

118-130 Swalm Street
NASSAU COUNTY
NEW CASSEL, NEW YORK

SITE MANAGEMENT PLAN

NYSDEC Site Number: 1-30-043 P

Prepared for:

Barouh Eaton Allen Corp.

Prepared by:

Ramboll Environ

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631-987-6710

Revisions to Final Approved Site Management Plan:

Revision No.	Date Submitted	Summary of Revision	NYSDEC Approval Date
1	11/3/17	Address NYSDEC comments of October 18, 2017 on March 4, 2016 version	
2	1/25/18	Address NYSDEC comments of January 16, 2018 on November 3, 2017 version	

JANUARY 2018

CERTIFICATION STATEMENT

I RICHARD BALDWIN certify that I am currently a Qualified Environmental Professional as in defined in 6 NYCRR Part 375 and that this Site Management Plan 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).



_____ QEP

JANUARY 25, 2018 DATE

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NEW CASSEL, NEW YORK

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List of Acronyms

AS	Air Sparging
ASP	Analytical Services Protocol
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CAMP	Community Air Monitoring Plan
C/D	Construction and Demolition
CFR	Code of Federal Regulation
CLP	Contract Laboratory Program
COC	Certificate of Completion
CO2	Carbon Dioxide
CP	Commissioner Policy
DER	Division of Environmental Remediation
ECL	Environmental Conservation Law
ELAP	Environmental Laboratory Approval Program
ERP	Environmental Restoration Program
GHG	Green House Gas
GWE&T	Groundwater Extraction and Treatment
HASP	Health and Safety Plan
IC	Institutional Control
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYCRR	New York Codes, Rules and Regulations
OSHA	Occupational Safety and Health Administration
OU	Operable Unit
PID	Photoionization Detector
PRP	Potentially Responsible Party
PRR	Periodic Review Report
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
RAO	Remedial Action Objective
RAWP	Remedial Action Work Plan
RCRA	Resource Conservation and Recovery Act
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Remedial Party
SAC	State Assistance Contract
SCG	Standards, Criteria and Guidelines
SCO	Soil Cleanup Objective
SMP	Soil Management Plan
SOP	Standard Operating Procedures
SOW	Statement of Work
SPDES	State Pollutant Discharge Elimination System

SSD	Sub-slab Depressurization
SVE	Soil Vapor Extraction
SVI	Soil Vapor Intrusion
TAL	Target Analyte List
TCL	Target Compound List
TCLP	Toxicity Characteristic Leachate Procedure
USEPA	United States Environmental Protection Agency
UST	Underground Storage Tank
VCA	Voluntary Cleanup Agreement
VCP	Voluntary Cleanup Program

ES EXECUTIVE SUMMARY

The following provides a brief summary of the controls implemented for the Site, as well as the inspections, monitoring and reporting activities required by this Site Management Plan:

Site Identification: 1-30-043P 118-130 Swalm Street Site, New Cassel, New York

<p>Institutional Controls:</p>	<p>1. The property may be used for commercial / industrial use.</p> <p>2. Institutional Controls</p> <ul style="list-style-type: none"> • The property may be used for: commercial / industrial use; • The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Nassau County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department; • Data and information pertinent to site management must be reported at the frequency and in a manner as defined in this SMP; • Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement; • The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries, and appropriate actions to address exposures must be implemented; and • Vegetable gardens and farming on the site are prohibited; • In the event that the buildings existing on the Site as of the date of execution of this Environmental Easement are demolished, an active sub-slab depressurization system (or other exposure barrier or mechanism acceptable to the NYSDEC) will be installed in any new buildings developed or constructed on the Controlled Property and operated and maintained for so long as the mitigation of soil vapor intrusion from a building's sub-slab is necessary, unless the Department determines based on testing conducted by the Grantor, or its successor or transferee, that no such system or mechanism is required.
<p>Inspections:</p>	<p>Frequency</p>
<p>Site-Wide Inspection</p>	<p>Annually</p>

Site Identification: 1-30-043P 118-130 Swalm Street Site, New Cassel, New York

Evaluations	
Climate Change Vulnerability Assessment	Annually, or immediately subsequent to major precipitation event.
Soil Vapor Intrusion evaluation	Upon change in use/as needed
Reporting:	
Inspections	Annually
Certification/PRR	Every 1 year

Further descriptions of the above requirements are provided in detail in the subsequent sections of this Site Management Plan.

1.0 INTRODUCTION

1.1 General

This Site Management Plan (SMP) is a required element of the remedial program for the 118-130 Swalm Street Site located in New Cassel, Nassau County, New York (hereinafter referred to as the “Site”). See Figure 1. The Site is currently in the New York State (NYS) Inactive Hazardous Waste Disposal Site Remedial Program, Site No. 1-30-043 P, which is administered by New York State Department of Environmental Conservation (NYSDEC).

Barouh Eaton Allen Corp. (BEA) entered into a Third Supplemental Consent Decree on February 10, 2016 with the NYSDEC to remediate the site. A figure showing the site location and boundaries of this site is provided in Figure 2. The boundaries of the site are more fully described in the metes and bounds site description that is part of the Environmental Easement provided in Appendix A.

After completion of any remedial work by the DEC, some contamination may potentially remain at this site, which is hereafter referred to as “remaining contamination”. Institutional Controls (ICs) have been incorporated into the site remedy to control exposure to remaining contamination to ensure protection of public health and the environment. An Environmental Easement granted to the NYSDEC, and recorded with the Nassau County Clerk, requires compliance with this SMP and all ICs placed on the site.

This SMP was prepared to manage remaining potential contamination at the site until the Environmental Easement is extinguished in accordance with ECL Article 71, Title 36. This plan has been approved by the NYSDEC, and compliance with this plan is required by the grantor of the Environmental Easement and the grantor’s successors and assigns. This SMP may only be revised with the approval of the NYSDEC.

It is important to note that:

- This SMP details the site-specific implementation procedures that are required by the Environmental Easement. Failure to properly implement the SMP is a violation of the Environmental Easement, which is grounds for revocation of the Certificate of Completion (COC), release or closure letter;
- Failure to comply with this SMP is also a violation of Environmental Conservation Law, 6NYCRR Part 375 and the Third Supplemental Consent Decree for the site, and thereby subject to applicable penalties.

All reports associated with the site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State. A list of contacts for persons involved with the site is provided in Appendix B of this SMP.

This SMP was prepared by Ramboll Environ (Ramboll), on behalf of BEA, in accordance with the requirements of the NYSDEC's DER-10 ("Technical Guidance for Site Investigation and Remediation"), dated May 3, 2010, and the guidelines provided by the NYSDEC. This SMP addresses the means for implementing the ICs that are required by the Environmental Easement for the site.

1.2 Revisions

Revisions to this plan will be proposed in writing to the NYSDEC's project manager. Revisions will be necessary upon, but not limited to, the following occurring: a change to the current site conditions. In accordance with the Environmental Easement for the site, the NYSDEC will provide a notice of any approved changes to the SMP, and append these notices to the SMP that is retained in its files.

1.3 Notifications

Notifications will be submitted by the property owner to the NYSDEC, as needed, in accordance with NYSDEC's DER – 10 for the following reasons:

- Written 60-day advance notice of any proposed changes in site use that are required under the terms of the Third Supplemental Consent Decree, 6NYCRR Part 375 and/or Environmental Conservation Law.
- 7-day advance notice of any field activity associated with the remedial program.

Any change in the ownership of the site or the responsibility for implementing this SMP will include the following notifications:

- At least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser/Remedial Party has been provided with a copy of the Third Supplemental Consent Decree, and all approved work plans and reports, including this SMP.
- Within 15 days after the transfer of all or part of the site, the new owner’s name, contact representative, and contact information will be confirmed in writing to the NYSDEC.

Table 1 on this page includes contact information for the above notification. The information on this table will be updated as necessary to provide accurate contact information. A full listing of site-related contact information is provided in Appendix B and the Remedial Party/Owner Responsibilities are included in Appendix C.

Table 1: Notifications*

Name	Contact Information
Joseph Jones (NYSDEC Project Manager)	518-402-9621 joseph.jones@dec.ny.gov
Walter Parish (NYSDEC Regional HW Engineer)	631-444-0240 walter.parish@dec.ny.gov
Kelly Lewandowski (NYSDEC Site Control)	518-402-9553 kelly.lewandowski@dec.ny.gov

* Note: Notifications are subject to change and will be updated as necessary.

2.0 SUMMARY OF PREVIOUS REMEDIAL INVESTIGATIONS AND REMEDIAL ACTIONS

2.1 Site Location and Description

The site is located in the Hamlet of New Cassel, Nassau County, New York and is identified as Section 11 Block 164 and Lot 19-29, 58-65 on the Nassau County Tax Map. The site is an approximately 1.10 acre area and is bounded by the Long Island Railroad to the north, Main Street to the south, Hopper Street to the east, and Rushmore Street to the west (see Figure 2– Site Layout, Institutional Control Boundaries and Areas of SVI Concern). The boundaries of the site are more fully described in Appendix A – Environmental Easement. The owner(s) of the site parcel(s) at the time of issuance of this SMP is/are: Barouh Eaton Allen Corp.

2.2 Physical Setting

2.2.1 Land Use

The Site consists of the following: Two conjoined buildings with a combined surface area of 28,000 square feet with an adjacent parking area. The Site is zoned commercial / industrial and is currently vacant.

The properties adjoining the Site and in the neighborhood surrounding the Site primarily include commercial properties. The properties immediately south of the Site include commercial properties; the properties immediately north of the Site include railroad tracks; the properties immediately east of the Site include commercial properties; and the properties to the west of the Site include PSEG substation and commercial properties.

2.2.2 Geology

The site's surface is covered with a building and pavement. Beneath the site are two water bearing layers, the Upper Glacial Aquifer (UGA) and the Magothy Aquifer. The UGA consists of Upper Pleistocene deposits of poorly sorted sands and gravel found from the surface to a depth of approximately 80 ft. feet below grade (bgs). The UGA is an unconfined aquifer consisting of poorly sorted sands and gravels. Beneath the UGA lies the Magothy formation consisting of finer sands, silt and small amounts of clay.

A geologic cross section of Long Island is shown in Figure 3.

2.2.3 Hydrogeology

Usually, the upper surface of the Magothy formation is found at least 100 feet bgs. However, based on observations during well installation by the NYSDEC, the Magothy is found in the New Cassel Investigation Area (NCIA) at significantly shallower depths (60-87 feet bgs) than in many other areas of Long Island. Similarly, the UGA and the Magothy are usually separated by a clay aquitard but in this area the UGA and the Magothy are in direct hydraulic connection. Depth to groundwater is about 55 feet bgs in the area of the site and groundwater flows in a south - southwesterly direction. Both the UGA and Magothy have been designated as sole-source aquifers and are protected under state and federal legislation.

A Groundwater Contour Map is shown in Figure 4. Groundwater monitoring well construction details are provided in Figure 5. Three NYSDEC installed groundwater monitoring wells are currently present on site and intact. (See Figure 6). Soil Vapor Sampling Locations and Groundwater Elevations are provided in Figure 7.

2.3 Investigation and Remedial History

The following narrative provides a remedial history timeline and a brief summary of the available project records to document key investigative and remedial milestones

for the Site. Full titles for each of the reports referenced below are provided in Section 6.0 References.

The Site is located on the east side of Swalm Street approximately 400 feet north of Main Street. The areal extent of the site is approximately 1.1 acres. The site contains two conjoined single-story masonry and steel buildings with an approximate footprint of 28,000 square feet. The remaining surface area of the site consists of asphalt parking areas and concrete walkways. The site topography is flat.

The site is located in the NCIA, a 170 acre industrial and commercial area in the Town of North Hempstead, Nassau County. Currently, 11 NYSDEC Class 2 sites are present in the NCIA. The NCIA is highly developed and no significant surface water sources exist near the site. The nearest surface waters are small ponds within the Eisenhower Memorial Park located approximately two miles southwest of the site.

The site was developed in 1961 with the existing one-story steel and masonry commercial / industrial buildings. The building initially contained a mechanical engraving company and a plastic extrusion company. The New York State DEC has alleged that All Records Distributors was a Tenant in the buildings from 1971-1974; that Allomatic Industries was a Tenant from 1979-1992; and that Atlas Graphics was a Tenant in 1985; however these allegations are unconfirmed. The Barouh Eaton Allen Corporation took title of the site through Andrigal Enterprises on October 21, 1977. Subsequent tenants included, Louis Jordan Labs, (a pharmaceutical company) from 1977 to 1980, and Varitek Machine Co. from 1977 to 1992. The Liqui-Mark Corporation occupied the building starting in June of 1994, but has since vacated the property. The property is currently vacant and is utilized for long-term truck parking and storage of minor equipment.

A Remedial Investigation was conducted in three phases by the NYSDEC. The main investigation, with sampling locations chosen based on the site assessment conducted by

the NYSDEC's consultant in 1997, took place from December 1998 to January 1999, with additional work performed in January 2000 and May 2001. The RI Report is dated May 1999. There are report addenda dated May 2000 and September 2001. Further groundwater sampling was carried out in September 2002, with the final report addendum dated November 2002. Reportedly, the NYSDEC has conducted periodic groundwater sampling events through 2015, and a NYSDOH compliant SVI evaluation was conducted by NYSDEC in 2008.

2.4 Remedial Action Objectives

The Remedial Action Objectives (RAOs) for the Site as listed in the Record of Decision dated March 2004 are as follows.

2.4.1 Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of, volatiles from contaminated groundwater.

2.4.2 Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

2.5 Remaining Contamination

2.5.1 Groundwater

Table 2 and Figure 6 summarize the results of all samples of groundwater that exceed the SCGs after completion of the remedial action. When reporting results in tables and figures, values for non-detects or below minimum reporting limits must be provided with the limit as follows: ND (<0.5) or < MRL (<0.27).

The main contaminant detected in a 2011 sampling event was tetrachloroethene (PCE), which was found at a maximum concentration of 9.3 parts per billion (ppb) in MW-3 and at a concentration of 7.2 ppb in MW-2, both samples were at a depth of 47 feet bgs. This level of contamination is consistent with the lack of source material found in soils on-site.

The most recent NYSDEC acquired groundwater quality data supports that no source material is present on-site and that no soil or groundwater remediation is required.

2.5.2 Soil Vapor

Direct push soil borings were completed in 2008 to assess if residual soil vapors around the outside of the building are present. A total of six soil vapor samples were collected from three locations (DP-1, DP- 2 and DP-3). Soil vapor samples were collected from each location at two discrete depth intervals (immediately above the water table (approximately 45 feet bgs. and 8 feet bgs.) in accordance with the methods specified in the site management work plan.

The highest soil vapor concentrations were detected in the downgradient boring DP-3 at 8 feet bgs. This location is co-located with MW-3. The highest concentration of PCE was recorded at 27 micrograms per cubic meter (ug/m³). The highest soil vapor concentration of trichloroethene (TCE) detected was in DP-3 at a depth of 45 feet bgs. The highest concentration of TCE detected in DP-3 was 400 ug/m³. The NYSDEC has reported that no further action is required with respect to SVI as long as the site remains vacant and unoccupied.

Figure 7 shows the location of Soil Vapor sampling points.

3.0 INSTITUTIONAL CONTROL PLAN

3.1 General

Since remaining contamination may remain at the site, Institutional Controls (ICs) are required to protect human health and the environment. This IC Plan describes the procedures for the implementation and management of all ICs at the site. The IC Plan is one component of the SMP and is subject to revision by the NYSDEC.

This plan provides:

- A description of all ICs on the site;
- The basic implementation and intended role of each IC;
- A description of the key components of the ICs set forth in the Environmental Easement;
- A description of the controls to be evaluated during each required inspection and periodic review;
- A description of plans and procedures to be followed for implementation of ICs;
- Any other provisions necessary to identify or establish methods for implementing the ICs required by the site remedy, as determined by the NYSDEC.

3.2 Institutional Controls

A series of ICs is required by the Decision Document to: (1) prevent future exposure to remaining contamination: and: (2) limit the use and development of the site to commercial and industrial uses only. Adherence to these ICs on the site is required by the Environmental Easement and will be implemented under this SMP. ICs identified in the Environmental Easement may not be discontinued without an amendment to or

extinguishment of the Environmental Easement. The IC boundaries are shown on Figure 2. These ICs are:

- The property may be used for: commercial / industrial use;
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Nassau County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in this SMP;
- Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement;
- The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries noted on Figure 2, and appropriate actions to address exposures must be implemented; and
- Vegetable gardens and farming on the site are prohibited;
- In the event that the buildings existing on the Site as of the date of execution of this Environmental Easement are demolished, an active sub-slab depressurization system (or other exposure barrier or mechanism acceptable to the NYSDEC) will be installed in any new buildings developed or constructed on the Controlled Property and operated and maintained for so long as the mitigation of soil vapor intrusion from a building's sub-slab is necessary, unless the Department determines based on testing conducted by the Grantor, or its successor or transferee, that no such system or mechanism is required.

3.3 Site – wide Inspection

Site-wide inspections will be performed at a minimum of once per year. Modification to the frequency or duration of the inspections will require approval from the NYSDEC. Site-wide inspections may also be performed after all severe weather conditions that may affect the remaining contamination at the site. A comprehensive site-wide inspection will be conducted and documented according to the SMP schedule, regardless of the frequency of the Periodic Review Report.

During an inspection, an inspection form will be completed as provided in Appendix D – Site Management Forms. The inspections will determine and document the following:

- Compliance with all ICs, including site usage;
- General site conditions at the time of the inspection;
- The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection; and
- If these controls continue to be protective of human health and the environment;
- Compliance with requirements of this SMP and the Environmental Easement;
- If site records are complete and up to date.

Reporting requirements are outlined in Section 5.0 of this plan.

Inspections will also be performed in the event of an emergency. An inspection of the site will be conducted within 5 days of the event to verify the effectiveness of the ICs implemented at the site by a qualified environmental professional, as determined by the NYSDEC. Written confirmation must be provided to the NYSDEC within 7 days of the event that includes a summary of actions taken, or to be taken, and the potential impact to the environment and the public.

4.0 PERIODIC ASSESSMENTS/EVALUATIONS

4.1 Climate Change Vulnerability Assessment

Increases in both the severity and frequency of storms/weather events, an increase in sea level elevations along with accompanying flooding impacts, shifting precipitation patterns and wide temperature fluctuation, resulting from global climactic change and instability, have the potential to significantly impact the performance, effectiveness and protectiveness of a given site and associated remedial systems. Vulnerability assessments provide information so that the site is prepared for the impacts of the increasing frequency and intensity of severe storms/weather events and associated flooding.

This section provides a summary of vulnerability assessments that will be conducted for the site during periodic assessments, and briefly summarizes the vulnerability of the site and/or engineering controls to severe storms/weather events and associated flooding.

- **Flood Plain:** The Site is not located within a FEMA-designated floodplain;
- **Site Drainage and Storm Water Management:** The Site is 99 percent covered by building envelope and paved surfaces and there are no reported site drainage which affect neighboring properties. Site stormwater drainage is addressed via on-site drywells and runoff to the surrounding streets. Sanitary waste is discharged to the municipal sewer system.
- **Erosion:** There are no on-site areas which have reportedly experienced erosion issues
- **High Wind:** There are two trees located on the site which could be affected by high winds. As there is no active remediation system(s), there will be no susceptibility to power loss due to storm-related damage.
- **Electricity and Spill / Contaminant Release:** As there is no active remediation system(s), there will be no susceptibility to power loss and/or dips/surges in voltage during severe weather events, including lightning

strikes or to a spill or other contaminant release due to storm-related damage caused by flooding, erosion, high winds, loss of power, etc.

4.2 Soil Vapor Intrusion Evaluation

A soil vapor intrusion evaluation must be performed upon a change in use of the property that will result in occupancy of a previously unoccupied building or initial occupancy of a new building. The breadth of this evaluation will be determined based upon discussion with the NYSDEC Project manager and NYSDOH. Based upon these discussion and agency requirements, a work plan may need to be developed that requires that sampling be performed. At this time the building is vacant. Any future use of the building which results in its occupancy, or the construction of an occupied building will require an SVI evaluation in accordance with NYSDEC protocol.

Upon completion of the evaluation, if an action is required, any actions taken or to be taken must be reflected in an updated SMP.

5.0 REPORTING REQUIREMENTS

5.1 Site Management Reports

All site management inspection events will be recorded on the appropriate Site Management Forms provided in Appendix D. These forms are subject to NYSDEC revision.

All applicable inspection forms and other records, including media sampling data generated for the site during the reporting period will be provided in electronic format to the NYSDEC in accordance with the requirements of Table 3 and summarized in the Periodic Review Report.

Table 3: Schedule of Inspection Reports

Task/Report	Reporting Frequency*
Inspection Report	Annually

* The frequency of events will be conducted as specified until otherwise modified by the NYSDEC.

All inspections reports will include, at a minimum:

- Date of event or reporting period;
- Name, company, and position of person(s) conducting monitoring/inspection activities;
- Description of the activities performed;
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents noted (included either on the checklist/form or on an attached sheet);
- Any observations, conclusions, or recommendations; and
- A determination as to whether contaminant conditions have changed since the last reporting event.

Non-routine event reporting forms will include, at a minimum:

- Date of event;
- Name, company, and position of person(s) conducting non-routine maintenance/repair activities;
- Description of non-routine activities performed;
- Where appropriate, color photographs or sketches showing the approximate location of any problems or incidents (included either on the form or on an attached sheet); and

5.2 Periodic Review Report

The Periodic Review Report will consist only of the certification as specified in Section 5.2.1 except in the event where there have been changes to the site or data gathered during the certifying period. Given such an event, the submittal of a comprehensive PR report will be necessary, as specified below.

A Periodic Review Report (PRR) will be submitted to the Department beginning 30 days after the initial 15 month certifying period. This initial certifying period commences upon issuance of the No Further Action Letter. After submittal of the initial Periodic Review Report, the next PRR shall be submitted annually to the Department or at another frequency as may be subsequently required by the Department. In the event that the site is subdivided into separate parcels with different ownership, a single Periodic Review Report will be prepared that addresses the site described in Appendix A - Environmental Easement. The report will be prepared in accordance with NYSDEC's DER-10 and submitted within 30 days of the end of each certification period. Media sampling results will also be incorporated into the Periodic Review Report. The report will include:

- Identification, assessment and certification of all ICs required by the remedy for the site.
- Results of the required annual site inspections and severe condition inspections, if applicable.

- All applicable site management forms and other records generated for the site during the reporting period in the NYSDEC-approved electronic format, if not previously submitted.
- A summary of any data and/or information generated during the reporting period, with comments and conclusions, if any
- A site evaluation, which includes the following:
 - The compliance of the remedy with the requirements of the site-specific ROD;
 - Any new conclusions or observations regarding site contamination based on inspections or data generated;
 - Recommendations regarding any necessary changes to the remedy; and
 - The overall performance and effectiveness of the remedy.

5.2.1 Certification of Institutional Controls

Within 30 days after the end of each certifying period, as determined by the NYSDEC, the following certification will be provided to the Department:

“For each institutional control identified for the site, I certify that all of the following statements are true:

- *The institutional control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;*
- *Nothing has occurred that would impair the ability of the control to protect the public health and environment;*
- *Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;*
- *Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;*
- *If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;*

- *Use of the site is compliant with the environmental easement.*
- *The information presented in this report is accurate and complete.*

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class “A” misdemeanor, pursuant to Section 210.45 of the Penal Law. I, [name], of [business address], am certifying as [Owner or Owner’s Designated Site Representative and I have been authorized and designated by all site owners to sign this certification] for the site.”

The signed certification will be included in the Periodic Review Report, if such report is required for the period. Otherwise, the Certification will be submitted as a stand-alone document.

The Periodic Review Report/Certification will be submitted, in electronic format, to the NYSDEC Central Office, the NYSDEC Regional Office in which the site is located and the NYSDOH Bureau of Environmental Exposure Investigation. The Periodic Review Report/Certification may need to be submitted in hard-copy format, as requested by the NYSDEC project manager.

5.3 Corrective Measures Work Plan

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional control, a Corrective Measures Work Plan will be submitted to the NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the Corrective Measures Work Plan until it has been approved by the NYSDEC. Upon completion of the Corrective Measure, a signed certification form must be submitted to the Department.

6.0 REFERENCES

6NYCRR Part 375, Environmental Remediation Programs. December 14, 2006.

NYSDEC DER-10 – “Technical Guidance for Site Investigation and Remediation”.

NYSDEC, 1998. Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1. June 1998 (April 2000 addendum).

NYSDEC Record of Decision 118-130 Swalm Street Site, Town of North Hempstead, Nassau County New York Site Number 1-30-043 P, March 2004.

NYSDEC Operations, Maintenance and Monitoring Implementation Summary Report 118 -130 Swalm St Site 1-30-043P August 2010.

NYSDEC Semi Annual Groundwater Sampling, 118-130 Swalm St. (Site 1-30-043P) May 2011.

NYSDEC Third Supplemental Consent Decree, (with Addendum) 2/10/2016.

**Table 2: Summary of Volatile Organic Compounds Detected in Groundwater Samples
 (November 2008 through December 2011)**

Location	Sample Date	Qc Code	Parameter Depth Range (ft.)	Tetrachloroethene (PCE)	Trichloroethene (TCE)	1,1,1-Trichloroethane	2-Butanone	4-Methyl-2-pentanone	Acetone
				Units	Units	Units	Units	Units	Units
				Criteria (µg/l)	µg/l	µg/l	µg/l	µg/l	µg/l
				5	5	5	50	NA	50
MW-1	11/11/2008	FD	52.7 - 62.7	0.51 J	1 U	1 U	0.48 J	0.23 J	3.7 J
MW-1	11/11/2008	FS		0.51 J	1 U	1 U	5 U	5 U	2.9 J
MW-1	5/20/2009	FS		0.53 J	1 U	1 U	5 U	5 U	10 U
MW-1	12/15/2009	FS		0.72 J	1 U	1 U	5 U	5 U	6.1 J
MW-1	5/19/2010	FS		0.43 J	1 UJ	1 UJ	5 UJ	5 UJ	2.3 J
MW-1	5/5/2011	FS		1 U	1 U	1 U	5 U	5 U	2 J
MW-1	12/1/2011	FS		0.5 J	1 U	1 U	5 U	5 U	10 U
MW-2	11/12/2008	FS	52.85 - 62.85	0.97 J	1 U	0.29 J	5 U	5 U	10 U
MW-2	5/20/2009	FD		2.3	1 U	1 U	5 U	5 U	10 U
MW-2	5/20/2009	FS		2.3	1 U	1 U	5 U	5 U	10 U
MW-2	12/15/2009	FS		3.9	1 U	1 U	5 U	5 U	2.2 J
MW-2	5/19/2010	FS		3.6 J	1 UJ	1 UJ	5 UJ	5 UJ	1.9 J
MW-2	5/4/2010	FS		6.9	1 U	1 U	5 U	5 U	10 U
MW-2	5/4/2011	FD		6.8	1 U	1 U	5 U	5 U	10 U
MW-2	11/30/2011	FS	7.2	1 U	1 U	5 U	5 U	10 U	
MW-3	11/12/2008	FS	52.6 - 62.6	14	4.7	1 U	5 U	5 U	10 U
MW-3	5/20/2009	FS		17	3.7	1 U	5 U	5 U	10 U
MW-3	12/15/2009	FS		12	4.5	1 U	5 U	5 U	3.4 J
MW-3	5/19/2010	FS		12 J	3 J	1 UJ	5 UJ	5 UJ	10 UJ
MW-3	5/5/2011	FS		10	3.4	1 U	5 U	5 U	10 U
MW-3	12/1/2011	FS		9.3	2.8	1 U	5 U	5 U	10 U

Notes:
 EPA Method SW8260 was performed for all parameters
 FD=Field Sample
 FS=Field Duplicate
 bgs= below ground surface
 µg/l=micrograms per liter
 J=Estimated Value
 U=Not detected at a concentration greater than the reporting limit
Highlighted results exceed criteria
 NA= No criteria available

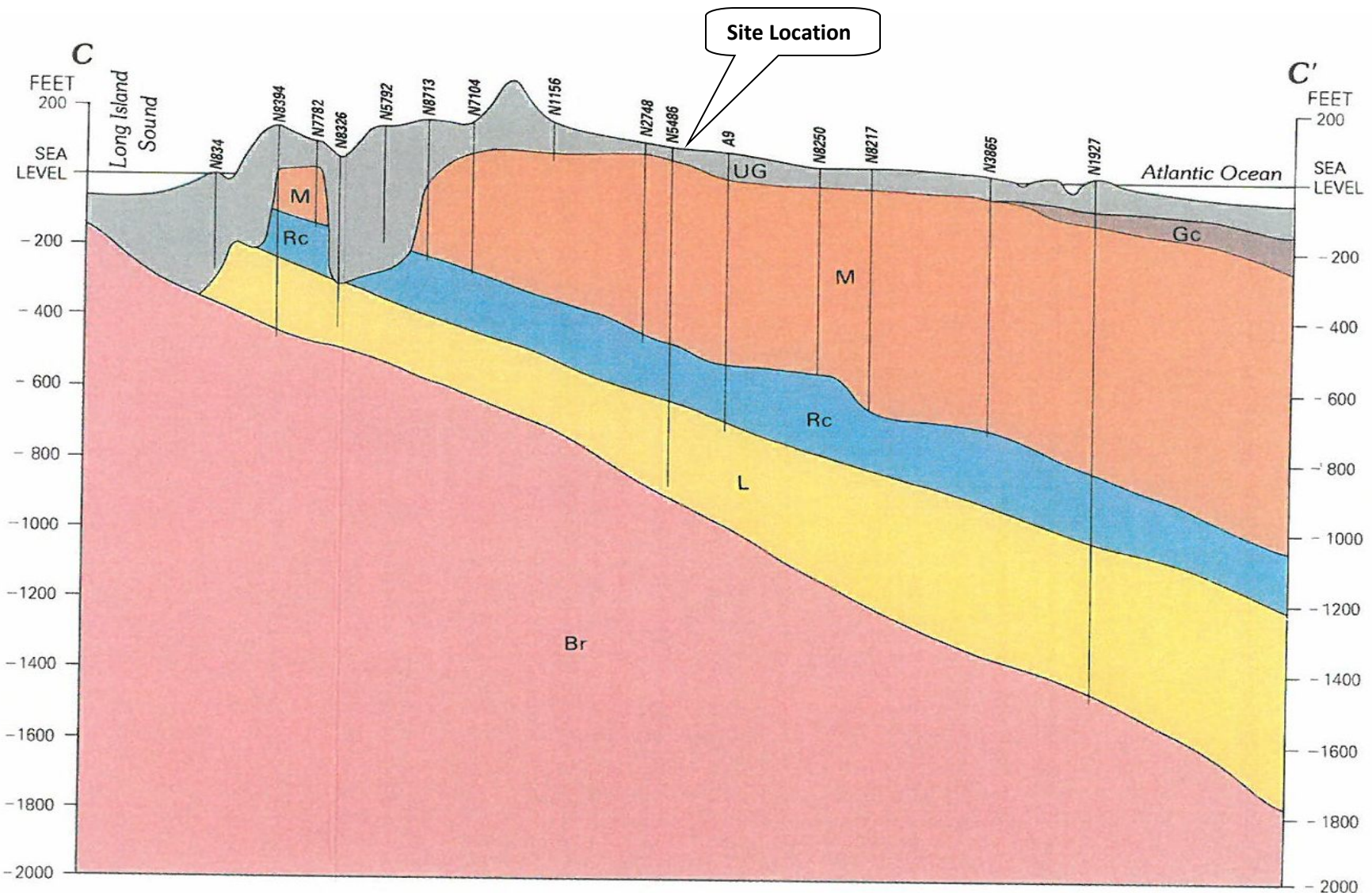


Figure 1
Site Location Map



Figure 2
Site Layout, Institutional Control
Boundaries and Areas of SVI Concern

Client: Barouh Eaton Allen Corp.
Location: 118-130 Swalm Street Westbury NY
Project: Site # 1-30-043P
Date: February 2016



Source: Base USGS New York 1960-1979



Figure 3
Geologic Cross Section of Long Island

Client: Barouh Eaton Allen Corp.
Location: 118-130 Swalm Street Westbury NY
Project: Site # 1-30-043P
Date: February 2016

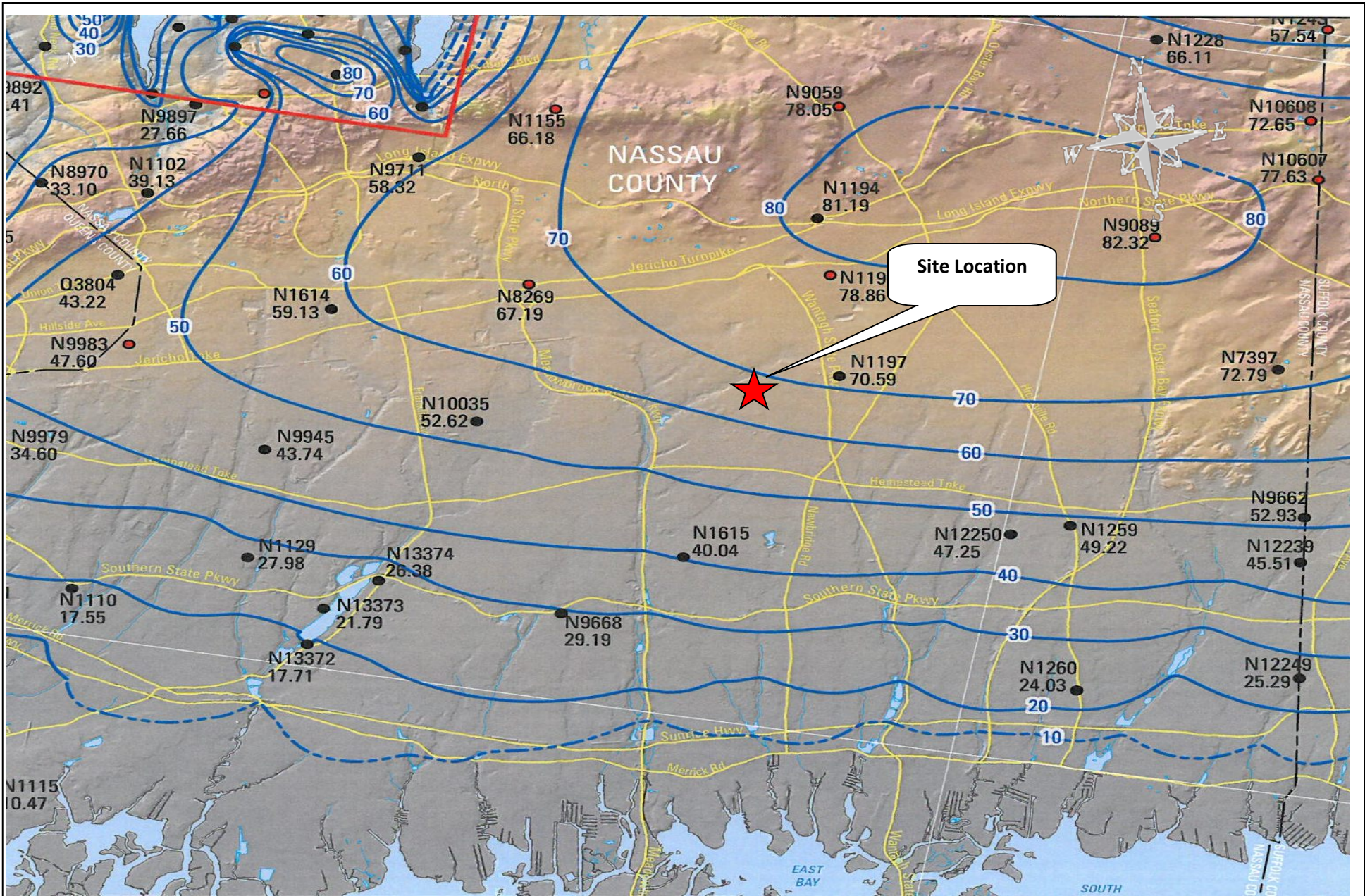
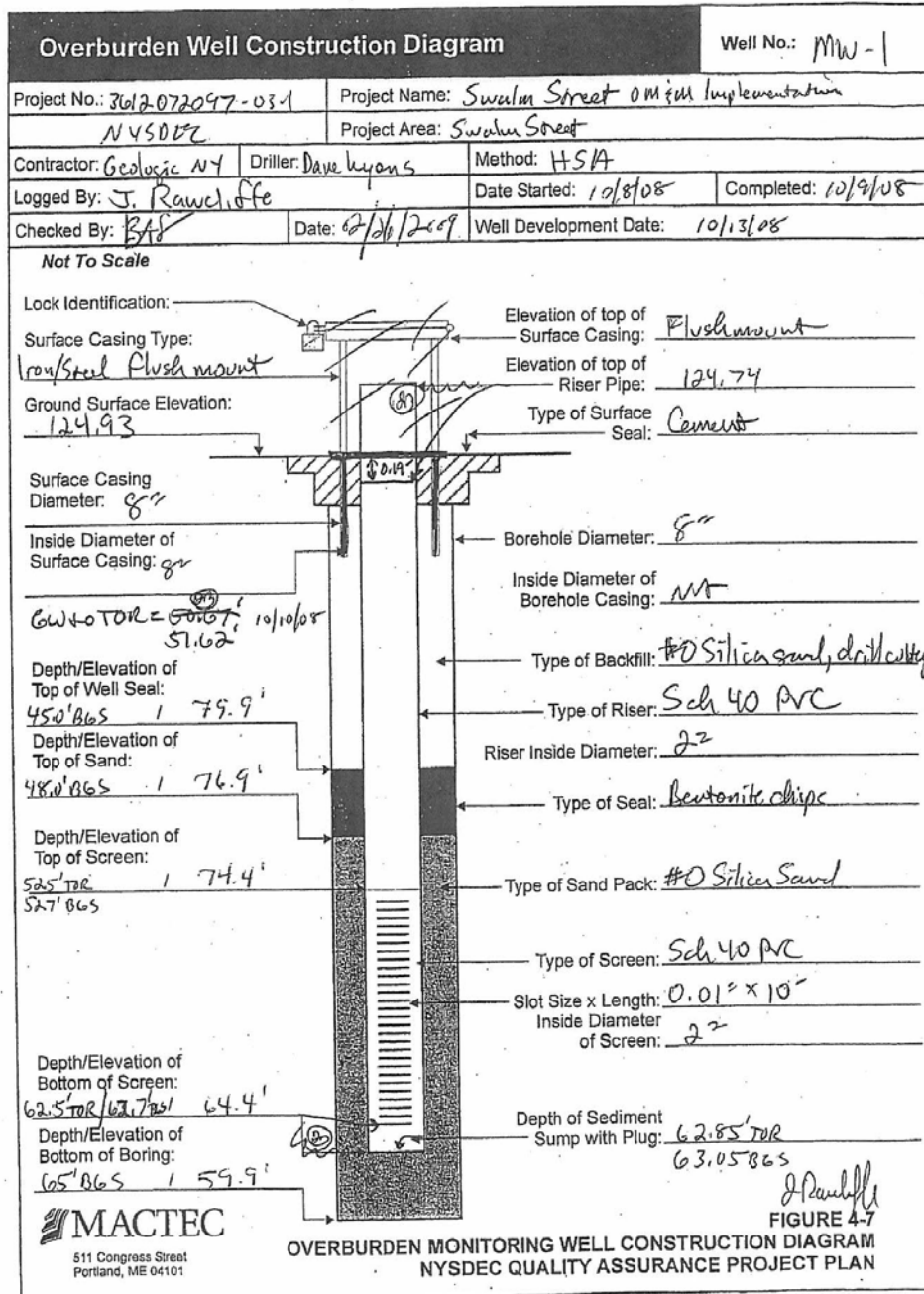


Figure 4
Groundwater Contour Map

Client: Barouh Eaton Allen Corp.
Location: 118-130 Swalm Street Westbury NY
Project: Site # 1-30-043P
Date: February 2016



PORT2007022f.cdr

Nassau County color digital orthoimagery (2000) obtained from New York State GIS Clearinghouse at: http://www.nysgis.state.ny.us
 Prepared/Date: BRP 01/30/12
 Checked/Date: JKR 01/30/12
 SEMI-ANNUAL SAMPLING REPORT
 118-130 SWALM STREET SITE
 NORTH HEMPSTEAD, NEW YORK
 MACTEC
 GROUNDWATER CONDITIONS
 NOVEMBER 2011
 Project 3612-07-2097
 Figure 1

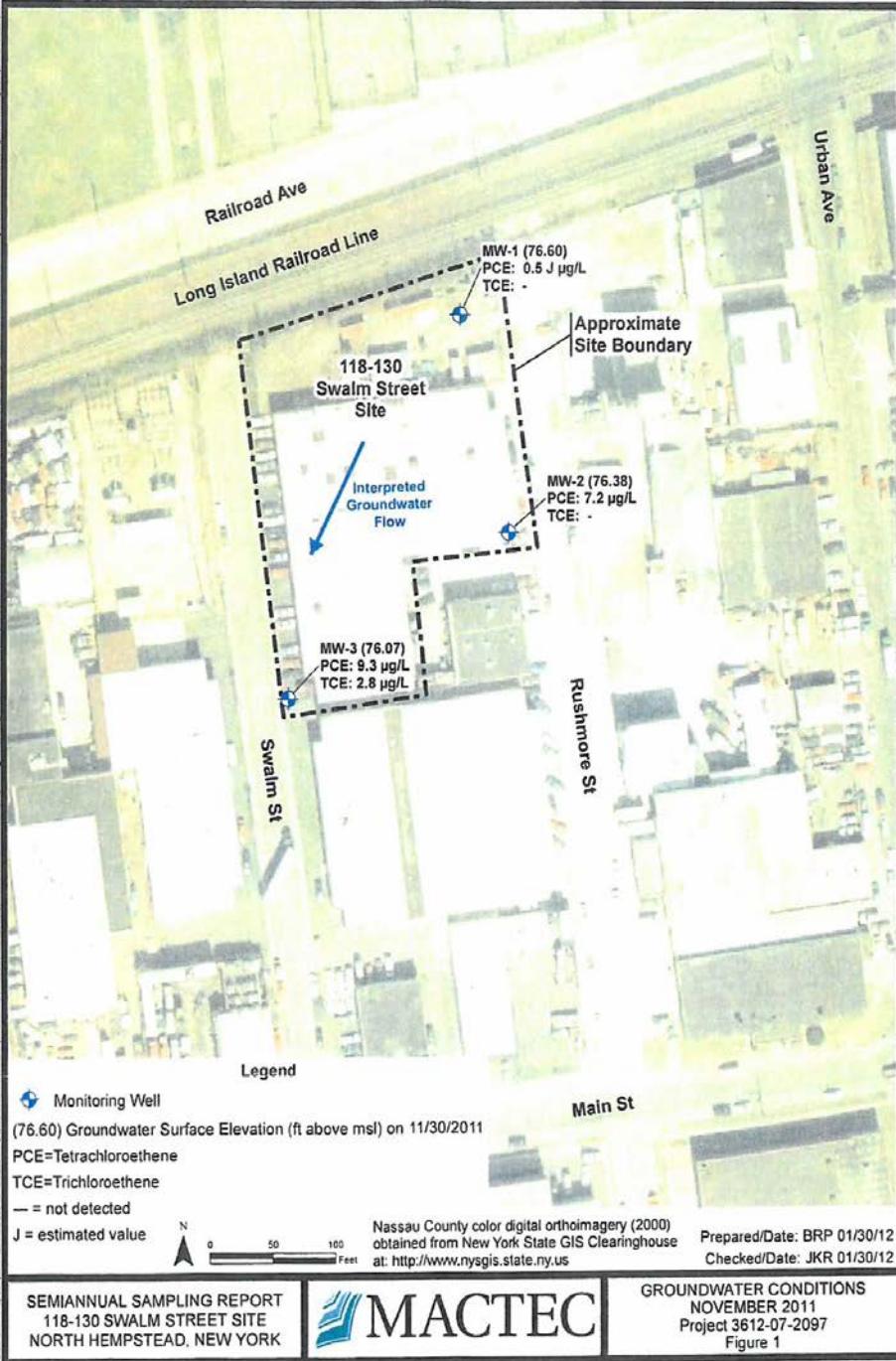


Figure 6

APPENDIX A
ENVIRONMENTAL EASEMENT/NOTICE/DEED RESTRICTION

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 9th day of June, 2016, between Owner(s) Barouh Eaton Allen Corp., having an office at 67 Kent Avenue, Brooklyn, County of Kings, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor is the owner of real property located at the address of 118-130 Swalm Street in the Town of North Hempstead, County of Nassau and State of New York, known and designated on the tax map of the County Clerk of Nassau as tax map parcel numbers: Section 11, Block 164, Lot 19-29, 58-65, being the same as that property conveyed to Grantor by deed dated November 1, 1979 and recorded in the Nassau County Clerk's Office in Liber 10092 and Page 71. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.1065 +/- acres, and is hereinafter more fully described in the Land Title Survey dated March 3, 2016 prepared by Charles J. Gravano, P.L.S. of Green By Design Land Surveyors, PLLC, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Grantor agrees to grant this Environmental Easement subject to the terms of the settlement of the lawsuit in the Third Supplemental Consent Decree as defined

below, and NYSDEC accepts this Environmental Easement in furtherance of the settlement and in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

The foregoing recitals are substantive and incorporated in this easement as material provisions.

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of the Third Supplemental Consent Decree entered in *State of New York v. Next Millennium, et al.*, U.S. District Court, Eastern District of New York, No. 06-CV-01133 (SJF)(ARL) (the “Third Supplemental Consent Decree”), Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein (“Environmental Easement”):

1. **Purposes.** Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity (unless extinguished by law or as provided in the Third Supplemental Consent Decree and herein) in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. **Institutional and Engineering Controls.** Grantor acknowledges that the controls and requirements described below and listed in the Department-approved Site Management Plan (“SMP”) including any and all Department-approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor’s successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and
Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv).**

(2) All Engineering Controls must be operated and maintained as set forth in this subparagraph (2) and as specified in the Site Management Plan (SMP) as follows:

(a) The buildings existing on the Site as of the date of execution of this Environmental Easement may not be put to commercial or industrial use and regularly occupied unless an active sub-slab depressurization system or other mechanism acceptable to the Department is first installed in the buildings or the Department determines based on testing conducted by the Grantor, or its successor or transferee, that no such system or mechanism is required; and

(b) In the event that, after the execution of the Environmental Easement, the Grantor elects to demolish the buildings on the Site as of the date of execution of this Environmental Easement, the DEC will not unreasonably withhold or delay the permitting of the demolition to the extent the Department has any such authority; and

(c) In the event that the buildings existing on the Site as of the date of execution of this Environmental Easement are demolished, an active sub-slab depressurization system (or other exposure barrier or mechanism acceptable to the NYSDEC) will be installed in any new buildings developed or constructed on the Controlled Property and operated and maintained for so long as the mitigation of soil vapor intrusion from a building's sub-slab is necessary, unless the Department determines based on testing conducted by the Grantor, or its successor or transferee, that no such system or mechanism is required.

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Nassau County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) If necessary, groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Unrestricted, Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the

above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority, except as limited by the Third Supplemental Consent Decree. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

- (2) the institutional controls and/or engineering controls employed at such site:
- (i) are in place;
 - (ii) are unchanged from the previous certification, if any, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
 - (iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;
- (3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;
- (4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;
- (5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- (6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program and this Environmental Easement, and generally accepted engineering practices; and
- (7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property upon reasonable notice to the Grantor or its successors or assigns, in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The full right, title and interest to give, sell, lease, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity (unless

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law. The Grantor or any successor or transferee may petition the NYSDEC to modify or extinguish the Environmental Easement at such time as it can certify that the Controlled Property is protective of human health and the environment without reliance upon the restrictions set forth in this instrument. Such certification shall be made by a Professional Engineer or other expert approved by the NYSDEC, which approval shall not unreasonably be withheld. The NYSDEC shall act promptly on any such petition and shall not unreasonably withhold its consent.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

BAROUH EATON ALLEN CORP.

By: Robert Barouh

Print Name: Robert Barouh

Title: President Date: 4-8-16

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 8th day of April, in the year 2016, before me, the undersigned, personally appeared Robert Barouh, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

W.B. IFE
Notary Public - State of New York

WILLIAM B. IFE
Notary Public - State of New York
No. 021F6165108
Qualified in Nassau County
My Commission Expires May 7, 2019

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being at New Cassel, Town of North Hempstead, County of Nassau and State of New York, known and designated as lots numbers 19 to 29 both inclusive and 58 to 65 both inclusive in Block No. 51 on a certain map entitled "2nd Map of the City of New Cassel, Queens County, Long Island, New York" and filed in the Office of the Clerk of the County of Queens on April 22, 1892, File No. 256 and filed in the Nassau County Clerk's Office as Old Map No. 3 New Map No. 14, more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Swalm Street distant 300 feet northerly when measured along the easterly side of Swalm Street from the corner formed by the intersection of the easterly side of Swalm Street and the northerly side of Main Street;

RUNNING THENCE northerly and along the easterly side of Swalm Street 272.98 feet to the southerly side of the land of the Long Island Railroad;

RUNNING THENCE easterly and along lands of the Long Island Railroad 203.20 feet to the westerly side of Rushmore Street;

RUNNING THENCE southerly and along the westerly side of Rushmore Street 208.90 feet;

RUNNING THENCE westerly and at right angles to the westerly side of Rushmore Street 100.00 feet;

RUNNING THENCE southerly and at right angles to the last mentioned course 100.00 feet;

RUNNING THENCE westerly and at right angles to the last mentioned course 100.00 feet to the easterly side of Swalm Street at the point or place of BEGINNING.

This parcel has an area of 48,186.92 s.f. or 1.106 ac.

APPENDIX B
LIST OF SITE CONTACTS

Name	Phone/Email Address
Site Owner /Remedial Party Barouh Eaton Allen Corp	718-782-2601 robertbarouh@gmail.com
Qualified Environmental Professional Richard Baldwin	631-987-6710 rbaldwin@ramboll.com
NYSDEC DER Project Manager Joseph Jones	518-402-9621 joseph.jones@dec.ny.gov
NYSDEC Regional HW Engineer Walter Parish	631-444-0240 walter.parish@dec.ny.gov
NYSDEC Site Control Kelly Lewandowski	518-402-553 kelly.lewandowski@dec.ny.gov
Off-site Access Contact William B. Ife-Esq.	516-739-6100 wbife@verizon.net

APPENDIX C

REMEDIAL PARTY /OWNER RESPONSIBILITIES

Responsibilities

The responsibilities for implementing the Site Management Plan (“SMP”) for the 118-130 Swalm Street site (the “site”), number 1-30-043 P, are divided between the site owner(s) and a Remedial Party, as defined below. The owner(s) is/are currently listed as: Barouh Eaton Allen Corp.

Solely for the purposes of this document and based upon the facts related to a particular site and the remedial program being carried out, the term Remedial Party (“RP”) refers to any of the following: certificate of completion holder, volunteer, applicant, responsible party, and, in the event the New York State Department of Environmental Conservation (“NYSDEC”) is carrying out remediation or site management, the NYSDEC and/or an agent acting on its behalf. The RP is: Barouh Eaton Allen Corp. having an address at 67 Kent Avenue, Brooklyn, NY 11249.

Nothing on this page shall supersede the provisions of an Environmental Easement, Third Supplemental Consent Decree for the site, agreement, or other legally binding document that affects rights and obligations relating to the site.

Site Owner’s Responsibilities:

- 1) The owner shall follow the provisions of the SMP as they relate to future construction and excavation at the site.
- 2) In accordance with a periodic time frame determined by the NYSDEC, the owner shall periodically certify, in writing, that all Institutional Controls set forth in an Environmental Easement remain in place and continue to be complied with. The owner shall provide a written certification to the RP, upon the RP’s request, in order to allow the RP to include the certification in the site’s Periodic Review Report (PRR) certification to the NYSDEC.

- 3) In the event the site is delisted, the owner remains bound by the Environmental Easement and shall submit, upon request by the NYSDEC, a written certification that the Environmental Easement is still in place and has been complied with.
- 4) The owner shall grant access to the site to the RP and the NYSDEC and its agents for the purposes of performing activities required under the SMP and assuring compliance with the SMP.
- 5) The owner is responsible for assuring the security of the remedial components located on its property to the best of its ability. In the event that damage to the remedial components or vandalism is evident, the owner shall notify the site's RP and the NYSDEC in accordance with the timeframes indicated in Section 1.3 Notifications.
- 6) In the event some action or inaction by the owner adversely impacts the site, the owner must notify the site's RP and the NYSDEC in accordance with the time frame indicated in 1.3 - Notifications and (ii) coordinate the performance of necessary corrective actions with the RP.
- 7) The owner must notify the RP and the NYSDEC of any change in ownership of the site property (identifying the tax map numbers in any correspondence) and provide contact information for the new owner of the site property. 6 NYCRR Part contains notification requirements applicable to any construction or activity changes and changes in ownership. Among the notification requirements is the following: Sixty days prior written notification must be made to the NYSDEC. Notification is to be submitted to the NYSDEC Division of Environmental Remediation's Site Control Section. Notification requirements for a change in use are detailed in Section 2.4 of the SMP. A 60-Day Advance Notification Form and Instructions are found at <http://www.dec.ny.gov/chemical/76250.html>.

- 8) The owner will on behalf of the RP will maintain the site as vacant. The RP remains ultimately responsible for maintaining the engineering controls.
- 9) If a vapor intrusion system is installed on the property, until such time as the NYSDEC and the NYSDOH deem the vapor mitigation system unnecessary, the owner shall operate the system, pay for the utilities for the system's operation, and report any maintenance issues to the RP and the NYSDEC.
- 10) In accordance with the tenant notification law, within 15 days of receipt, the owner must supply a copy of any vapor intrusion data, that is produced with respect to structures and that exceeds NYSDOH or OSHA guidelines on the site, whether produced by the NYSDEC, RP, or owner, to the tenants on the property. The owner must otherwise comply with the tenant and occupant notification provisions of Environmental Conservation Law Article 27, Title 24.

Remedial Party Responsibilities

- 1) The RP must follow the SMP provisions regarding any construction and/or excavation it undertakes at the site.
- 2) The RP shall report to the NYSDEC all activities required for remediation, operation, maintenance, monitoring, and reporting. Such reporting includes, but is not limited to, periodic review reports and certifications, electronic data deliverables, corrective action work plans and reports, and updated SMPs.
- 3) Before accessing the site property to undertake a specific activity, the RP shall provide the owner advance notification that shall include an explanation of the work expected to be completed. The RP shall provide to (i) the owner, upon the owner's request, (ii) the NYSDEC, and (iii) other entities, if required by the SMP, a copy of any data generated during the site visit and/or any final report produced.

- 4) If the NYSDEC and the NYSDOH determine that an update of the SMP is necessary, the RP shall update the SMP and obtain final approval from the NYSDEC. Within 5 business days after NYSDEC approval, the RP shall submit a copy of the approved SMP to the owner(s).
- 5) The RP shall notify the NYSDEC and the owner of any changes in RP ownership and/or control and of any changes in the party/entity responsible for the operation, maintenance, and monitoring of and reporting with respect to any remedial system (Engineering Controls). The RP shall provide contact information for the new party/entity. Such activity constitutes a Change of Use pursuant to 375-1.11(d) and requires 60-days prior notice to the NYSDEC. A 60-Day Advance Notification Form and Instructions are found at <http://www.dec.ny.gov/chemical/76250.html>.
- 6) The RP shall notify the NYSDEC of any damage to or modification of the systems as required under Section 1.3 - Notifications of the SMP.
- 7) Prior to a change in use that impacts the remedial system or requirements and/or responsibilities for implementing the SMP, the RP shall submit to the NYSDEC for approval an amended SMP.
- 8) Any change in use, change in ownership, change in site classification (*e.g.*, delisting), reduction or expansion of remediation, and other significant changes related to the site may result in a change in responsibilities and, therefore, necessitate an update to the SMP and/or updated legal documents. The RP shall contact the Department to discuss the need to update such documents.

Change in RP ownership and/or control and/or site ownership does not affect the RP's obligations with respect to the site unless a legally binding document executed by the NYSDEC releases the RP of its obligations.

Future site owners and RPs and their successors and assigns are required to carry out the activities set forth above.

APPENDIX D
SITE MANAGEMENT FORMS

PROPERTY INSPECTION FORM

A. SITE NAME AND LOCATION

Site Name: _____
Street Address: _____
Municipality: _____
(Township, Borough or City) County: _____ Zip Code: _____
NYSDEC IHWDS No.: _____
Municipal Block and Lot Numbers of the entire Site: _____

B. CONTACT PERSON

Changed Since Last Submission _____ Effective Date of Change: _____
Business Name: _____
First Name of Contact: _____ Last Name of Contact: _____
Title: _____
Phone Number: _____ Ext.: _____ Fax: _____
Mailing Address: _____
Municipality: _____ State: _____ Zip Code: _____
Email Address: _____

C. CURRENT OWNER OF THE SITE

Changed Since Last Submission _____ Effective Date of Change: _____
If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K),
check box and proceed to the next section.
Full Legal Name of the Owner: _____
First Name of Contact: _____ Last Name of Contact: _____
Title: _____
Phone Number: _____ Ext.: _____ Fax: _____
Mailing Address: _____
Municipality: _____ State: _____ Zip Code: _____
Email Address: _____

D. CURRENT OPERATOR OF THE SITE

- Changed Since Last Submission Effective Date of Change: _____
- If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Operator: _____
 First Name of Contact: _____ Last Name of Contact: _____
 Title: _____
 Phone Number: _____ Ext.: _____ Fax: _____ Mailing Address: _____
 _____ Municipality: _____
 _____ State: _____ Zip Code: _____
 Email Address: _____

E. CURRENT LESSEE OF THE SITE

- Changed Since Last Submission Effective Date of Change: _____
- If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Lessee: _____
 First Name of Contact: _____ Last Name of Contact: _____
 Title: _____
 Phone Number: _____ Ext.: _____ Fax: _____ Mailing Address: _____
 _____ Municipality: _____
 _____ State: _____ Zip Code: _____
 Email Address: _____

SECTION F. LAND USE, CHANGES, AND DISTURBANCES

1. Site Use(s) at the time the Deed Notice/DER was Filed (*check all that apply*)

Industrial	Child Care Facility	Park or Recreational Use	Other: _____
Residential	Hospital	Vacant	
Commercial	Landfill	Government Facility	

2. Current Site Use(s) (*check all that apply*)

Industrial	Child Care Facility	Park or Recreational Use	Other: _____
Residential	Hospital	Vacant	
Commercial	Landfill	Government Facility	
School	Agricultural	Road/Right of Way	

3. Intended Future Site Use(s), If Known (*check all that apply*)

Industrial	Child Care Facility	Park or Recreational Use	Future site use unknown
Residential	Hospital	Vacant	Other: _____
Commercial	Landfill	Government Facility	
School	Agricultural	Road/Right of Way	

4. Describe the current site operations and the status of any planned future land use(s) for the site, particularly if the proposed use is residential, school, or licensed child care facility:

5. Since the last Property Inspection Report was filed or the last submittal of the Site Management Plan whichever is most recent, has the site use changed? Yes No

If "Yes," indicate the type of remedy used:

6. Has there been a zoning change or is a zoning change pending? Yes No

If "Yes," briefly describe the zoning change or the pending zoning change:

Have you conducted periodic inspections to determine if disturbances of the engineering control(s) have taken place since the SMP was filed or the last submittal of the Property Inspection Report, whichever is more recent? Yes No

If "Yes," attach all inspection reports/logs that have been completed since the last submittal of the SMP or Property Inspection Report.

7. Have disturbances of the engineering control(s) taken place since the SMP was filed or the last submittal of the Property Inspection Report, whichever is more recent? Yes No

If "Yes," :

a) Provide the following information: Date of Disturbance: _____
 Duration of Disturbance: Months _____ Days _____

8. Check the appropriate box(es) to indicate if any of the following have rendered the engineering control(s) **not** protective of public health, safety and of the environment (check all that apply):

- An evaluation all relevant soil standards, criteria, and guidance levels related to soil that have been modified subsequent to the filing of the SMP or the last submittal of the Property Inspection Report, whichever is more recent; A change in property use since the SMP was filed;
- A zoning change or the pending zoning change;
- Land disturbance(s) of the engineering control(s).

If any of the boxes above are checked the person responsible for monitoring the site protection measures shall modify the SMP/Environmental Easement to reflect the current conditions.

SECTION G. VAPOR INTRUSION

1. Are volatile organic compounds included in the SMP Yes No
If "Yes," complete this section, otherwise proceed to the next section

2. Were there any changes in property use that increased the risk of vapor intrusion? Yes No

3. Did you investigate the vapor intrusion pathway? Yes No

If "Yes,":

Attach a scaled site map indicating the location of all structures investigated for vapor intrusion.

a) Did the investigation indicate that a soil vapor conditions exists? Yes No

If "Yes," provide the sampling data and date of sampling

Did the investigation indicate that a Vapor Concern (VC) condition exists? Yes No

b) Was public notification conducted to notify all applicable parties of the increased vapor intrusion risk? Yes No N/A

4. Provide a written explanation of either how the vapor intrusion pathway was investigated or the reasons for not evaluating the vapor intrusion pathway.

5. Have any vapor intrusion engineering controls/mitigation systems been installed as a result of this soil contamination? Yes No

If "Yes," indicate the type of engineering control that was implemented: *(check all that apply)*

- Subsurface Depressurization System
- Subsurface Ventilation System
- Soil Vapor Extraction System
- HVAC Positive Pressure
- Other (specify): _____

Attach a operation, maintenance, and monitoring (OMM) Plan for the vapor intrusion engineering control(s)/mitigation system(s) The OMM Plan should clearly identify the building(s) and/or structure(s) and vapor intrusion engineering control(s)/mitigation system(s) that are in place (e.g., active or passive), including the address and block and lot of each impacted property.