Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

Former Applied Fluidics Site
Town of North Hempstead, Nassau County
Site Number 1-30-043 M
Operable Unit 01- Soil

March 2000

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

DECLARATION STATEMENT - RECORD OF DECISION

Former Applied Fluidics Inactive Hazardous Waste Site
Town of North Hempstead, Nassau County, New York
Site No. 1-30-043 M
Operable Unit 01 - Soil

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedy for the Former Applied Fluidics inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law. 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 on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Former Applied Fluidics inactive hazardous waste site and upon public input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Assessment of the Site

Prior to the start of the state funded Remedial Investigation, the property owner demolished the building at the site in early 1998 and excavated most of the site, including all drainage structures to a depth of about 20 feet below ground surface, as a part of the redevelopment of the site. The excavated soils, demolition debris and drainage structures were disposed off-site. The findings of the remedial investigation of the site revealed that remaining on-site soil contamination is well below soil cleanup objectives. The on-site groundwater is contaminated at levels up to of 44,310 parts per billion. The on-site soil no longer presents a current or potential significant threat to public health or the environment.

Description of Selected Remedy

Based on the results of the Remedial Investigation/Feasibility Study (RI/FS) for the Former Applied Fluidics site and the criteria identified for evaluation of alternatives, the NYSDEC has selected No Action as the remedy for the soil remaining at the site. Since there is a significant groundwater contamination, the Department will negotiate with the property owner to implement institutional controls and record deed restrictions in the chain of title of the property to restrict the future use of groundwater at the site.

The remediation of groundwater contamination at and near the site is addressed in a separate ROD. Off-site (downgradient) groundwater contamination will be addressed as a part of the overall investigation of the groundwater contamination that is migrating from all Class 2 sites in the NCIA.

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, complies 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 toxicity, mobility, or volume as a principal element.

3/24/2000
Date

Michael J. O'Toole, Jr., Director
Division of Environmental Remediation

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RECORD OF DECISION

FORMER APPLIED FLUIDICS
Town of North Hempstead, Nassau County, New York
Site No. 1-30-043 M
Operable Unit 01 -Soil
March 2000

SECTION 1: SUMMARY OF THE RECORD OF DECISION

The New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH) has selected this remedy for the Former Applied Fluidics Site, Operable Unit-01 Soil. The site is located in the New Cassel Industrial Area (NCIA). The site was listed in the Registry of Inactive Hazardous Waste Disposal Sites (Registry) as a Class 2 site in March 1996. A Class 2 site is a site at which hazardous waste was disposed which presents a significant threat to the environment or public health and action is required. The disposal of waste materials into on-site drainage structures (cesspool and dry wells) has resulted in the discharge of a number of hazardous wastes, including tetrachloroethene (PCE) and related compounds, some of which were released or migrated from the site to surrounding areas, including the groundwater beneath and downgradient of the site. These disposal activities resulted in the following significant threats to the public health and the environment:

- *a significant threat to human health and the environment associated with this site's contravention of groundwater standards in a sole source aquifer.*

The contaminated groundwater at the Former Applied Fluidics site, as well as in the entire NCIA, presents a potential route of exposure to humans. The area is served by public water, however, the underlying aquifer is the source of the water supply for the Bowling Green Water District customers. An air stripping treatment system was constructed in 1996 to mitigate the impact of the groundwater contamination on the Bowling Green public water supply wells. The Bowling Green water supply wells are routinely monitored for compliance with the New York State Drinking Water Standards. Presently, no site specific contaminants exceeding drinking water standards have been detected in the water distributed to the public. Early warning monitoring wells have been installed south of Old Country Road, in locations downgradient of the NCIA inactive hazardous waste disposal sites and upgradient of the water supply wells as a precautionary measure. Therefore, use of the groundwater in the area is not currently considered to be an exposure pathway of concern.

Currently, there are thirteen (13) Class 2 sites in the NCIA. The Department has been using a three-prong strategy in remediating Class 2 sites in the NCIA. The first action identifies the source areas of contamination at each site which will be removed or remediated; the second action includes the investigation and remediation of groundwater contamination at and beneath each site; and the third action is the ongoing effort by the Department to investigate groundwater contamination that is migrating from all Class 2 sites in the NCIA. Upon completion of this groundwater investigation, a remedy will be proposed to the public. After public review, a final groundwater remedy will be selected.

The original building on the Former Applied Fluidics site was demolished by the property owner in early 1998 and most of the site, including all drainage structures, was excavated to a depth of approximately 20 feet below ground surface (bgs) as part of the redevelopment of the area. The excavated soils, demolition debris and drainage structures were disposed off-site. This work was conducted by the property owner without any oversight by the NYSDEC. A new Department Store was constructed on most of the site prior to the start of the investigation.

The site has been investigated to locate source areas of contamination. Low levels of trichloroethene (TCE) (0.0045 ppm) and PCE (0.0686 ppm) at 50-54 feet bgs were detected in the soil which are less than the soil cleanup objective of 0.7 ppm and 1.4 ppm, respectively. These levels are an indication of past disposal. These levels of soil contamination do not warrant remediation and hence, No Action has been selected as the remedy for the soil. This Record of Decision (ROD) addresses only soil contamination at the site and identifies the selected remedy and discusses the reasons for this preference.

The groundwater contamination at and near the site has been investigated and is addressed as a separate operable unit.

SECTION 2: SITE LOCATION AND DESCRIPTION

The Former Applied Fluidics site, Site No. 1-30-043 M, is located west of the intersection of Old Country Road and the Wantagh State Parkway in the NCIA, an approximately 170 acre industrial and commercial area, in the Town of North Hempstead, Nassau County, New York. Please refer to Figures 1 and 2.

The site is located at 770 Main Street, which is comprised of approximately one acre of land that is currently occupied by a department store (Century Twenty-one). The department store, constructed in 1998, occupies most of the Former Applied Fluidics site and extends about 260 feet along Main Street in a westerly direction.

The site is entirely paved or covered by the footprint of the building. Due to the density of the commercial and industrial buildings in the NCIA, there are no significant surface water sources near the Former Applied Fluidics site. The nearest surface waters are the small ponds within the Eisenhower Memorial Park, approximately two miles to the southwest.

Operable Unit 01, which is the subject of this PRAP, consists of the on-site soils. An Operable Unit represents a portion of the site remedy which for technical or administrative reasons can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. Groundwater contamination at and near the site is addressed as Operable Unit 02 in a separate ROD.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

Applied Fluidics, Division of Allard Instruments, occupied this site from 1974 to 1982. Applied Fluidics was a defense contractor that manufactured research instruments and leak detectors. As reported in the Nassau County Department of Health (NCDH) industrial chemical survey, the company used trichloroethylene, paint thinners and petroleum distillates. Since the building was not connected to the municipal sewers until 1983, subsurface disposal was the common means of waste disposal.

The building was utilized from 1983 to 1997 as a warehouse for juvenile furniture, toys and accessories for the retail operation located at 1111 Old Country Road.

The building was demolished in early 1998 and the site was excavated to a depth of approximately 20 feet bgs as part of the redevelopment of the area. Plans for the redevelopment included the removal of all drainage structures. The excavated soils, demolition debris, including the former drainage structures, were removed from the site. These removal actions were conducted by the Potential Responsible Party (PRP) without authorization or oversight from the Department. The PRP refused to enter into a consent order with the Department to investigate and remediate the site.

During April 1998, the Department was notified by the public that excavated soil was being staged at the site. Department personnel collected six soil samples from piles of staged excavated materials in April 1998 and found PCE in all samples ranging from 0.008 ppm to 0.091 ppm. While these levels are below the soil cleanup objective of 1.4 ppm, they are an indication of past contamination. The soils had been excavated and staged at the site a few months prior to the sampling in April 1998 and it was likely that some of the PCE was lost due to volatilization and surface runoff.

During a Preliminary Site Assessment (PSA) in 1995, soil samples were collected near the northwest corner of the site at 770 Main Street, in close proximity to a former cesspool. These soil samples contained PCE up to 0.39 parts per million (ppm), which is an indication of past disposal.

3.2: Remedial History

In 1986 the NCDH completed an investigation of groundwater quality and found the NCIA to be a major source of volatile organic compound (VOC) contamination in groundwater. As a result of this investigation the NYSDEC classified the entire NCIA as a Class 2 site, in August 1988.

The NYSDEC contracted with Lawler, Matusky & Skelly Engineers (LMS) to conduct a PSA to identify sources of groundwater contamination and PRPs. In March 1995 the NYSDEC, based upon this investigation report by LMS in February 1995, delisted the entire NCIA, and listed seven Class 2 sites. Another PSA was conducted by LMS in 1995. Based upon this PSA, the NYSDEC listed five additional Class 2 sites in the Registry in March 1996, which included the Former Applied Fluidics site (1-30-043 M) and the two other sites [Former Autoline Automotive (1-30-043 I) and 89 Frost Street sites (1-30-043 L)].

SECTION 4: SITE CONTAMINATION

To evaluate the contamination present at the site and to evaluate alternatives to address the significant threat to human health and/or the environment posed by the presence of hazardous waste, the NYSDEC has conducted a RI/FS.

The three Frost Street sites (Former Autoline Automotive, 89 Frost Street and Former Applied Fluidics) were the subject of a single state funded RI/FS, as the PRPs are common and the sites are immediately adjacent to one another. The groundwater contamination emanating from these three sites co-mingle, such that the contamination from one site mixes with the contamination from other adjacent sites as the groundwater moves downgradient under each site, forming a common plume of contaminants. The groundwater flow is in a southwesterly direction toward the Bowling Green district water supply wells. The investigation and remediation of groundwater contamination at and near these three sites is addressed in a separate ROD.

4.1: Summary of the Remedial Investigation

The purpose of the RI was to define the nature and extent of any contamination resulting from previous activities at the site.

The RI was conducted between July 1998 and October 1998 after most of the site redevelopment had been completed. A report entitled "Remedial Investigation/Feasibility Study Report, Frost Street Sites, (Former Autoline Automotive, 89 Frost Street and Former Applied Fluidics)" dated August 1999 has been prepared which describes the field activities and findings of the RI in detail. These investigations were conducted in part using a geoprobe, a vehicle mounted probe unit, capable of advancing a small diameter sampling device to depths of approximately 90 feet bgs to collect either soil or groundwater samples.

The RI included the following activities:

- Installation of five geoprobe soil borings to identify any remaining source areas.
- Collection of two soil samples at each geoprobe location and analysis for VOCs.

- Collection and analysis of three groundwater samples for VOCs at each of five additional geoprobe locations

- Installation of three shallow monitoring wells, paired with three deep monitoring wells to determine the vertical extent of groundwater contamination.

To determine which media (soil, groundwater, etc.) contain contamination at levels of concern, the RI analytical data was compared to environmental Standards, Criteria, and Guidance values (SCGs). Groundwater, surface water and drinking water SCGs identified for the Former Applied Fluidics site are based on NYSDEC Ambient Water Quality Standards and Guidance Values and Part 5 of NYS Sanitary Code. For soils, NYSDEC Technical and Administrative Guidance Memoranda (TAGM) 4046 provides soil cleanup objectives for the protection of groundwater, background conditions, and health-based exposure scenarios. Guidance values for evaluating contamination in sediments are provided by the NYSDEC "Technical Guidance for Screening Contaminated Sediments".

Based on the RI results, in comparison to the SCGs and potential public health and environmental exposure routes, the soil at the site did not require additional remediation. These are summarized below. More complete information can be found in the RI Report.

Chemical concentrations are reported in parts per billion (ppb) and parts per million (ppm). For comparison purposes, where applicable, SCGs are provided for each medium.

4.1.1: Site Geology and Hydrogeology

The Upper Pleistocene deposits of poorly sorted sands and gravel that make up the Upper Glacial Aquifer (UGA) are found from the surface to a depth of approximately 80 ft bgs. The UGA is an unconfined aquifer consisting of poorly sorted sands and gravels. The underlying Magothy consists of finer sands, silt and small amounts of clay.

At the site there are no other hydrogeologic units located between the UGA and the underlying Magothy formation. In general, the upper surface of the Magothy formation is found at least 100 ft bgs. However, based on observations during installation of wells for this investigation, the Magothy is found at significantly shallower depths (60-87 ft bgs) in the NCIA than in many other areas of Long Island. The UGA and the Magothy are in direct hydraulic connection, however, clay lenses are often found in the upper Magothy in this area. Depth of water is about 52 ft bgs in the area of the site and groundwater flows in a southwesterly direction. Both the UGA and Magothy have been designated as sole-source aquifers and are protected under state and federal legislation.

4.1.2: Nature of Contamination:

As described in the RI Report, many soil and groundwater samples were collected at the site to characterize the nature and extent of contamination. The main categories of contaminants which exceed their SCGs are VOCs. The contaminants of concern are PCE and related compounds.

4.1.3: Extent of Contamination

The site is now occupied by a new department store and/or paved parking lot. Surficial soils were not sampled as they had been significantly altered during redevelopment.

A geoprobe was utilized to collect a total of ten soil samples at five different locations not covered by the new building. The geoprobe locations were selected to identify any remaining source areas of contamination. Please refer to Figure 3 for geoprobe soil sampling locations.

The geoprobe was also utilized to collect fifteen groundwater samples at five different locations on-site.

A total of six new monitoring wells were installed at or near the site. These included three shallow and three deep monitoring wells to determine the vertical distribution of the contaminants. The shallow wells were completed at about 60 feet bgs, near the bottom of the upper glacial aquifer. The deep wells were set into the top of the Magothy Aquifer about 150 feet bgs.

The following are the media which were investigated and a summary of the findings of the investigation.

Soil

The original building was demolished by the property owner in early 1998 and most of the site, including all drainage structures, was excavated to a depth of approximately 20 ft bgs as part of the redevelopment of the area. The excavated soils, demolition debris and drainage structures were disposed off-site. This work was conducted by the property owner without any oversight by the NYSDEC. During the RI in 1998 ten soil samples were collected and analyzed for VOCs. Of the VOCs of concern within the NCIA, only two were found in the on-site soils above the limits of detection. TCE was found in soil samples collected at 50 -54 feet bgs at 0.0045 ppm and PCE was found at 0.0686 ppm, which are well below soil cleanup objectives of 0.7 ppm and 1.4 ppm respectively.

While these levels of soil contamination do not warrant remediation, they are however, an indication of past contamination.

Groundwater

The Department has been using a three-prong strategy in remediating all Class 2 sites in the NCIA. The first action identifies source areas at each site which will be removed or remediated; the second action includes the investigation and proper remediation of groundwater contamination at and beneath each site; and the third action is the ongoing effort by the Department to investigate groundwater contamination that is migrating from all Class 2 sites in the NCIA. Upon completion

of this comprehensive groundwater investigation, a remedy will be proposed to the public. After public review, a final groundwater remedy will be selected.

In accordance with this strategy, this ROD addresses soil contamination at the site. The three Frost Street sites (Former Autoline Automotive, 89 Frost Street and Former Applied Fluidics) were the subject of a single state funded RI, as the PRPs are common and the sites are immediately adjacent to one another. The groundwater contamination emanating from these sites co-mingle, such that the contamination from one site mixes with the contamination from the other adjacent sites as the groundwater moves downgradient under each site, forming a common plume of contaminants. The groundwater flow is in a southwesterly direction toward the Bowling Green water supply wells. The investigation and remediation of groundwater contamination at and near these three sites is addressed in a separate ROD. The extent of groundwater contamination is shown on Figure 4.

4.2: Summary of Human Exposure Pathways

This section describes the types of human exposures that may present added health risks to persons at or around the site. A more detailed discussion of the health risks can be found in the RI Report.

An exposure pathway is how an individual may come into contact with a contaminant. The five elements of an exposure pathway are 1) the source of contamination; 2) the environmental media and transport mechanisms; 3) the point of exposure; 4) the route of exposure; and 5) the receptor population. These elements of an exposure pathway may be based on past, present, or future events.

Pathways which are known to or may exist at the site include:

- ingestion of contaminated groundwater. Since an active supplemental treatment system is in place that prevents the completion of this exposure pathway, no known completed pathway exists.

The contaminated groundwater at the Former Applied Fluidics Industries site, as well as in the entire NCIA, presents a potential route of exposure to humans. The area is served by public water, however, the underlying aquifer is the source of the water supply for the Bowling Green Water District customers. An air stripping treatment system was constructed in 1996 to mitigate the impact of the groundwater contamination on the Bowling Green public water supply wells. The Bowling Green water supply wells are routinely monitored for compliance with the New York State Drinking Water Standards. Presently, no site specific contaminants exceeding drinking water standards have been detected in water distributed to the public. Early warning monitoring wells have been installed south of Old Country Road in locations downgradient of the NCIA inactive hazardous waste sites and upgradient of the water supply wells as a precautionary measure. Therefore, use of the groundwater in the area is not currently considered to be an exposure pathway of concern.

4.3: Summary of Environmental Exposure Pathways

This section summarizes the types of environmental exposures which may be presented by the site. Due to the density of commercial and industrial buildings in the NCIA, there are no significant sources of surface water with close proximity to the site. Virtually every open space in the industrial area has been covered by asphalt, concrete or buildings. As the industrial area is so highly developed no wildlife habitat exist in or near the site. The nearest surface water sources are several small ponds in and around Eisenhower Memorial Park, approximately two miles southwest of the site across Old County Road.

Site-related contamination at the site is limited to the groundwater. The contaminated groundwater at the site, as well as in the entire NCIA, presents a potential route of exposure to the environment.

There are no known exposure pathways of concern between the contaminated groundwater and the environment. The potential for plants or animal species being exposed to site-related contaminants is highly unlikely.

SECTION 5: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

The PRPs for the site, documented to date, include:

- Applied Fluidics, Inc. (former operator)
- AFI, Corp. (former operator)
- LeBlavi Associates, L.P. (former owner)
- Emily Spiegel, Trust, et al (former owner)
- Next Millenium Realty, LLC (current owner)

The PRPs refused implement the RI/FS at the site when requested by the NYSDEC. The PRPs notified the Department of its intent to change the use of the site in October 1997. The proposed change of use called for the redevelopment of the site including demolition of the existing building and the removal of all on-site drainage structures. The Department requested that the PRPs enter into a Consent Order in December 1997, so the Department might review and approve of the removal of any contaminated soil present at the site. The PRPs refused to enter into a Consent Order in January 1998 and proceeded with the redevelopment of the site at their own risk without oversight of the Department. The building was demolished in early 1998 and the site was excavated to a depth of approximately 20 feet bgs as part of the redevelopment of the area. The redevelopment included

the removal of all drainage structures. The excavated soils, demolition debris, including the former drainage structures, were removed from the site. These removal actions were conducted by the Potential Responsible Party (PRP) without authorization or oversight from the Department.

Since there is no longer soil contamination as the and no soil remediation is required the PRPs will not be contacted for soil contamination. However, the PRPs would be subject to legal actions by the state for recovery of all response costs the state has incurred. The PRPs are responsible for the significant groundwater contamination at the site. A remedy to address the groundwater contamination at and near the site is selected in a separate Record of Decision.

SECTION 6: SUMMARY OF THE REMEDIAL GOALS AND SELECTED REMEDIAL ACTION

The Department has been using a three-prong strategy in remediating all Class 2 sites in the NCIA. At this site, the sources of soil contamination are addressed in this ROD; the investigation and remediation of the groundwater contamination at and beneath this site is discussed in a separate ROD (Frost Street sites ROD); and third, the Department is currently conducting a detailed investigation of groundwater contamination that is migrating from all Class 2 sites in the NCIA. Upon completion of this groundwater investigation, a remedy will be proposed to the public. After public review, a final groundwater remedy will be selected.

The selected remedy for any site should, at a minimum, eliminate or mitigate all significant threats to the public health or the environment presented by the hazardous waste present at the site. The State believes that the sources of soil contamination were removed and disposed off-site by the property owner during the redevelopment of the site and that no action is required to remediate Operable Unit 01.

The three Frost Street sites (Former Autoline Automotive, 89 Frost Street and Former Applied Fluidics) were the subject of a single state funded RI, as the PRPs are common and the sites are immediately adjacent to one another. The groundwater contamination emanating from these sites co-mingle, such that the contamination from one site mixes with the contamination from the other adjacent sites as the groundwater moves downgradient under each site, forming a common plume of contaminants. The groundwater flow is in a southwesterly direction toward the Bowling Green water supply wells. The remediation of groundwater contamination at and near all three of these sites is addressed in a separate ROD. Off-site (downgradient) groundwater contamination will be addressed as a part of the overall investigation of the groundwater contamination that is migrating from all Class 2 sites in the NCIA.

Based upon the results of the investigations that have been performed at the site, the NYSDEC has selected No Action as the preferred remedial alternative for Operable Unit 01- Soil at the site.

Since there is a significant groundwater contamination, the Department will negotiate with the property owner to implement institutional controls and record deed restrictions in the chain of title of the property to restrict the future use of groundwater at the site.

SECTION 7: HIGHLIGHTS OF THE COMMUNITY PARTICIPATION

As part of the remedial investigation process, a number of Citizen Participation (CP) activities were undertaken in an effort to inform and educate the public about conditions at the site and the potential remedial alternatives. The following public participation activities were conducted for the site:

- Repositories for documents pertaining to the site were established.
- A site mailing list was established wich included nearby property owners, local political officials, New Cassel Environmental Justice Project and local community groups, local medial and other interested parties.
- Fact sheets were included as part of the public meeting notification mailings.
- Public meetings regarding the entire New Cassel Industrial Area were held in May 1995, January 1996, May 1996, October 1996, May 1997, December 1997, May 1998, December 1998, May 1999 and September 1999. The proposed Remedial Action Plan (PRAP), which was the basis for this ROD, was discussed at the September 30, 1999 public meeting.
- Included in this ROD, a Responsiveness Summary was prepared to address the comments received during the public comment period for the PRAP.

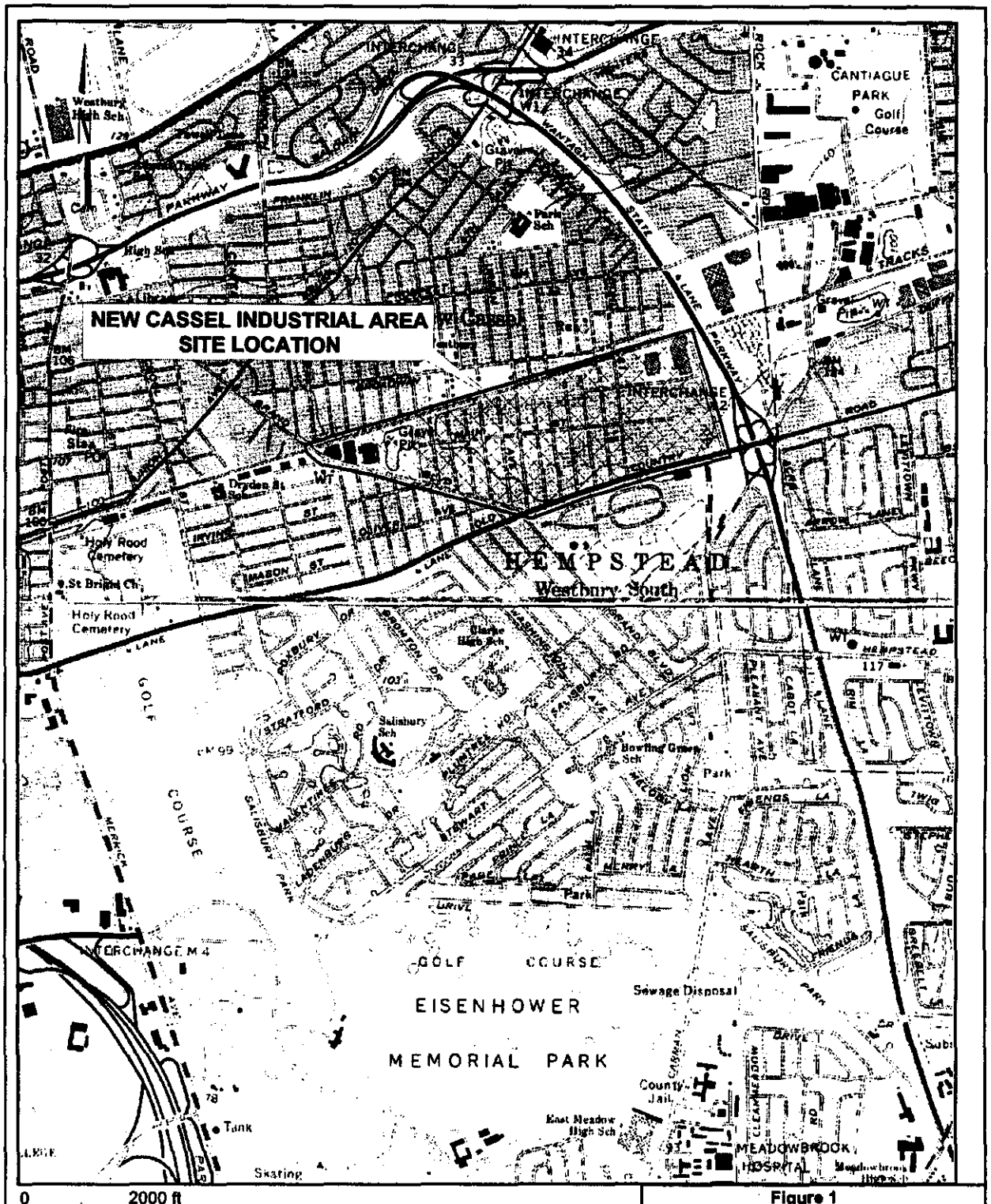
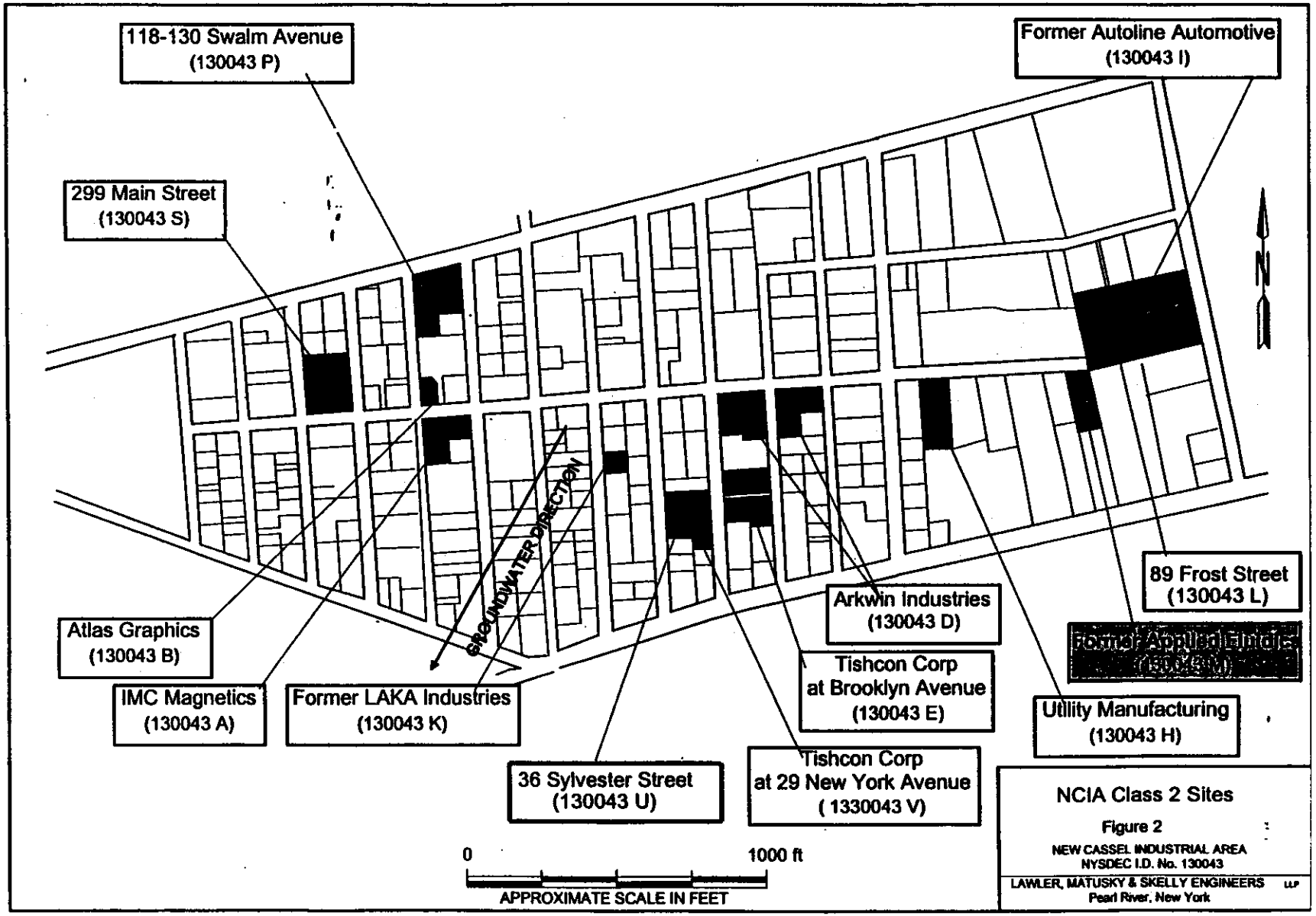
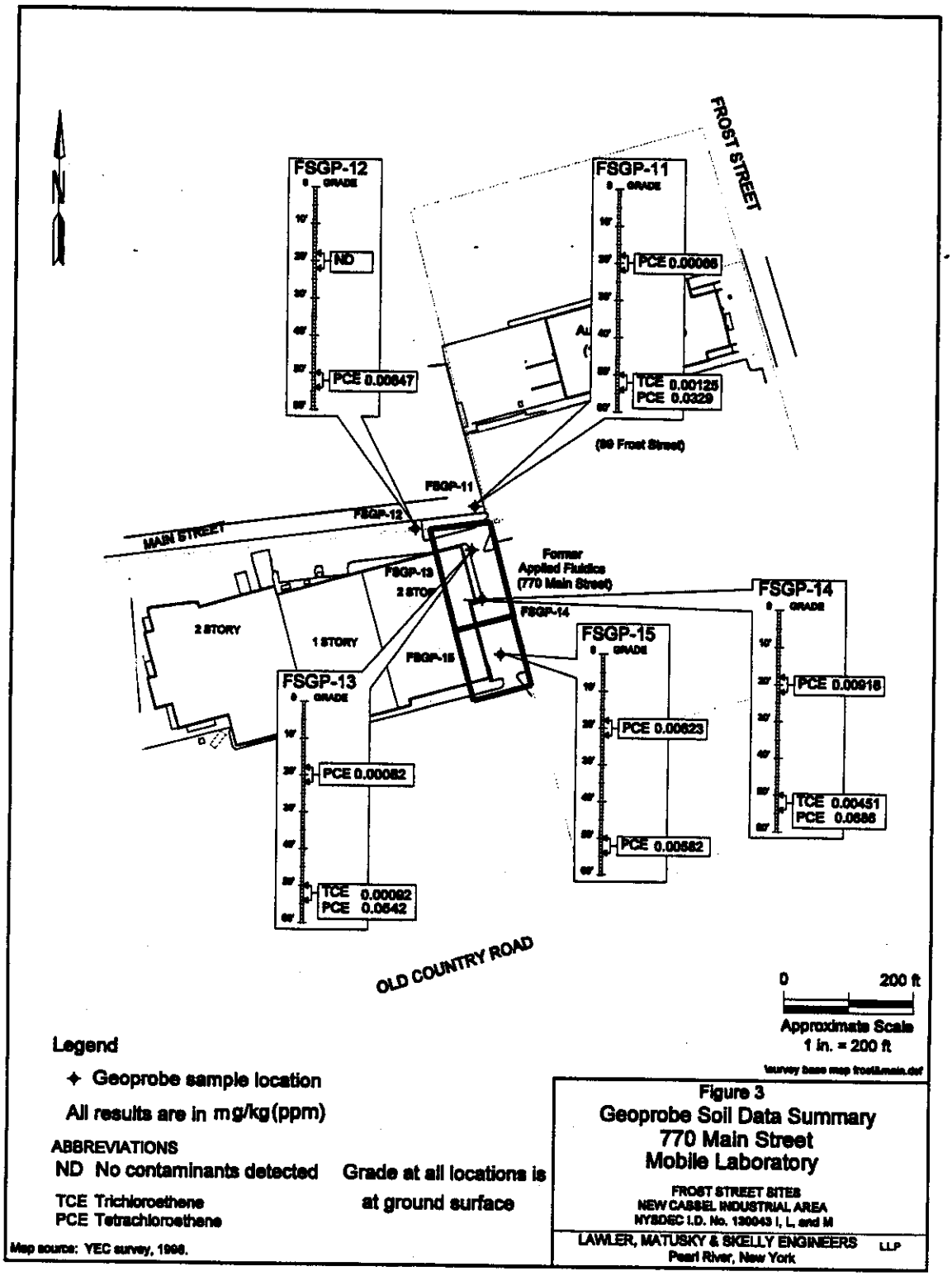


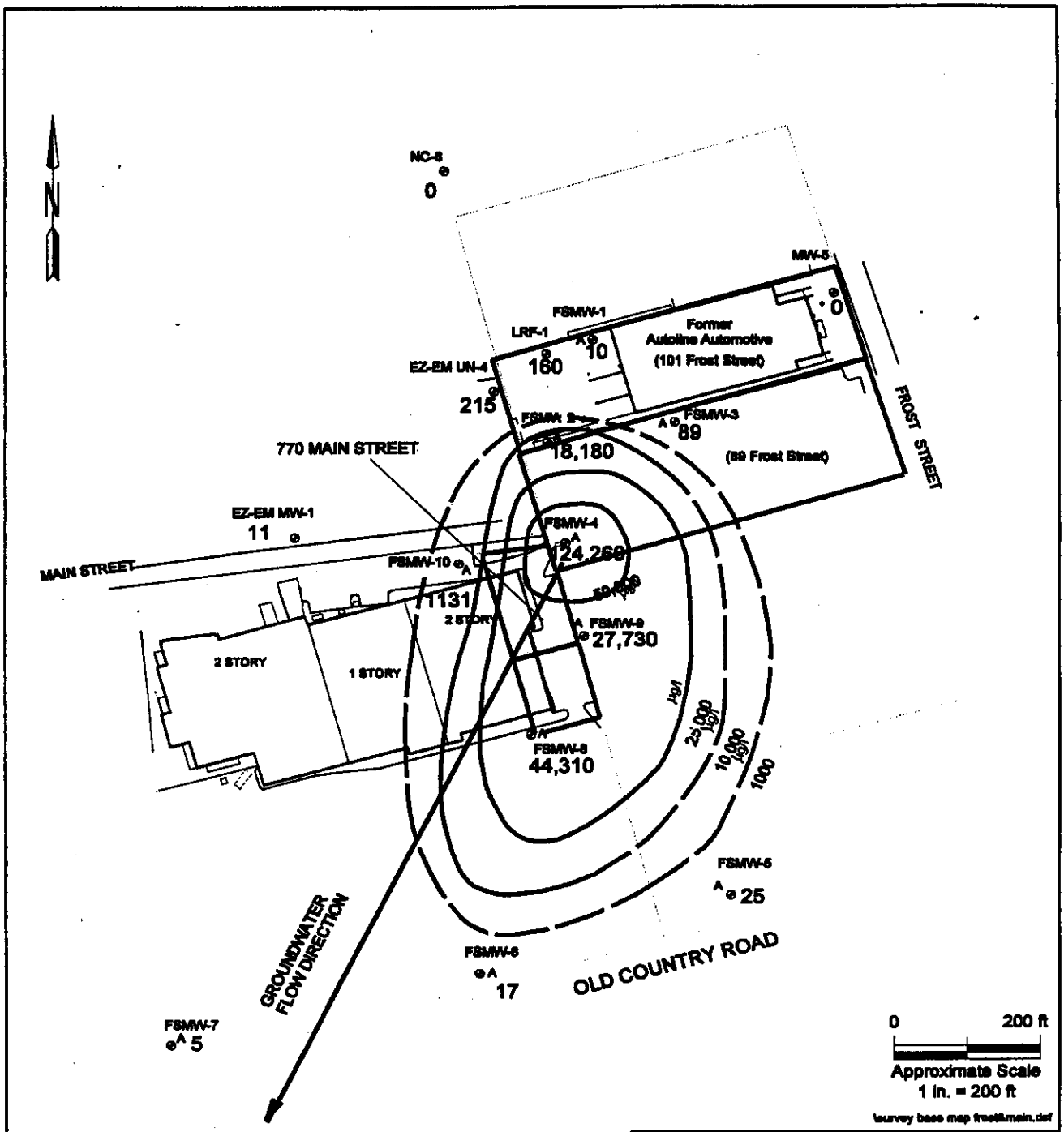
Figure 1

New Cassel Industrial Area
Site Location

ATLAS GRAPHICS
NEW CASSEL INDUSTRIAL AREA
NYSDEC I.D. No. 130043 B
LAWLER, MATUSKY & SKELLY ENGINEERS LLP
Pearl River, New York


118-130 Swalm Avenue
(130043 P)
Former Autoline Automotive
(130043 I)
299 Main Street
(130043 S)
N
GROUNDWATER DIRECTION
89 Frost Street
(130043 L)
Arkwin Industries
(130043 D)
Atlas Graphics
(130043 B)
Former Applied Fluidics
(130043 M)
Tishcon Corp
at Brooklyn Avenue
(130043 E)
IMC Magnetics
(130043 A)
Former LAKA Industries
(130043 K)
Utility Manufacturing
(130043 H)
36 Sylvester Street
(130043 U)
Tishcon Corp
at 29 New York Avenue
(1330043 V)
0
1000 ft
APPROXIMATE SCALE IN FEET
NCIA Class 2 Sites
Figure 2
NEW CASSEL INDUSTRIAL AREA
NYSDEC I.D. No. 130043
LAWLER, MATUSKY & SKELLY ENGINEERS LLP
Pearl River, New York


N
FROST STREET
FSGP-12
GRADE
ND
PCE 0.00647
FSGP-11
GRADE
PCE 0.00066
TCE 0.00125
PCE 0.0329
(99 Frost Street)
FSGP-11
FSGP-12
MAIN STREET
Former
Applied Fluidics
(770 Main Street)
FSGP-13
2 STORY
FSGP-14
2 STORY
1 STORY
FSGP-15
FSGP-15
GRADE
PCE 0.00623
PCE 0.00582
FSGP-14
GRADE
PCE 0.00918
TCE 0.00451
PCE 0.0686
FSGP-13
GRADE
PCE 0.00082
TCE 0.00092
PCE 0.0642
OLD COUNTRY ROAD
0
200 ft
Approximate Scale
1 in. = 200 ft
Legend
Geoprobe sample location
All results are in mg/kg (ppm)
ABBREVIATIONS
ND No contaminants detected
TCE Trichloroethene
PCE Tetrachloroethene
Grade at all locations is
at ground surface
Map source: YEC survey, 1998.
Figure 3
Geoprobe Soil Data Summary
770 Main Street
Mobile Laboratory
FROST STREET SITES
NEW CASSEL INDUSTRIAL AREA
NYSDEC I.D. No. 130043 I, L, and M
LAWLER, MATUSKY & SKELLY ENGINEERS LLP
Pearl River, New York



Legend

- Monitoring well location (-B = deep well)
- 4 Total VOC (µg/l)

Map source: YEC survey, 1998.

Figure 4
Total VOCs in Shallow Wells (Summer 1998)

FROST STREET SITES
NEW CASSEL INDUSTRIAL AREA
NYSDEC I.D. No. 130043 I, L, and M

LAWLER, MATUSKY & SKELLY ENGINEERS LLP
Pearl River, New York

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

FORMER APPLIED FLUIDICS
Record of Decision
Town of North Hempstead, Nassau County
Site No. 1-30-043 M
Operable Unit 01 - Soil

The Proposed Remedial Action Plan (PRAP) for the Former Applied Fluidics site, was prepared by the New York State Department of Environmental Conservation (NYSDEC) and issued to the local document repositories on September 13, 1999. This Plan outlined the remedial measure proposed for the remediation of the soil at the Former Applied Fluidics site. The State believes that the sources of soil contamination were removed by the property owner during the redevelopment of the site and no action is required to remediate Operable Unit 01.

The release of the PRAP was announced via a notice to the mailing list, informing the public of the PRAP's availability.

A public meeting was held on September 30, 1999 which included a presentation of the Focused Remedial Investigation/ Feasibility Study (FRI/FS) as well as a discussion of the proposed remedy. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. Written comments were received from the Mr. Peter John Sacripanti, Esq. and Mr. Dean Anson, III.

The public comment period for the PRAP ended on October 13, 1999.

Several questions were raised regarding odors and dust from Jamaica Ash, a solid waste facility located in the western part of the New Cassel Industrial Area (NCIA). The public was referred to contact Mr. Anthony Cava or Mr. Stanley Farkas of the NYSDEC's Region 1 office in Stony Brook.

This Responsiveness Summary responds to all questions and comments raised at the September 30, 1999 public meeting.

The following are the comments received at the public meeting, with the NYSDEC's responses:

Comment 1: You have stated that groundwater in the New Cassel Industrial Area is contaminated. Is my family drinking contaminated groundwater?

Response 1: You are not drinking contaminated groundwater. The water that is delivered to consumers from the Town of Hempstead Department of Water is drawn from the aquifer at a depth in excess of five hundred feet below the ground surface, much deeper than the level at which the greatest levels of contamination are found (high levels of contamination are detected at depths of fifty to one hundred and twenty feet below ground surface). The groundwater that is pumped from the aquifer is then treated by an air stripper followed by carbon filtration to remove any contaminants. The water is also tested at regular intervals to ensure that the water meets drinking water standards before it is distributed to consumers.

Comment 2: Water from my faucet has at times been turbid and discolored, especially when there have been excavations involving water mains near my house. Is it possible that contaminated groundwater has entered the water delivery system, and that I have consumed contaminated groundwater?

Response 2: The water mains are located approximately four to six feet below the ground surface. The water table in the New Cassel Industrial Area and the surrounding residential areas is a minimum of fifty feet below the ground surface. Even if the water mains were broken, it would not be possible for the groundwater to contaminate them. The discoloration that you have observed is more likely to be due to iron oxide originating within the system.

Comment 3: What is a Consent Order?

Response 3: In the New York State Hazardous Waste Disposal Sites program, a Consent Order is an agreement between the responsible party and the Department to conduct a remedial activity for a site such as an investigation, feasibility study, remedial design or construction. Once the agreement is executed the responsible party performs the remedial activity and the Department provides staff oversight of field work and reviews all reports, making sure that the work was performed in accordance with Department procedures. The Department staff make sure that the personnel performing the work are qualified and that the samples are properly collected.

A letter dated October 12, 1999 was received from Mr. Peter John Sacripanti, Esq. attorney for the current property owner, Next Millenium Realty, LLC and a second letter, dated October 4, 1999, was received from Dean Anson, Anson Environmental, the property owner's consultant. A copy of these letters are attached to this Responsiveness Summary. NYSDEC responses to these comments are provided below:

Comment 1A: Lack of opportunity to comment on RI/FS report.

Response 1A: The Potentially Responsible Party (PRP) was afforded the opportunity to participate in the RI process by entering into a consent Order to investigate the site. They refused and the work was performed using NYS Superfund monies. A copy of the RI/FS report was sent to the document repositories for public review and comment. Therefore, the RI/FS report was available for review by the PRP.

Comment 2A: Occupancy of the site.

Response 2A: Based upon information from the PRP's, a review of the available information was conducted. The file information for 770 main Street is limited. A Nassau County inspection report indicated that the building was used as an office for Coronet Furniture in 1983. The Cole Industrial Directory listed Applied Fluidics at 770 Main Street through 1985. The ROD has been revised to reflect the change in occupancy date.

Comment 3A: No evidence of past disposal of hazardous waste at the site.

Response 3A: The Department's letters of November 26, 1996 and June 17, 1997 rejected the PRP's petitions to delist the site from the Registry. The November 26, 1996 letter noted that down gradient contamination of PCE was ten to 45 times the concentration of up gradient PCE contamination, indicating the disposal of hazardous waste at the site.

The PRP filed an Article 78 petition in Nassau County Supreme Court seeking annulment of the Department's determination of June 17, 1997. On December 18, 1998, the Nassau County Supreme Court Judge rendered his decision. The Judge noted that upon a review of the PSA and other available information and upon taking into account the relevant factors set forth in 6 NYCRR Part 375-1.4(b)(1)-(13), the DEC determined that a consequential amount of hazardous waste had been disposed at the sites which presented a significant threat to the environment. The Judge further noted that the record contains sufficient support for the listing of the site in the Registry of Inactive Hazardous Waste Disposal Sites, and thus the Court finds that record provides a rational basis for the Department's action.

During April 1998, the Department was notified by the public that excavated soil was being staged at the site. Department personnel collected six soil samples from piles of staged excavated materials in April 1998 and detected PCE in all samples ranging from 0.008 to 0.091 ppm. While these levels are below the soil cleanup objective of 1.4 ppm, they are an indication of past contamination. The soils had been excavated and staged at the site a few months prior to the sampling in April 1988 and it was likely that some of the PCE was lost due to volatilization and surface runoff. During the 1998 RI, low levels of TCE and PCE were detected in soil samples indicating past disposal.

The Department will not reconsider this issue, which has been conclusively resolved against the PRPs.

Comment 4A: The owner carefully characterized all soils excavated from and remaining on-site following excavation of the site for redevelopment.

Response 4A: In response to the PRPs' October 17, 1997 notification of the proposed substantial change of use of the site, the Department issued a letter on December 19, 1997 advising the PRPs that if they proceed without official Department approval on the basis of incomplete knowledge, any exacerbation of conditions or creation of a threat of harm to the public health or environment caused by the activity will subject them to liability under various federal and State laws. Therefore, the PRPs were advised to proceed by entering into a consent order, which would have provided the procedures whereby they could have the Department's review and approval of the details of the project. The PRPs and consultant were informed several times that the Department would not review or approve any work conducted without signing a consent order with the Department. However, the PRPs in their January 6, 1998 letter declined to enter into a consent order.

Comment 5A: The Proposed Remedial Action Plan is appropriate.

Response 5A: So noted. NYSDEC has selected No Action as the remedy for the Operable Unit 01 - Soil. As stated in the PRAP, there is a significant groundwater contamination at the site. A remedy to address the groundwater contamination at and near the site is selected in a separate Record of Decision.

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MCDERMOTT, WILL & EMERY

October 12, 1999

VIA OVERNIGHT MAIL

Mr. Richard J. Lilley, Jr., P.E.
Project Manager
New York State Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233-7010

Re: Former Applied Fluidics Site (770 Main Street)
Village of Westbury, Town of North Hempstead, Nassau County
Site Number 1-30-043 M
Comments On Proposed Remedial Action Plan and Portions of Remedial Investigation and Feasibility Study Concerning Soil at 770 Main Street

Dear Mr. Lilley:

On behalf of Next Millenium Realty, LLC, the current owner of the referenced property, we are submitting the enclosed comments on the Proposed Remedial Action Plan dated August 1999 and portions of the Remedial Investigation and Feasibility Study Report for the Frost Street Sites dated August 1999, both released for public comment by the New York State Department of Environmental Conservation ("NYSDEC") by notice issued September 13, 1999.

Next Millenium Realty appreciates this opportunity to comment on the PRAP for the Site and related sections of the RI/FS. It should be noted, however, that Next Millenium Realty reserves its rights to provide additional comments regarding other sections of the RI/FS in the future. Please contact me if NYSDEC would like further information on the issues raised in the enclosed comments.

Sincerely yours,

Peter John Sacripanti

cc: Kathryn Macdonald

COMMENTS OF NEXT MILLENIUM REALTY, LLC

on

Former Applied Fluidics
Site No. 1-30-043 M
Proposed Remedial Action Plan
Operable Unit No. 01 - Soil
August 1999

and

Certain Aspects of the Remedial Investigation/Feasibility Study Report
Frost Street Sites
August 1999

Next Millenium Realty, LLC, owner of the property located at 770 Main Street, Westbury, New York, and referenced by the New York State Department of Environmental Conservation ("NYSDEC") as the Former Applied Fluidics Site No. 1-30-043 M (the "Site"), submits the following comments on the Proposed Remedial Action Plan for soil at the Site ("PRAP") and on certain aspects of the Report on the Remedial Investigation and Feasibility Study for the Frost Street Sites ("RI/FS Report") including the Site.

1. Lack of Opportunity to Comment on RI/FS.

NYSDEC did not provide the Owner with the opportunity to review and comment on a draft of the RI/FS report prior to finalizing the report. There are thus factual inaccuracies in the RI/FS Report (which are repeated in the PRAP) regarding the history and redevelopment of the Site. The Owner wishes to set the record straight on activities and events relevant to conditions at the Site and in connection with the redevelopment of the Site, as described further below.

2. Occupancy of the Site.

It is reported in the PRAP at page 4 and in the RI/FS report at pages 1-7 and 6-13 that Applied Fluidics occupied the Site until 1988. Records indicate that Applied Fluidics left the Site in October 1982.

3. No evidence of past disposal of hazardous waste at the Site.

NYSDEC's Fact Sheet for the Site states that "subsurface discharge was the common means of waste disposal", implying that such disposal occurred at the Site. The RI/FS Report contains similar statements at page 7-9. In fact, there is no evidence of the on-site disposal of waste at the Site. Particularly noteworthy is that there is no documented disposal of wastes into onsite drainage structures.

In connection with the RI/FS, NYSDEC collected ten soil samples at or in the vicinity of the Site. Laboratory analyses of these samples showed VOCs above detection limits in only two of ten samples. The two samples which contained very low levels of VOCs were taken from a depth of 50-54 feet below ground surface. The low levels of VOCs are more likely to be attributable to volatilization of VOCs from the groundwater than to past disposal at the Site, especially given that there were no VOCs found in soil -- either by the Owner in connection with the redevelopment or by NYSDEC -- at any location between 50 feet bgs and the ground surface.

In addition, while Applied Fluidics apparently submitted an industrial chemical survey to the Nassau County Department of Health that noted the use of certain chemicals, the survey also indicated that Applied Fluidics used only small quantities annually and that it consumed the chemical at issue, trichloroethylene, during use and had no cause to dispose of that substance.

4. The Owner carefully characterized all soils excavated from and remaining onsite following excavation of the Site for redevelopment.

In 1997, the Owner commenced the redevelopment of the Site and several adjacent properties, including construction of a retail department store and related parking areas. In light of the environmental issues in the New Cassel Industrial Area, the Owner was very careful to comply with all regulatory requirements and was cautious and conservative in undertaking redevelopment of the properties.

As required by state law, the Owner provided NYSDEC and the New York State Department of Health with 60 days prior notice of the proposed change in use of the Site by letter of October 17, 1997. In subsequent communications, the Owner provided NYSDEC with every opportunity to comment on plans for the redevelopment, observe the excavation, and review the results of all data on soils collected during the excavation. Specifically, the Owner provided NYSDEC with a copy of a Work Plan to characterize soils on October 31, 1997, and an opportunity to comment on the work plan.

NYSDEC did not respond until December and did not provide comments on the Work Plan then or at any time. In December, NYSDEC indicated by letter its preference that the Owner enter into a consent order. Because there was no requirement for such a consent order, and because the prior property owners were contesting NYSDEC's listing of the properties in court, the Owner (and the prior property owners) declined to enter into a consent order.

The Owner also provided NYSDEC with a copy of the final report presenting the analytical results of soil sampling conducted as required under the Work Plan. In summary, the redevelopment required excavating to a depth of approximately 18 feet over 80% of the property at 770 Main Street. All soil removed was disposed of off-site in accordance with applicable laws and regulations. The Owner took very conservative measures to ensure that any soil contamination that might be encountered during the excavation was identified. These measures included continuous visual and regular field instrument monitoring of soils during excavation, and field instrument monitoring on all soils and sediment excavated from drywells and on any discolored soil encountered during the excavation. The field monitoring showed no elevated readings for volatile organic compounds ("VOCs"). A total of 43 soil samples from the walls of the excavation and the bottom of the excavation at intervals down to the water table were also

collected and sent to a laboratory for detailed analysis. With the exception of a laboratory contaminant, no VOCs were detected in 42 of the 43 samples. The level of VOCs in the one sample was very low, far below NYSDEC cleanup standards.

5. The Proposed Remedial Action Plan is appropriate.

The Owner is in agreement with NYSDEC that no action is required to address soils at the Site, because there are no constituents in soil at levels exceeding state cleanup objectives.

ANSON
ENVIRONMENTAL LTD.

771 New York Avenue
Huntington, New York 11743
516-351-3555
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1 4 1999
Bureau of Eastern

October 4, 1999

Mr. Sal Ervolina
NYS Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233-7010

Re: Comments at September 30, 1999 Public Meeting
New Cassel Industrial Area

Dear Mr. Ervolina:

Enclosed is a copy of the comments I delivered at the New Cassel Industrial Area Public Meeting. These comments address the conclusions regarding the Former Applied Fluidics site at 770 Main Street.

If you have any questions, please call me.

Very truly yours,

Dean Anson II

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Comments presented at the Public Meeting for the New Cassel Industrial Area on September 30,1999 Former Applied Fluids Site (1-30-043 M) 770 Main Street

- My name is Dean Anson and I the am President of Anson Environmental, Ltd.
- I am here to respond on behalf of the owners of 770 Main Street & 89 Frost Street as to the events that took place during the redevelopment and construction of the subject properties. Those events were inaccurately depicted in the summary prepared by the N.Y.S.D.E.C.
- In 1997, the property owners began the redevelopment of the properties, including construction of a retail department store and related parking areas.
- In light of the environmental issues in the New Cassel Industrial Area, the owners were very careful to comply with all regulatory requirements and were cautious and conservative in undertaking redevelopment of the properties.
- As required by state law, we provided DEC and the Department of Health with 60 days notice of the proposed change in use of the properties by letter of October 17, 1997. In subsequent communications, we provided DEC with every opportunity to comment on plans for the redevelopment, observe the excavation, and review the results of all data on soils collected during the excavation. Specifically,
  - We provided DEC with a copy of our Work Plan to characterize soils on October 31,1997, and an opportunity to comment on the work plan.

- We did not receive any response from DEC until December. DEC did not send comments then, but indicated by letter its preference that the property owners enter into a consent order. Because there was no requirement for such a consent order, and because the property owners were contesting DEC's listing of the properties in court, we declined to enter into a consent order.

- We did, however, provide DEC with an opportunity to comment on the work plan and observe the excavation; again the DEC chose not to make those observations. A report of findings was prepared and submitted to the DEC.

- The redevelopment required excavating to a depth of approximately 18 feet below grade over 80% of the property at 770 Main Street. All soil removed was disposed of off-site in accordance with applicable laws and regulations.

- We took very conservative measures to ensure that we identified any soil contamination that might be encountered during the excavation.

- During the excavation and construction of the site, specifically Anson Environmental:

  - Conducted continuous visual and regular field instrument monitoring of soils during excavation.

  - Conducted field instrument monitoring on all soils and sediment excavated from drywells and we screened any discolored soil encountered during the excavation.

- Collected soil samples from the walls of the excavation and the bottom of the excavation at intervals down tot he water table.
- Sent those 43 soil samples to a laboratory for more detailed analysis.

- To Summarize our findings:
- Field screening showed no elevated readings for volatile organic compounds.
- With the exception of a lab contaminant, no VOCs were detected in 42 of the 43 samples. The level of VOCs in the one sample was very low, far below DEC cleanup standards (one part per billion of tetracholorethene).
- We thus confirmed that there was virtually no soil with elevated levels of VOCs at 770 Main Street. We thus agree with DEC than NO action is required with respect to soils at the 770 Main Street property.

- And based on the findings at NE corner of Hopper and Main Streets, 770 Main Street should be delisted.

Signed

10/4/99
Date

APPENDIX B

Administrative Record

ADMINISTRATIVE RECORD
FORMER APPLIED FLUIDICS SITE NO. 1-30-043 M
OPERABLE UNIT 01 SOIL

1. New Work State Superfund Contract Remedial Investigation Feasibility Study
Field Activities Plan, Former Autoline Automotive (Site No. 1-30-043 I),
89 Frost Street (Site No. 1-30-043 L and Former Applied Fluidics (Site No. 1-30-043 M)]
Lawler, Matusky & Skelly Engineers, July 1998
Work Assignment No. D002676-32

2. New Work State Superfund Contract Remedial Investigation/Feasibility Study Report
Frost Street Sites [former Autoline Automotive (Site No. 1-30-043 I), 89 Frost Street
(Site No. 1-30-043 L and Former Applied Fluidics (Site No. 1-30-043 M)]
Lawler, Matusky & Skelly Engineers, August 1999
Work Assignment No. D002676-32

3. Former Applied Fluidics, Proposed Remedial Action Plan,
Operable Unit 01 Soil, August 1999