section 11, Block 79, Lots 1-2 in the Town of North Hempstead, Nassau County, New York, more commonly known as 662 Main Street, Westbury, New York.

**NASSAU
COUNTY
CLERK**

SCHEDULE "D"

Section 11, Block 79, Lots 3-8 in the Town of North Hempstead, Nassau County, New York, more commonly known as 670 Main Street, Westbury, New York.

NASSAU
COUNTY
CLERK

SCHEDULE "E"

Section 11, Block 79, Lots 266-270 in the Town of North Hempstead, Nassau County, New York, more commonly known as 66 Brooklyn Avenue, Westbury, New York.

NASSAU
COUNTY
CLERK

PRIVILEGED AND CONFIDENTIAL

**DELISTING REPORT
FOR
ARKWIN INDUSTRIES SITE
WESTBURY, NEW YORK

NYSDEC SITE # 1-30-043D**

**PREPARED AT THE DIRECTION OF COUNSEL
GARFUNKEL WILD, P.C.**

PREPARED BY

***FPM*group™**

**909 MARCONI AVENUE
RONKONKOMA, NEW YORK 11779**

JUNE 2011

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APPENDICES

- A Previous Documents
- B Record of Decision, Arkwin Industries Site-Operable Unit 01 – Soil,
January 1998

DELISTING REPORT

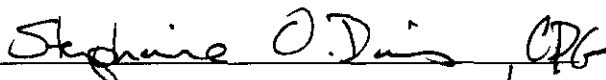
Prepared for

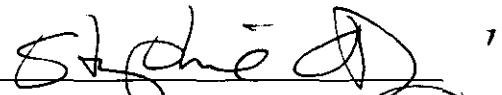
Facility: Arkwin Industries, Inc.
648-656 and 662-670 Main Street and 66 Brooklyn Avenue
Westbury, New York
NYSDEC Site # 1-30-043D

FPM File No: 652-11-11

CERTIFICATION

I Stephanie O. Davis, CPG certify that I am currently a Qualified Environmental Professional as defined in 6 NYCRR Part 375 and that this Delisting Report was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).


Qualified Environmental Professional


Signature

Prepared by

FPM Group
909 Marconi Avenue
Ronkonkoma, NY 11779
(Tel) 631-737-6200
(Fax) 631-737-2410

EXECUTIVE SUMMARY

This Delisting Report for the Arkwin Industries Inactive Hazardous Waste Disposal Site #1-30-043D summarizes the Site history, investigation, remediation, and monitoring. All activities required for this Site have been completed with New York State Department of Environmental Conservation (NYSDEC) oversight and approval. Analytical data for all Site media demonstrate the absence of Site-related conditions in excess of current applicable standards, criteria, and guidance (SCGs), with the exception of very low-level groundwater impacts that likely are the result from onsite migration of impacted groundwater from upgradient offsite sources. A January 1998 Record of Decision (ROD) issued by the NYSDEC required no further action for soil. The results of groundwater remediation and monitoring and soil vapor sampling show favorable conditions for delisting. The current Site data support our conclusions that the Site has been fully remediated, that no further work is required, and that delisting is appropriate.

SECTION 1.0 INTRODUCTION AND PURPOSE

This Delisting Report (Report) has been prepared by FPM Group (FPM) for New York State Department of Environmental Conservation (NYSDEC) Inactive Hazardous Waste Disposal Site #1-30-043D, identified as the Arkwin Industries Site (Arkwin) located at 648-656 and 662-670 Main Street and 66 Brooklyn Avenue, Westbury, New York (Site). This Report was prepared to summarize the Site history, investigation, remediation, and monitoring in support of delisting of the Site from the NYSDEC Inactive Hazardous Waste Disposal Site Registry (Registry).

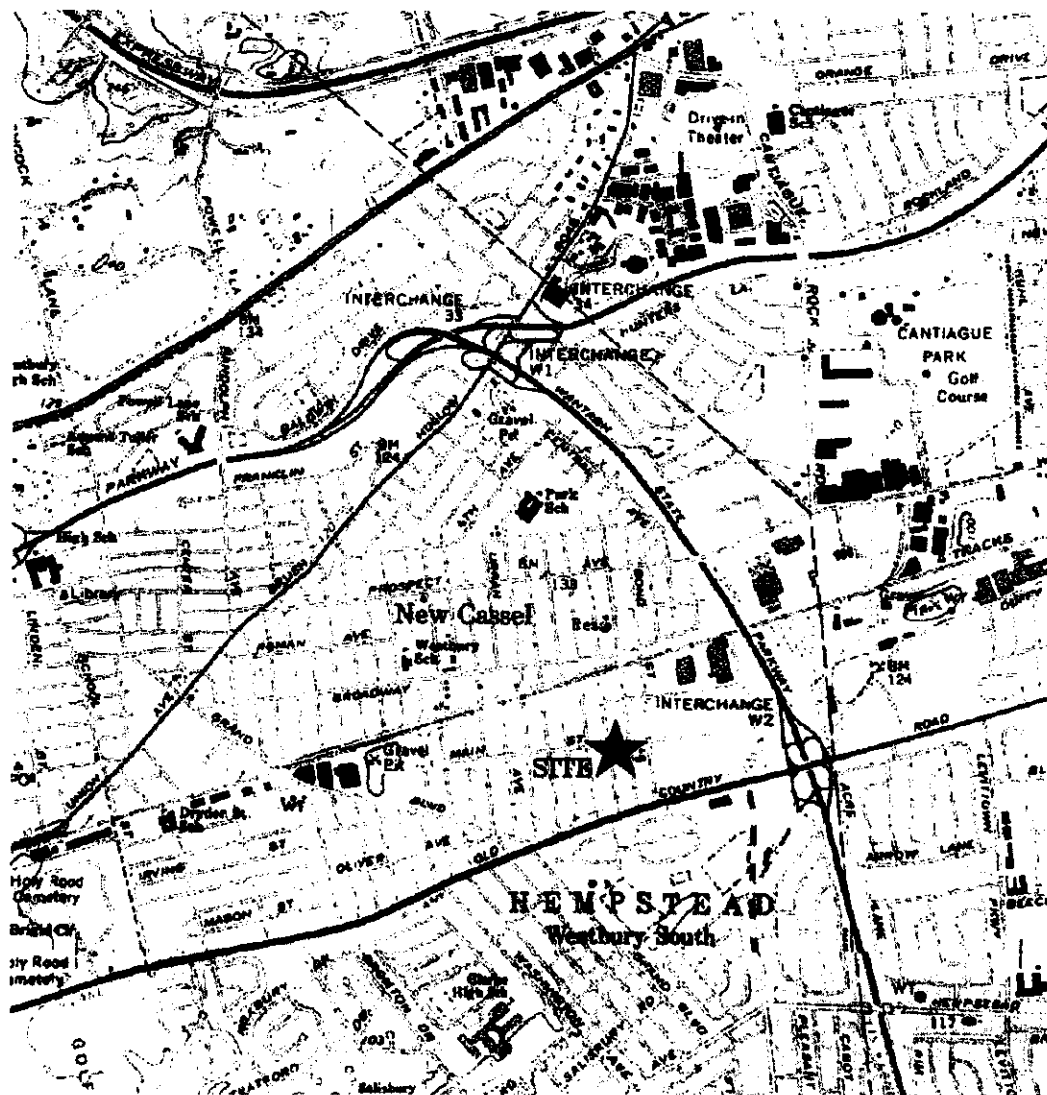
Previous investigations and characterization of the nature and extent of contamination at the Site are summarized in Section 2. Remedial and monitoring activities and current Site conditions are described in Section 3. A summary of conditions supporting delisting of the Site from the Registry is presented in Section 4.

1.1 Site Location and Description

The Arkwin Site is located at 648-656 and 662-670 Main Street and 66 Brooklyn Avenue, Westbury, New York 11590 in the Incorporated Village of Westbury in the Town of North Hempstead in Nassau County and is owned by Arkwin Industries, Inc. The Site is located west of the intersection of Old Country Road and the Wantagh State Parkway in an industrial and commercial area. The Site occupies approximately 1.7 acres and includes five buildings identified as 648, 656, 662 and 670 Main Street and 66 Brooklyn Avenue. The Site is bounded by Main Street to the north, New York Avenue to the west and State Street to the east. The Site is currently serviced by municipal water and sewer systems. A location map showing the Site and vicinity is presented in Figure 1.1.1. A plan of the Site and surrounding area showing groundwater contours is included as Figure 1.1.2.

1.2 Environmental Setting

The regional groundwater elevation and flow direction in the Site vicinity were obtained from the Nassau County Department of Public Works (NCDPW) Nassau County Water Table Elevation Map for



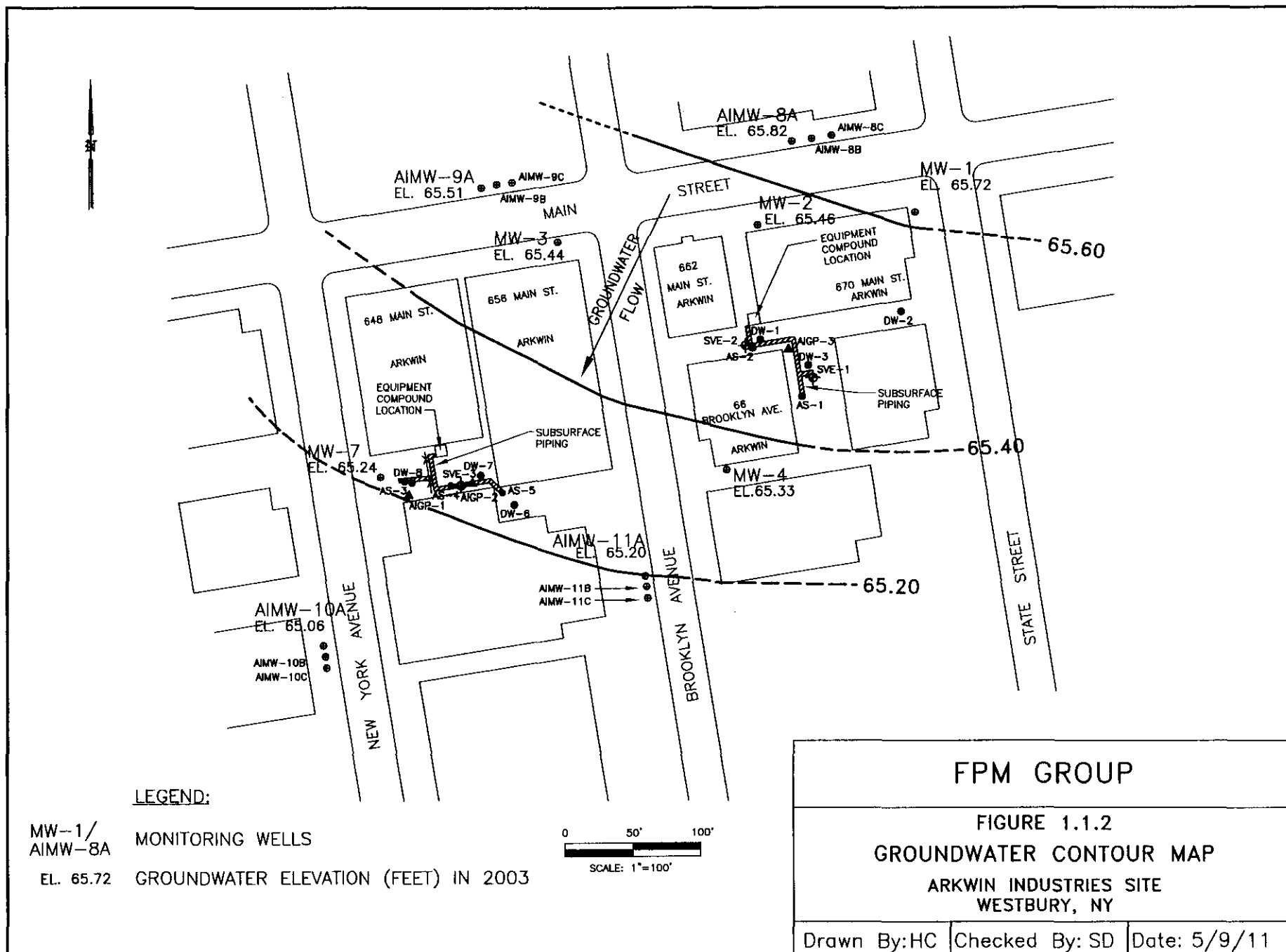
FPM GROUP

FIGURE 1.1.1
SITE LOCATION
ARKWIN INDUSTRIES, INC.

Drawn by: TAC

Checked By: SOD

Date: 5/10/11



September 2003 (NCDPW, 2005). The regional water table elevation is approximately 70 feet above mean sea level (MSL) and the regional groundwater flow direction is toward the south-southwest. This information is consistent with information obtained from investigations at the Site, as shown on Figure 1.1.2.

The surface topography of the Site and vicinity was obtained from the USGS Hicksville, New York Quadrangle (1967, photorevised 1979). The topographic elevation of the Site is approximately 120 feet above MSL. Therefore, the depth to groundwater beneath the Site is estimated to be approximately 50 feet. This is consistent with groundwater monitoring observations at the Site.

No natural surface water bodies are located within one half mile of the Site. The closest surface waters include small ponds within the Eisenhower Memorial Park, located approximately two miles to the southwest.

The Site is underlain by Upper Glacial Formation sand and gravel outwash plain deposits (USGS, 1966). The Magothy Formation, consisting of interbedded sands and clays, is present below the Upper Glacial Formation. Groundwater is found within the lower part of the Upper Glacial Formation and within the Magothy Formation in the Site vicinity.

1.3 Site History

Arkwin's operations at the Site commenced in 1955 and continue at present. The Site currently includes five buildings used by Arkwin for manufacturing, warehouse, and office space. During previous operations Arkwin received metal stock which was machined, fabricated, degreased, polished, painted, and assembled into finished products. Chlorinated solvents, including tetrachloroethylene (PCE) and 1,1,1-trichloroethane (1,1,1-TCA) were historically used in Arkwin's manufacturing for degreasing purposes. Possible past disposal of industrial wastes to onsite drainage structures prior to the connection of the Site to a municipal sewer system in the 1980s may have resulted in impacts to soils beneath the Site by PCE, 1,1,1-TCA, and other chlorinated volatile organic compounds (VOCs). The Site was added to the New York State Registry as a Class 2 site (Site #1-30-043D) in May 1995 due to chlorinated VOCs in onsite soils and groundwater.

In March 1995 Arkwin conducted a soil investigation at eight drywells located throughout the Site. The investigation indicated the presence of soil contamination in drywells and demonstrated the need for further investigation. The investigation also included the removal of sediment and soil from select drywells where the presence of contamination was indicated.

In July 1996 Arkwin signed a Focused Remedial Investigation (FRI)/Feasibility Study (FS) consent order (Index #W1-0754-95-06) with the NYSDEC and submitted a FRI/FS and Interim Remedial Measure (IRM) work plan. The FRI was conducted in August-December 1996 to identify and delineate soil and groundwater contamination resulting from previous Site activities. The FRI confirmed the presence of chlorinated VOC contamination in soil in one onsite drywell and also in groundwater beneath the Site.

The Site was divided into two Operable Units (OUs) to expedite investigation and remediation; soil was designated as OU 01 and onsite groundwater was designated as OU 02. Information regarding the nature and extent of contamination, remediation activities, monitoring, and the current status of each OU is summarized in Sections 2 and 3.

Contaminated soils were successfully excavated and removed from the impacted drywell in June 1997 as an IRM for OU 01. The NYSDEC issued a Record of Decision (ROD) for OU 01 in January 1998 which required no further action for the Site soils.

An FRI/FS for onsite groundwater was performed at the Site in 1998 and included installation of 12 groundwater monitoring wells and sampling to characterize the nature and extent of groundwater contamination. The FRI indicated the presence of several chlorinated VOCs and their breakdown products in groundwater above NYSDEC Class GA Ambient Water Quality Standards (Standards).

The NYSDEC issued a ROD for OU 02 in December 1999 and air sparging/soil vapor extraction (AS/SVE) was selected as the remedy for onsite groundwater. In February 2002 Arkwin entered into an Order on Consent (Index # W1-0861-00-02) with the NYSDEC to address the groundwater conditions at the Site. Pilot tests were conducted at the Site in July 2002; two AS/SVE remediation systems (eastern system A and western system B) were installed in December 2002. Site groundwater

was routinely monitored semiannually from March 2003 until June 2007. The AS/SVE systems operated continuously from December 2002 through April 2005 (western system) and April 2006 (eastern system), at which time permission to deactivate the systems was granted by the NYSDEC based on analytical data already illustrating a decline in groundwater VOC constituents over time to acceptable levels. Post-shutdown monitoring was conducted and confirmed that no rebound occurred.

A soil vapor investigation was conducted in August 2008. Several Site-related VOCs were present in two soil vapor samples collected in proximity to the former remedial areas. However, lower concentrations of several of these VOCs were also noted in two upgradient sampling locations, suggesting potential contribution of upgradient offsite sources to the VOC detections in the former remedial areas. Accordingly, the VOC levels are not indicative of a continuing source and do not suggest a significant concern for soil vapor intrusion.

SECTION 2.0 NATURE AND EXTENT OF CONTAMINATION

The Site was investigated by Arkwin in 1995 prior to its listing on the NYSDEC Registry. FRIs were subsequently performed in 1996 and 1998 under the supervision of the NYSDEC. These investigations and their findings are summarized in the following sections.

2.1 OU 01 - Soil

In March 1995 Arkwin conducted soil investigations at eight drywells (DW1, DW2, DW3, DWX4, DWX5, DW6, DWX8, and DWX9) located throughout the Site as shown on Figure 3 in Appendix A. Sediments were removed from drywells DW1, DW2, DW3 and DW6 with a vehicle-mounted high-powered vacuum (Vactor truck) prior to sampling. The endpoint sample analyses indicated that constituents remaining in the soil in these drywells were below NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046 Recommended Soil Cleanup Objectives (Objectives), which constituted the Standards, Criteria and Guidance (SCGs) current at that time. No VOCs were detected at drywell DWX4 (and, by inference, at overflow drywell DWX5). Elevated levels of VOCs, including 1,1,1-TCA, PCE, 1,1-dichloroethane (1,1-DCA), and toluene were detected at drywell DWX8 at concentrations moderately above NYSDEC TAGM 4046 Objectives. Sample collection at DWX9 was precluded due to subsurface obstructions. Additional investigation was required at DWX8 and DWX9 to delineate the vertical and lateral extent of contamination; this work was conducted in 1996, as discussed below.

A comparison of the 1995 data from soil samples demonstrating the final conditions at drywells DW1 through DW6 to the current NYSDEC Part 375 Soil Cleanup Objectives (SCOs), as shown on Table 3.1.1 at the end of this report, indicates that the soil in the drywells meets the current NYSDEC Unrestricted Use SCOs.

In July 1996, Arkwin signed a FRI/FS consent order with the NYSDEC (Index #W1-0754-95-06) and submitted a FRI/FS work plan. The FRI was conducted August-December 1996 and included performing 31 soil borings to collect soil samples for analysis from within, below, and adjacent to the eight drywells. Groundwater samples were also collected from five existing onsite monitoring wells and

one downgradient Nassau County monitoring well; information pertaining to the groundwater investigation is discussed in Section 2.2 below.

The results of the 1995 soil investigations and the 1996 FRI (Anson Environmental Ltd., August 15, 1997) indicated that only one drywell (DWX8) contained 1,1-DCA, 1,1,1-TCA, PCE, and trichloroethylene (TCE) at levels exceeding NYSDEC Objectives and only at depths between 11 and 27 feet below grade. No contaminants were detected in soils adjacent to this drywell, and no constituents were detected above NYSDEC Objectives in soil samples from the remaining drywells, including DWX9, as shown in Table 3.1.1.

Following the completion of the 1996 FRI, an FFS was conducted to determine the preferred method for remediating drywell DWX8. The FS recommended removal of the impacted soil. Drywell DWX8 was subsequently remediated in 1997 as an IRM, as described in Section 3.1 below.

2.2 OU 02 – Onsite Groundwater

Onsite groundwater was investigated by Arkwin during the 1996 FRI, which included collection of six groundwater samples from shallow groundwater monitoring wells MW-1, MW-2, MW-4, MW-6, and MW-7 (situated upgradient and proximal to potential source areas), and Nassau County monitoring well NC24 (downgradient and offsite). The groundwater results indicated chlorinated VOCs in onsite groundwater at concentrations exceeding NYSDEC Class GA Ambient Water Quality Standards (Standards), including TCE and PCE in well MW-6 (upgradient), and 1,1-DCA, 1,1-dichloroethene (1,1-DCE), 1,1,1-TCA, and methylene chloride in well NC24. The NYSDEC acknowledged in the December 1999 ROD for OU 02 that the VOCs in downgradient Nassau County well NC24 were primarily attributable to Tishcon Corporation facilities located at 30-36 New York Avenue and 31-33 Brooklyn Avenue (NYSDEC, December 1999).

Following the successful remediation of Site soils in June 1997 by Arkwin (discussed in Section 3.1 below), a FRI/FS for onsite groundwater was conducted in October 1998 by the NYSDEC (Lawler, Matusky & Skelly Engineers, March 1999). The FRI included installation and sampling of six upgradient monitoring wells to assess the quality of groundwater entering the Site (installed as two

clusters of three wells at depths of approximately 70, 90 and 150 feet below ground surface, or bgs); installation and sampling of six downgradient monitoring wells to assess the vertical and horizontal extent of contamination potentially attributable to the Site (installed as two clusters of three wells at depths of approximately 70, 90 and 150 feet bgs); sampling of the five existing onsite monitoring wells (screened to approximately 60 feet bgs); and performing three soil borings with associated soil and groundwater sampling at 60, 70 and 80 feet bgs to confirm the absence of contamination in soils near the onsite drywells.

The FRI results indicated that upgradient groundwater was impacted with VOCs from offsite sources and that higher levels of VOCs were present in shallow (approximately 50-80 feet bgs) onsite and downgradient groundwater than in upgradient groundwater. Several VOCs and their breakdown products were detected at concentrations above applicable SCGs (NYSDEC Standards and Part V of the New York State Sanitary Code); remediation was required. The identified VOCs in the groundwater were 1,1,1-TCA, PCE, TCE, 1,1-DCA, 1,1-DCE, and 1,2-dichloroethene (1,2-DCE). For intermediate (80-90 feet bgs) and deep (130-150 feet bgs) groundwater, higher levels of contamination were noted in upgradient wells than downgradient wells, indicating impacts to the onsite groundwater from upgradient sources. No VOCs were detected in the soil samples at concentrations exceeding NYSDEC Objectives during this FRI (NYSDEC, December 1999), confirming the previous investigation and remedial results for onsite soil.

AS/SVE was recommended in the FS and was selected as the most efficacious remedy for onsite groundwater in the OU 02 ROD (NYSDEC, December 1999). Implementation and completion of AS/SVE is described in Section 3 below.

SECTION 3.0 REMEDATION AND MONITORING

3.1 OU 01 - Soils

An IRM Work Plan was prepared for the removal of impacted soils and restoration of drywell DWX8. In June 1997, impacted materials inside DWX8 were excavated by Arkwin under the supervision of the NYSDEC. Approximately 133 tons of soil were excavated between 8 and 26 feet below grade and disposed offsite; the overburden material (0-8 feet below grade), in which no contamination had been detected, was stockpiled and subsequently reused as clean fill with NYSDEC approval. Laboratory analyses of an endpoint sample collected from the bottom of the excavation (see Table 3.3.1 at the end of this report) indicated that the contaminated soil had been successfully removed and the remaining soil did not exhibit any detections of VOCs.

A ROD for OU 01 was issued by the NYSDEC in January 1998. No further action was required for onsite soils (NYSDEC, January 1998, see Appendix B). The condition of onsite soil with respect to current SCGs is discussed in Section 3.3.1.

3.2 OU 02 – Onsite Groundwater

AS/SVE was selected as the remedy to address VOC contamination in the onsite groundwater in the December 1999 OU 02 ROD issued by the NYSDEC (NYSDEC, December 1999). An Order on Consent (Index # W1-0861-00-22) to address onsite groundwater was entered into by Arkwin and the NYSDEC in February 2002. Implementation of the AS/SVE systems by Arkwin included system design, pilot tests, installation of AS and SVE wells to volatilize and capture groundwater contaminants, AS/SVE system monitoring to document remedial progress, and semiannual groundwater sampling to monitor the effectiveness of the systems.

Pilot tests were conducted in April 2002 in accordance with the NYSDEC-approved Groundwater Remediation Work Plan, or GRWP (FPM, November 2000 and addendums in January 2002). Two AS/SVE systems, System A and System B, were installed on the eastern and western portions of the Site, respectively, in October 2002; system locations are shown on Figure 1.1.2. These

systems were operated, monitored, and maintained from December 2002 through April 2005 (western system) and April 2006 (eastern system) in accordance with the March 2003 Operation, Maintenance and Monitoring Plan approved by the NYSDEC (FPM, March 2003). SVE effluent monitoring conducted and reported during system operation documented compliance with NYSDEC Air Guide 1 limits and chlorinated VOC mass removal from groundwater, confirming that the system was effective for VOC remediation (FPM, September 19, 2005).

Semiannual groundwater monitoring was conducted from March 2003 until June 2007 in conjunction with the operating and post-shutdown monitoring periods of the AS/SVE system. Groundwater monitoring included sampling of downgradient wells AIMW-10A, AIMW-10B, AIMW-11A, AIMW-11B, MW-4, and MW-7 and upgradient wells AIMW-8A, AIMW-8B, AIMW9A, AIMW-9B, MW-1, MW-2 and MW-3. Monitoring well locations are depicted on Figure 1.1.2.

VOC concentrations in downgradient monitoring wells declined to levels below NYSDEC Standards during the operation of the AS/SVE systems and have remained low since 2006. A summary of the most recent monitoring data is provided in Section 3.3.2 below.

In accordance with the shut-down closure criteria in the NYSDEC-approved GRWP, the eastern (A) and western (B) AS/SVE systems were deactivated in April 2006 and April 2005, respectively. Post-shutdown groundwater monitoring activities were continued until June 2007 and confirmed that no rebound had occurred. The systems remained present and offline during the post-shutdown monitoring period.

3.3 Summary of Current Site Conditions

Based on the most recent data for each of the Site media, the current Site conditions are summarized below.

3.3.1 OU 01 - Soil

As discussed in Sections 2.1 and 3.1 above, impacted soil was identified in select onsite drywells during 1995 and 1996 investigations. Impacted materials were excavated, removed, and disposed offsite from these drywells in 1995 and 1997; endpoint samples collected from the remediated

drywells indicated that the contaminated soil had been successfully removed. The NYSDEC issued a January 1998 ROD for OU 01; no further action was required. Table 3.3.1 at the end of this report presents a summary of the most recent soil data for each of the drywells; the data are compared to current NYSDEC SCOs for Unrestricted Use and indicate that none of the constituents exceeds these SCOs. Based on these data, the Site soil conditions are supportive of delisting of the Site from the NYSDEC Registry.

As discussed in Section 2.2 above, during the FRI for onsite groundwater, three soil borings were performed in proximity to the drywells to confirm the absence of contamination in nearby soils. No VOCs were detected in any of these soil samples at concentrations exceeding NYSDEC Objectives, as shown in Figure 5 in Appendix A. These data were compared to current NYSDEC SCOs for Unrestricted Use; none of the constituents exceeds these SCOs. These Site soil data are also supportive of delisting of the Site from the NYSDEC Registry.

3.3.2 OU 02 – Onsite Groundwater

As discussed in Sections 2.2 and 3.2 above, Site groundwater was investigated in 1996 and 1998. The NYSDEC issued a ROD for OU 02 (onsite groundwater) in December 1999 selecting AS/SVE as the remedy for identified VOC impacts. Two AS/SVE remediation systems were operated between December 2002 and April 2005 (western system) and April 2006 (eastern system). Semiannual groundwater monitoring was conducted until June 2007 and confirmed Site-related VOC concentrations in downgradient monitoring wells had declined to below NYSDEC Standards with the exception of a slight exceedance of PCE in shallow downgradient monitoring well AIMW-11A, situated on the east side of the Site (FPM, October 17, 2007).

One additional groundwater monitoring event was performed in August 2008 in conjunction with a soil vapor investigation (discussed below in Section 3.3.3). This monitoring event included sampling of onsite shallow groundwater monitoring wells MW-2, MW-3, MW-4, and MW-7. Analytical results indicated that VOC concentrations in these wells were below or only slightly above NYSDEC

Standards, with the highest concentrations occurring both upgradient and downgradient on the east side of the Site (FPM, December 9, 2008).

TCE was consistently detected in shallow downgradient well MW-4 from 2003 through June 2007; similar detections of TCE and other chlorinated VOCs were also noted in shallow-screened upgradient wells AIMW-8A and MW-2 from 2004 through 2007. Based on these data and the previously-obtained drywell soil data, it was determined that some chlorinated solvents, including TCE, found in Site groundwater resulted from migration of VOC-impacted groundwater onto the Site from offsite upgradient sources (FPM, December 2008).

The most recent groundwater analytical data from all of the Site wells are presented on Tables 3.3.2.1 (Eastern System) and 3.3.2.2 (Western System) at the end of this report and indicate that Site-related groundwater impacts have been remediated to below the NYSDEC Standards with the exception of very low levels of PCE downgradient of the eastern system. Low to moderate levels of VOCs continue to migrate onto the eastern portion of the Site from upgradient offsite sources and are not related to Site conditions. These data are supportive of delisting of the Site from the NYSDEC Registry.

At present the remedial systems and network of groundwater monitoring wells remain present at the Site. However, as both remediation and monitoring are completed at this Site, these features are no longer needed and should be properly removed.

3.3.3 Soil Vapor

A soil vapor investigation was conducted at the Site in August 2008 in accordance with a NYSDEC-approved Soil Vapor Work Plan (FPM, February 2007); this investigation was conducted in accordance with NYSDOH procedures for evaluation of the potential for soil vapor intrusion (NYSDOH, October 2006). Soil vapor sampling was performed at four locations (SG-1 through SG-4) at approximately six feet below grade. Two of the sampling locations were situated in proximity to the former remedial areas (eastern and western AS/SVE systems) and the other two were situated

upgradient of the Site to assess potential soil vapors from impacted groundwater migrating from upgradient sources.

Several Site-related VOCs (1,1,1-TCA, 1,1-DCA, 1,1-DCE, and PCE) were present in soil vapor samples SG-1 and SG-4, collected in proximity to the former remedial areas, as shown in Table 3.3.3.1 at the end of this report. Lower concentrations of several of these VOCs were also noted in the upgradient sampling locations SG-2 and SG-3, suggesting a potential contribution from upgradient offsite sources. A comparison of the analytical data to the NYSDOH Matrix 1 and Matrix 2 values suggested that the levels of 1,1,1-TCA, PCE, and TCE in soil vapor at SG-1 and SG-4 are above typical subsurface levels but are not suggestive of any remaining source soil and do not indicate a significant potential for soil vapor intrusion. These data were reported to the NYSDEC (FPM, December 9, 2008). No further work has been required.

The soil vapor data, which do not suggest the presence of source soil and do not indicate a significant potential for soil vapor intrusion, are supportive of delisting the Arkwin Site from the NYSDEC Registry.

SECTION 4.0 RECOMMENDATION FOR DELISTING

The Arkwin Site (NYSDEC Registry #1-30-043D) was previously contaminated by chlorinated VOCs presumably associated with historic manufacturing activities. The Site has been investigated, remediated, and monitored under the oversight of the NYSDEC. Remedial activities have included removal of impacted soils from drywells and treatment of onsite groundwater by AS/SVE for approximately four years.

Soil sampling performed during investigation and following remedial activities confirmed that VOCs in the remaining soil following remedial activities were below NYSDEC SCGs current at that time (NYSDEC TAGM 4046) as well as current 6 NYCRR Part 375 SCOs. The NYSDEC issued a ROD for OU 01 (soil) in January 1998 requiring no further action for Site soils. An evaluation of the soil data relative to current SCGs (NYSDEC SCOs) has confirmed that the VOCs in the remaining soil were below the NYSDEC Unrestricted Use SCOs in the 1990s and are likely to have been further reduced by the operation of the AS/SVE systems from 2002 to 2006. Furthermore, soil vapor sampling conducted in 2008 the vicinity of the former remedial areas does not suggest the continued presence of source soil. These data are supportive of delisting of the Arkwin Site from the NYSDEC Registry as the VOCs formerly impacting Site soils have been properly and completely addressed and no further action is required.

Groundwater monitoring was conducted at the Site following the NYSDEC-approved shutdown of the AS/SVE systems and confirmed that Site-related groundwater impacts have been remediated to below the NYSDEC Standards with very limited exceptions. Low to moderate levels of VOCs continue to migrate onto the eastern portion of the Site from upgradient offsite sources and are not related to Site conditions. These data are supportive of delisting of the Site from the NYSDEC Registry as the Site-related VOCs have been addressed, and no further action is indicated.

Soil vapor data collected in 2008 are not suggestive of any remaining source soil and do not indicate a significant potential for soil vapor intrusion. These data, which are also supportive of delisting, were reported to the NYSDEC and no further work has been required.

All investigation, remediation, and monitoring activities required for the Site have been completed with NYSDEC oversight and approval. Analytical data for Site media illustrate the absence of Site-related conditions in excess of applicable SCGs, with the exception of very low-level groundwater impacts that may result from onsite migration of impacted groundwater from offsite sources. In accordance with NYSDEC DER Technical Guidance for Site Investigation and Remediation (NYSDEC, May 2010), site closeout and delisting from the NYSDEC Registry may occur when all investigation and/or remediation required for the remedial program has been completed and engineering controls are no longer required. The Site does not constitute a significant threat, nor is there any foreseeable threat to human health or the environment, as evident from the extensive prior studies and the resulting data. Furthermore, according to 6 NYCRR Part 375-2.7, the Site can be delisted even if an environmental easement and/or Site Management Plan is required, as such documents only require institutional controls. Accordingly, as all of these conditions have been met for the Arkwin Site, FPM recommends that the Site be delisted from the NYSDEC Inactive Hazardous Waste Disposal Site Registry.

As all remediation and monitoring have been completed at the Site, the remedial systems should be properly removed and the network of groundwater monitoring wells should be properly abandoned in accordance with NYSDEC Groundwater Monitoring Well Decommissioning Policy CP-43.

SECTION 5.0 REFERENCES

- Anson Environmental Ltd. August 15, 1997. *Interim Remedial Measures and Final Engineering Report, Arkwin Industries, Inc., 686 Main Street, Westbury, New York 11590.*
- FPM Group. November 2000. *Groundwater Remediation Work Plan for the Arkwin Industries Site, Westbury, New York.*
- FPM Group. March 2003. *Operation, Maintenance and Monitoring Plan for Arkwin Industries, Inc., Westbury, New York.*
- FPM Group. September 19, 2005. *Bi-annual Groundwater Monitoring and Status Report, Arkwin Industries Site, Westbury, New York.*
- FPM Group. February 7, 2007. *Soil Vapor Evaluation Work Plan, Arkwin Industries Site.*
- FPM Group. October 17, 2007. *Bi-annual Groundwater Monitoring and Status Report, Arkwin Industries Site.*
- FPM Group. December 9, 2008. *Soil Vapor Investigation, Arkwin Industries, Inc., Westbury, New York.*
- Lawler, Matusky & Skelly Engineers. March 1999. *Focused Remedial Investigation Report.*
- Nassau County Department of Public Works. 2005. *Nassau County Water Table Elevation in September 2003.*
- New York State Department of Environmental Conservation. January 1998. *Record of Decision, Operable Unit 01-Soil, Arkwin Industries Site, Westbury, North Hempstead, New Cassel Industrial Area, Nassau County, New York.*
- New York State Department of Environmental Conservation. December 1999. *Record of Decision, Operable Unit 02-Groundwater, Arkwin Industries Site, Town of North Hempstead.*
- New York State Department of Environmental Conservation. May 2010. *DER-10 Technical guidance for Site Investigation and Remediation.*
- New York State Department of Health. October 2006. *Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York.*
- U.S. Department of the Interior. 1967, Photorevised 1979. *Hicksville, NY 15' Quadrangle (Map).* U.S. Geological Service, National Mapping Division. Reston, VA.
- US Geological Survey. 1966. *Geology and Hydrology of Northeastern Nassau County, Long Island, New York.* Geological Survey Water-Supply Paper 1825.

SECTION 6.0 DISCLAIMER

Conclusions from this data are limited to those areas focused on in the study and represent our best judgment using analytical techniques in conformance with approved environmental industry standards and our extensive past experience at comparable environmental sites. All work conducted by FPM at this site has been reviewed and approved by the NYSDEC. Even though our investigation has been scientific and thorough, it is possible that certain areas of this property may pose environmental concerns that yet are undiscovered. In addition, environmental regulations may change in the future and could have an effect on our conclusions.

TABLES

TABLE 3.3.1
SUMMARY OF SOIL CHEMICAL ANALYTICAL DATA - MOST RECENT CONDITIONS
ARKWIN INDUSTRIES SITE, WESTBURY, NEW YORK

Location	DW1*	DW2*	DW3*	DW4 and DWX5	DW6*	DWX8*	DWX9	NYSDEC Unrestricted Use SCOs
Sample Depth In Feet	12	11	14	16 (est)	16	26	15-17	
Date	3/30/95	3/30/95	3/30/95	3/95	4/20/95	7/97	8/96	
<i>Volatile Organic Compounds in micrograms per kilogram</i>								
1,1,1-Trichloroethane	230	ND	ND	ND	7	ND	31	680
Tetrachloroethane	81	ND	4	ND	8	ND	180	1,300
1,2,4-Trimethylbenzene	110	ND	ND	ND	ND	ND	ND	3,600
p-Isopropyltoluene	72	ND	ND	ND	ND	ND	ND	-
Trichloroethene	ND	ND	ND	ND	ND	ND	4.1	470

Notes:

Data summarized from Anson, August 15, 1997 and NYSDEC ROD for OU-01 (January 1998).

ND = Not detected

* = Post-excavation sample

SCOs = Soil Cleanup Objectives (6 NYCRR Subpart 375.6)

est = estimated

TABLE 3.3.2.1
GROUNDWATER MONITORING DATA - EASTERN SYSTEM (A)
ARKWIN INDUSTRIES SITE
WESTBURY, NEW YORK

Well Location	Upgradient				Downgradient			NYSDEC Class GA Ambient Water Quality Standards*
	Shallow (0 to 10 feet below water table)			Intermediate (25 to 35 feet below water table)	Shallow (0 to 10 feet below water table)		Intermediate (25 to 35 feet below water table)	
Well No.	MW-2	AIMW-5A	MW-1	AIMW-3B	AIMW-11A	MW-4	AIMW-11B	
Sample Date	6/9/08	6/22/07	6/22/07	6/22/07	6/22/07	6/9/08	6/22/07	
Volatile Organic Compounds in ug/l								
1,1-Dichloroethene**	12	0.87 J	ND	ND	4.7 J	ND	ND	5
1,1-Dichloroethane**	7.8	ND	1.1 J	ND	1.4 J	ND	1.8 J	5
1,2-Dichloroethene	1.0 J	3.9 J	ND	ND	2.4 J	ND	ND	5
Chloroform	ND	0.89 J	ND	ND	ND	ND	ND	7
1,2-Dichloroethane	ND	1.1 J	ND	ND	ND	ND	ND	0.6
1,1,1-Trichloroethane**	12	1.0 J	2.6 J	ND	4.4 J	ND	2.1 J	5
Trichloroethylene	18	40	ND	1.6 J	3.6 J	0.75 J	1.7 J	5
Tetrachloroethene**	0.97 J	0.76 J	ND	1.9 J	13	6.9	ND	5

Notes:

Data includes only the most recent results for each well.

Only analytes detected in one or more samples are included in this table.

ND = Not Detected.

J = An estimated value.

ug/l = micrograms per liter

Bold values exceed the NYSDEC Class GA Ambient Water Quality Standard.

** = Targeted (site specific) compound as specified NYSDEC approved Groundwater Remediation Work Plan (November 2000 with amendments)

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TABLE 3.3.2.2
GROUNDWATER MONITORING DATA - WESTERN SYSTEM (B)
ARKWIN INDUSTRIES SITE
WESTBURY, NEW YORK

Well Location	Upgradient			Downgradient			NYSDEC Class GA Ambient Water Quality Standards*
	Shallow (0 to 10 feet below water table)	Intermediate (25 to 35 feet below water table)	Intermediate (25 to 35 feet below water table)	Shallow (0 to 10 feet below water table)	Intermediate (25 to 35 feet below water table)	Intermediate (25 to 35 feet below water table)	
Well No.	AIMW-9A	MW-3	AIMW-9B	AIMW-10A	MW-7	AIMW-10B	
Sample Date	6/22/07	8/9/08	6/22/07	6/22/07	8/9/08	6/22/07	
Volatile Organic Compounds in ug/l							
Acetone	3.0 J	ND	ND	ND	ND	ND	50
1,1-Dichloroethene**	ND	ND	1.2 J	ND	ND	ND	5
1,1-Dichloroethane**	ND	ND	8.4	ND	ND	ND	5
1,2-Dichloroethene	ND	ND	ND	3.4 J	ND	ND	5
1,1,1-Trichloroethane**	ND	ND	9.9	0.81 J	ND	ND	5
Trichloroethylene	ND	ND	1.4 J	0.73 J	ND	ND	5
Tetrachloroethene**	ND	ND	2.7 J	2.0 J	1.5 J	ND	5

Notes:

Data includes only the most recent results for each well.

Only analytes detected in one or more samples are included in this table.

ND = Not Detected.

J = An estimated value.

ug/l = micrograms per liter

Bold values exceed the NYSDEC Class GA Ambient Water Quality Standard.

** = Targeted (site specific) compound as specified NYSDEC approved Groundwater Remediation Work Plan (November 2000 with amendments).

TABLE 3.3.3.1
SOIL VAPOR SAMPLE DATA
ARKWIN INDUSTRIES, INC., WESTBURY, NEW YORK

Sample Location	648 Main Street (West Side)		66 Brooklyn Avenue (East Side)	
Sample Name	SG-1 (former source area)	SG-2 (upgradient)	SG-3 (upgradient)	SG-4 (former source area)
Sample Date	8/6/08	8/6/08	8/6/08	8/6/08
Volatile Organic Compounds (ug/m³)				
1,1,1-Trichloroethane**	520	4.5	0.78 J	630
1,1-Dichloroethane**	250	ND	ND	41
1,1-Dichloroethene**	2.5	ND	ND	13
1,2,4-Trimethylbenzene	16	9.5	11	25
1,3,5-Trimethylbenzene	8.2	4.5	4.9	9.0
1,4-Dichlorobenzene	2.5	3.2	1.8	ND
2,2,4-Trimethylpentane	21	9.7	9.0	12
4-Ethyltoluene	9.2	4.9	6.3	11
Acetone	180	160	220	540
Benzene	4.1	3.0	2.7	10
Carbon disulfide	3.6	ND	1.8	8.9
Chloroethane	ND	ND	ND	0.43
Chloroform	1.7	ND	0.99	1.2
Chloromethane	0.44	0.69	ND	ND
cis-1,2-Dichloroethene	10	ND	ND	11
Cyclohexane	ND	ND	2.3	5.2
Ethyl acetate	ND	1.3	2.0	ND
Ethylbenzene	7.5	4.9	6.5	13
Freon 11	4.3	3.6	3.7	3.5
Freon 113	68	ND	ND	490
Freon 12	1.8	3.6	3.5	2.6
Heptane	ND	4.7	4.4	18
Hexane	ND	4.0	6.7	33
Isopropyl alcohol	ND	3.0	ND	ND
m&p-Xylene	12 J	12	15	25
Methyl Ethyl Ketone	24	13	13	40
Methyl Isobutyl Ketone	7.3	ND	3.9	17
Methylene chloride	ND	0.88	8.8	0.49 J
o-Xylene	8.1	4.3	5.7	12
Styrene	7.5	3.8	6.0	13
Tetrachloroethylene**	360	3.6	2.5	100
Toluene	18	18	15	28
Trans-1,2-Dichloroethene	ND	ND	ND	1.8
Trichloroethene	27	1.0	0.71 J	57
Vinyl acetate	1.5	ND	ND	3.0
Vinyl chloride	3.1	ND	ND	ND

Notes:

Only analytes detected in one or more samples are summarized herein. See lab report for the complete data.

ug/m³ = micrograms per cubic meter

ND = Not detected.

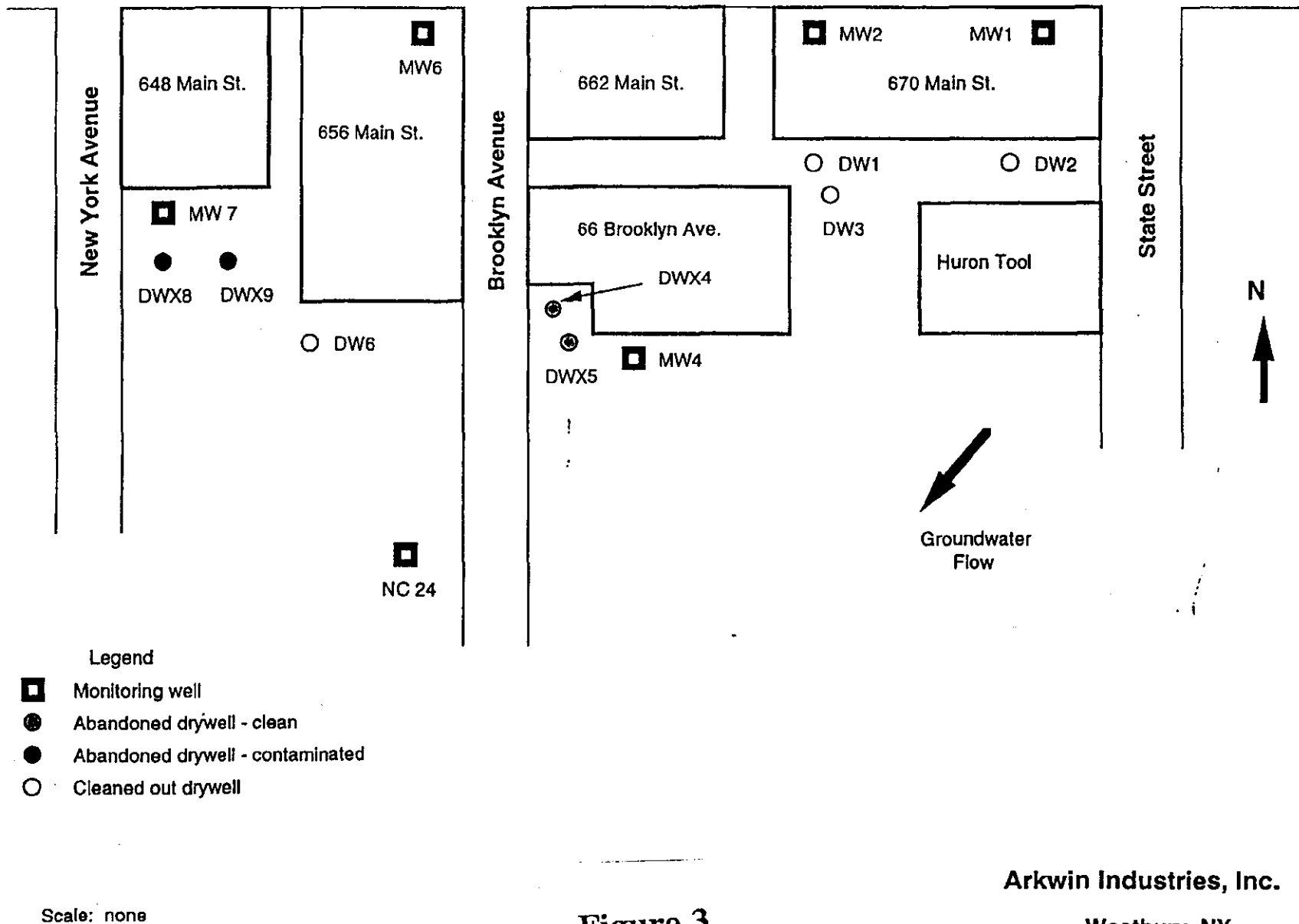
J = Estimated concentrations at or below quantitation limits.

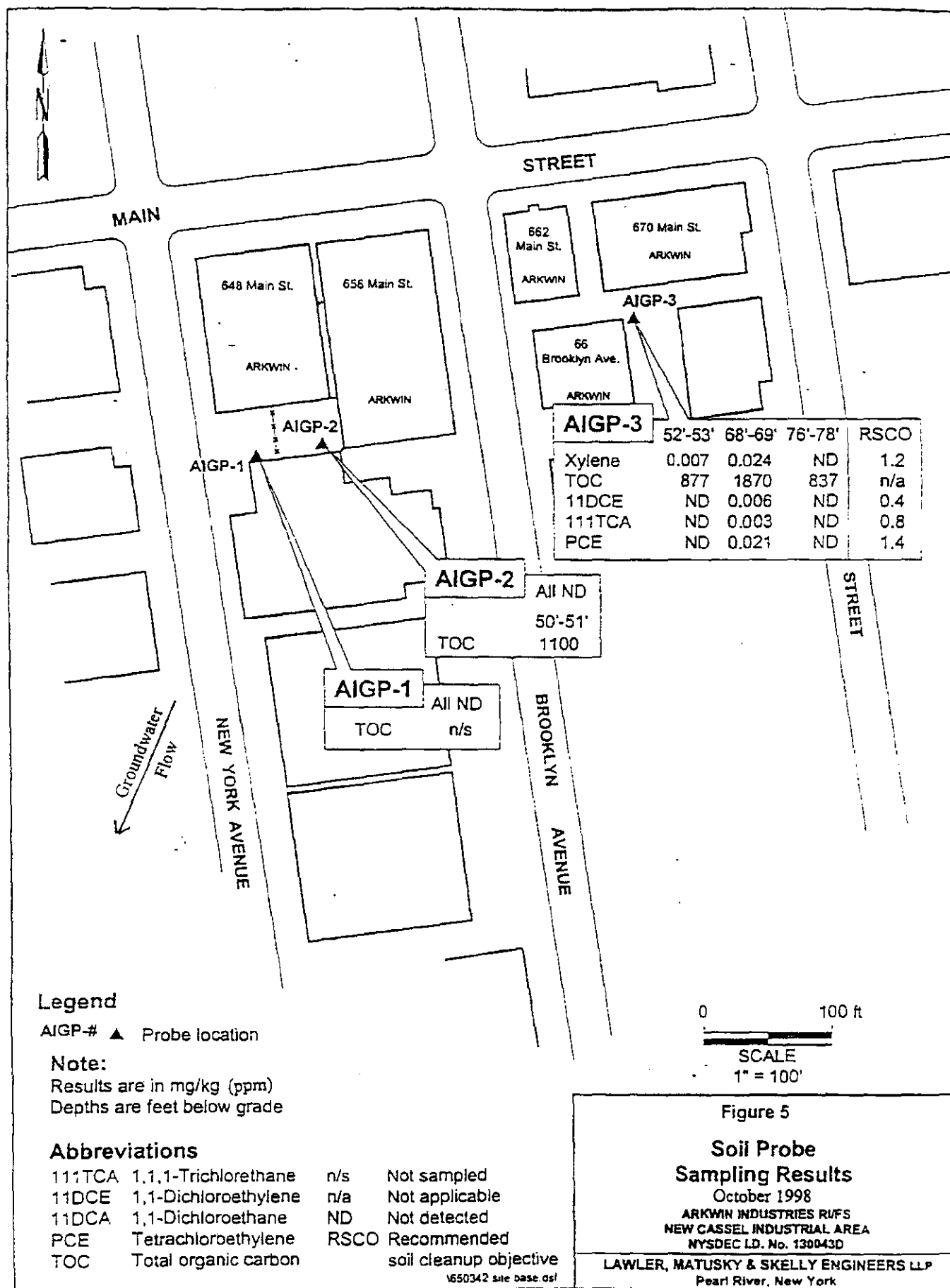
** = Targeted (site-specific) compound as specified in NYSDEC-approved Groundwater Remediation Work Plan (November 2000 with amendments).

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APPENDIX A

PREVIOUS DOCUMENTS





APPENDIX B

RECORD OF DECISION, ARKWIN INDUSTRIES SITE-OPERABLE UNIT 01 – SOIL, JANUARY 1998



Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

**Arkwin Industries Site
Westbury (V), North Hempstead (T)
New Cassel Industrial Area
Nassau County, New York
Site Number 1-30-043D
Operable Unit 01 - Soil**

January 1998

New York State Department of Environmental Conservation
GEORGE E. PATAKI, *Governor* JOHN P. CAHILL, *Commissioner*

DECLARATION STATEMENT - RECORD OF DECISION

Arkwin Industries, Inactive Hazardous Waste Disposal Site Westbury (V), North Hempstead(T), Nassau County, New York Site No. 1-30-043D Operable Unit 01 - Soil

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for Operable Unit 01 of the Arkwin Industries inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law (ECL). The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300).

This decision is based upon the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Arkwin Industries Inactive Hazardous Waste Site and upon public input to the November 1997 Proposed Remedial Action Plan (PRAP) presented to the public by the NYSDEC on December 4, 1997. A bibliography of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Assessment of the Site

The Operable Unit 01 - Soil portion of the Arkwin Industries inactive hazardous waste disposal site does not present a current or potential threat to public health and the environment.

Description of Selected Remedy

Based upon the results of the Focussed Remedial Investigation/Feasibility Study (RI/FS) for the Arkwin Industries Site and the criteria identified for evaluation of alternatives, the NYSDEC has determined that No Further Action is necessary at this site regarding the on-site soils. Because of the presence of the contaminated groundwater beneath the site, which may have originated at the site, institutional controls will be implemented and deed restrictions will be recorded in the chain of title restricting the future use of the groundwater at the site. However, the contaminated groundwater will be addressed in a separate operable unit.

New York State Department of Health Acceptance

The New York State Department of Health concurs with the remedy selected for this site as being protective of human health.

Declaration

The selected remedy is protective of human health and the environment, is designed to comply with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies to the maximum extent practicable, and satisfies the preference for remedies that reduce the toxicity, mobility, or volume of the wastes.

Date

2/1/98


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