10-17-1 (6/97)—q

TO: Commissioner

The attached is submitted for your signature by

CCU - Colleen Corrigan

It has been checked and approved by

JUN 27 2007

NAME	INITIAL	DATE
V. Washington		7/2/07
A. Crocker 268572		7/3/07
S. Cruskin		7/3/07
[redacted] Attorney		7/19/07
268572	(Draft concurrence attached)	

Please return to CCU after the sign-offs are complete.

1-30-049 Vol 3

CCU CORRESPONDENCE #: 200703214
GOVERNOR'S NUMBER:

Correspondent:
Mr. GEORGE PAVLOU
US ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ADDRESSED TO: Commissioner
CORRESPONDENCE DATE: 6/15/2007

SUBJECT:
PROPERTY TRANSFER AGREEMENT RE: AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE, LEVITTOWN, NASSAU COUNTY, NY

ROUTE DATE	ACTION	ROUTE TO	DUE DATE
06/26/2007	For Signature	COMMISSIONER GRANNIS	

Notes:
A BUCK SLIP NEEDED TO BE ATTACHED FOR V. WASHINGTON & S. GRUSKIN'S S/O BEFORE BEING SENT TO THE COMMISSIONER FOR SIG 6/26/07

CC:

New York State
Department Of Environmental Conservation

7/26/07
The Commissioner's copy has been made.
OK for distribution.

DEC
CCU
(518)402-8546

RECEIVED
JUL 03 2007
OFFICE OF
GENERAL COUNSEL

From: Katherine J Comerford <kjc05@health.state.ny.us>
To: <datuohy@gw.dec.state.ny.us>
Date: 7/19/2007 11:34 AM

Dolores,
The New York State Department of Health concur and agree with the EPA's transfer agreement to DEC for operation and maintenance of the SVE and sub-slab system at the American Drive-In Cleaners site. The following numbers are acceptable: 6µg/m3 in the indoor air, 81µg/m3 at the intake to the sub-slab system and 810µg/m3 at the intake to the SVE system.
-Katie

Katie Comerford, Research Scientist
Bureau of Environmental Exposure Investigation
New York State Department of Health
547 River Street, Room 300
Troy, New York 12180
kjc05@health.state.ny.us
phone: 518-402-7880

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 1 5 2007

Alexander B. Grannis, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-0001

Re: Property Transfer Agreement
American Drive-In Cleaners Superfund Site, Levittown, Nassau County, NY

Dear Commissioner Grannis:

Enclosed please find a Property Transfer Agreement that transfers responsibility for the American Drive-in Cleaners Site (the "Site") from the Environmental Protection Agency ("EPA") to the New York State Department of Environmental Conservation ("NYSDEC"). This document has been developed through the cooperative effort of appropriate members of our respective staffs.

In December 1991, NYSDEC listed the Site as a Class 2 inactive hazardous waste disposal site. In late December 2000 and February 2001, during the pendency of the State's Remedial Investigation, indoor air sampling was conducted at the Site and very high levels of tetrachloroethylene ("PCE") were detected. To immediately address the high PCE contamination in the indoor air, NYSDEC installed a soil vapor extraction ("SVE") system to reduce PCE concentrations in the soil. NYSDEC subsequently issued a ROD that called for soil treatment via SVE and groundwater treatment.

On May 8, 2001, EPA received a written request from NYSDEC to conduct an emergency response action at the Site because the contaminant levels in the indoor air had not dropped sufficiently with the State's SVE system. EPA then installed an upgraded, more powerful SVE system. EPA has upgraded the SVE system, installed subslab depressurization systems, performed quarterly air and soil gas sampling, performed periodic soil sampling and conducted other investigations to better define the extent of the soil contamination impacting the indoor air at the Site. The systems are removing significant amounts of PCE and the levels are close to the targets EPA has established for the action.

Although the purpose of EPA's removal action was to address the high levels of PCE in the indoor air of the building at the Site, the SVE system has been effective in removing PCE from both the soil and groundwater at the Site. After discussions with NYSDEC, it was determined that EPA would return the Site to NYSDEC. The attached Property Transfer Agreement sets forth the conditions upon which the Site is being transferred back to NYSDEC and includes,

among other things, a provision that NYSDEC will operate the SVE and subslab systems until the PCE cleanup levels of 6 ug/m3, 81 ug/m3, and 810 ug/m3 are met in the indoor air, at the intake to the sub-slab systems and at the intake to the SVE systems, respectively.

Five copies of the Agreement, which I have signed, are enclosed for your signature. Each copy shall be deemed an original, and each signatory should retain one copy of the agreement. Please forward one copy of the executed Agreement to me for our records.

If you have any questions, please contact me directly at 212-637-4390 or have your staff call Lou DiGuardia at 732-906-6927.

Thank you for your cooperation.

Sincerely yours,

George Pavlou, Director
Emergency & Remedial Response Division

cc: Jerry Ryder, NYSDEC
Lou Diguardia, USEPA

Enclosure

PROPERTY TRANSFER AGREEMENT

Between the U.S. Environmental Protection Agency, Region II and

the New York State Department of Environmental Conservation

on behalf of the State of New York

for

AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE

CERCLIS number NYD981565666

I. Purpose

The purpose of this agreement is to effect an orderly transfer of materials and equipment consisting of the soil vapor extraction system ("SVE") and subslab depressurization systems ("subslabs") which are part of the removal action at the American Drive-In Cleaners Superfund Site ("Site"), 3801 Hempstead Turnpike, Levittown, Nassau County, New York, from the United States Environmental Protection Agency ("EPA") to the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York ("State"). It is the intention of EPA and NYSDEC that these systems continue to be operated until the cleanup levels specified in Section II.C. below are met.

II. Transfer Agreement

A. Applicability. This Transfer Agreement applies only to the American Drive-In Superfund Site.

B. Site History. The Site includes a strip mall that housed various dry-cleaning businesses from the mid-1950's through 2000. These operations resulted in the disposal of tetrachloroethylene ("PCE") at the Site. In December 1991 NYSDEC listed the Site as a Class 2 inactive hazardous waste disposal site. From 1997 through 2000, NYSDEC performed a Remedial Investigation/Feasibility Study ("RI/FS") at the Site wherein NYSDEC found PCE in soil and groundwater samples taken at and in the vicinity of the Site. Following the conclusion of the RI/FS, indoor air sampling was conducted in several of the buildings on-Site revealing concentrations of PCE in the indoor air ranging from 800 micrograms/cubic meter ("ug/m^3") to 5,500 ug/m^3. These levels exceeded the New York State Department of Health guidelines for PCE in indoor air which recommend that immediate action be taken for concentrations of PCE over 1000 ug/m^3 and action to be taken for concentrations over 100 ug/m^3. In December 2000, NYSDEC ordered American Drive-In Cleaners to immediately disconnect and empty the dry cleaning machines because of violations of New York State rules regulating dry cleaning

facilities. Between December 2000 and February 2001 additional air sampling was conducted at the facility. Sample results revealed PCE concentrations from 1,420 ug/m^3 to 5,370 ug/m^3. To immediately address the high PCE contamination in the indoor air, in February 2001, NYSDEC installed an SVE system to reduce PCE concentrations in the soil, and sealed openings where soil vapor could possibly enter the building. On March 30, 2001, NYSDEC issued its First Operable Unit Record of Decision for the Site which selected SVE to address contaminated soil and in-situ chemical oxidation and extraction and treatment to address contaminated groundwater.

On May 8, 2001, EPA received a written request from NYSDEC to conduct an emergency response action at the Site. While indoor air quality had improved with the installation of the NYSDEC SVE system, contaminant levels had not consistently dropped below the NYSDOH 1,000 ug/m^3 guideline. The NYSDEC's SVE system, a 50 cubic foot per minute ("CFM") system, was designed to operate on lower concentrations of contaminants and volumes of material. The system was unable to adequately reduce the level of contamination found at the Site.

On May 8, 2001, EPA began an emergency removal action at the Site. EPA installed an upgraded, more powerful, but temporary trailer mounted, 200 CFM SVE system and took certain other interim measures, such as inspecting the building foundations for cracks, and sealing them to help mitigate the threat of further air contamination. EPA subsequently replaced the temporary SVE system with a permanent system, installed additional SVE wells and six sub-slab depressurization systems, to further alleviate PCE contamination in the indoor air. EPA attempted to have the owner of the property take over the operation of the SVE and subslab systems until 6 ug/m^3 is achieved in the indoor air, 81 ug/m^3 is achieved at the intake to the subslab systems, and 810 ug/m^3 is achieved at the intake to the SVE system. The property owner refused. EPA has continued to maintain and operate the SVE and subslab systems and perform quarterly and additional monitoring as needed. Through January 2007, approximately 4003 lbs. of PCE have been removed from the soil at the Site. As of October 2006, PCE concentrations were averaging < 6 ug/m^3 in indoor air, up to 116 ug/m^3 at the intake to the subslab systems and averaging up to 2,600 ug/m^3 at the intake to the SVE system with all systems operating.

C. Funding and Performance after Transfer.

Upon transfer of the SVE and subslab systems at the Site to the State, the State shall be solely responsible for the funding of and operation and maintenance of the SVE and subslab systems. The State agrees to operate the SVE and subslab systems at least until such time as PCE reaches the following levels: 6 ug/m^3 in the indoor air, 81 ug/m^3 at the intake to the subslab systems, and 810 ug/m^3 at the intake to the SVE system.

D. Transfer of Records.

EPA will provide necessary Site-related documents, which are not already in the State's possession, to the State on or before the date of transfer. Records to be transferred in accordance with this paragraph are listed in **Appendix A** attached hereto. These records will be provided in

electronic and/or hard copy, as available.

E. EPA-Owned Property and Equipment.

EPA-owned property and equipment associated with the Removal Action at the Site is identified on the Equipment Disposition List attached hereto as **Appendix B.** All such equipment and property will be transferred to the State on or before the date of transfer. Upon such transfer, full title to all items identified on the Equipment Disposition List is granted to the State. The State is responsible for future equipment repairs, replacement and disposal, and EPA will have no further responsibility for such property or equipment. Attached as **Appendix C** is a determination by the EPA Region 2 Property Officer that all equipment and property has a negligible independent value outside of the American Drive-In Cleaners Site and therefore has no value to the United States. There will be no requirement for transfer of funds to EPA upon demolition or dismantling of the SVE or subslab systems.

In witness whereof, the parties hereto have executed this Site Transfer Agreement for transfer of responsibility of the SVE and subslab systems from EPA to New York State for the American Drive-In Cleaners Site in five (5) copies, each of which shall be deemed an original.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

William McCabe 6-15-07

George Pavlou, Director — DATE
Emergency & Remedial Response Division

FOR THE STATE OF NEW YORK

7-25-07

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

APPENDIX A

LIST OF SITE-RELATED RECORDS

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1. American Drive-in Cleaners, Operation & Maintenance Manual, Earth Techology, - May 1, 2007.

2. American Drive-in Cleaners, Site Map, May 1, 2007 (revised).

3. American Drive-in Cleaners, SVE PCE Discharge Rates - March 2007.

4. American Drive-in Cleaners, Site Monitoring Data for the period July 2001 to May 2007.

5. American Drive-in Cleaners, Summary Analytical Data, for the period December 2001 to April 2007.

6. Quality Assurance Project Plan, American Drive-in Cleaners, May 1, 2007 (revised)

7. Disposal Information:
   - O Vapor Phase Carbon Data
   - O Sampling Plan/Quality Assurance Project Plan,

8 American Drive-in Cleaners, Health & Safety Plan, Earth Technology, May 1, 2007 (revised)

9. Sampling Reports:
   - O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, Soil Boring Report, June 8, 2005.

   - O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, SVE Well Installation Report, June 8, 2005.

   - O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, June 8, 2005.

APPENDIX B

EQUIPMENT DISPOSITION LIST

APPENDIX B

EQUIPMENT DISPOSITION LIST

Soil Vapor Extraction System (SVE)

The SVE system is rated for 24-hour continuous operation, in an on-site shed (10 ft by 16ft. in size), with the following specifications:

3.

4. O Positive displacement rotary lobe vacuum blower, rated for up to 225 scfm at a minimum of 6" to 7" of Hg vacuum. The blower is fitted with a discharge silencer. The system motors are TEFC.

5. O 80-gallon, horizontal knockout tank, designed for minimum 99% efficiency air/water separationbwith non-fouling moisture coalescing media. The tank is fitted with a continuous level sensor with sight tube, which controls a progressive cavity condensate transfer pump.

6. O The blower influent line includes an airflow meter/totalizer, a liquid-filled vacuum gauge and a field-adjustable vacuum relief valve. Throttling and air make-up valves are included with a 10-micron particulate filter.

O The blower effluent line includes a liquid-filled pressure gauge, a sampling port, and a temperature gauge.

3. O The SVE system is skid mounted, with all integral piping, wiring, and controls included. A skid mounted, self-enclosed control panel with motor starter (NEMA 4) is provided, with a power disconnect.

4. O The control system is automated and fail-safe to the extent specified below, requiring only periodic operator attention for major fault conditions and scheduled preventive maintenance: SVE separator tank pump on/off control, SVE separator tank high level alarm, low vacuum cut off, high pressure cut off and hour meter/totalizer. Any improper or fault conditions which are sensed by the monitoring devices listed above will cause the associated alarm to be activated, and the system automatically shut down.

O The SVE blower and progressive cavity condensate transfer pump have explosion-proof rating, with NEMA 7 motors, and accessories to conform to the UL listing for hazardous/intrinsically-safe locations, designated as Class 1, Division 2, Group D.

One, 2,000 lb. Vapor-Phase Granular Activated Carbon Vessel

SVE Wells 1- 7 , ADC 8-11, and six sub-slab systems with independent radon blowers.
Electrical service connected to the operating building.

APPENDIX C

FINDINGS AND DETERMINATION
Disposition of U.S. Government Property at the American Drive-In Cleaners Superfund Site in Levittown, New York

FINDINGS AND DETERMINATION
DISPOSITION OF U.S. GOVERNMENT PROPERTY
AT THE AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE
ON LONG ISLAND, NEW YORK

Findings:
The American Drive-In Cleaners Superfund Site ("Site") requires additional mitigation to ensure that PCE does not intrude into the indoor air of the building on-site. The soil vapor extraction system ("SVE") and sub-slab depressurization systems installed by EPA at the Site were custom designed to mitigate the pollutants at the site thereby reducing their impact on the indoor air. The equipment purchased and installed approximately five years ago had an original acquisition value of less than $12,500 dollars. Almost all of the equipment is permanently mounted and would require disassembly of major subsystems for removal. The cost of removal would most likely exceed the remaining value of the equipment which at this point is considered to be fully depreciated. Removal of any significant part of this equipment would moreover jeopardize the effectiveness of the cleanup operation.

In accordance with a Site Transfer Agreement, the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York has agreed to operate the SVE and sub-slab systems until certain cleanup levels are achieved in the indoor air, at the intake to the sub-slab systems and at the intake to the SVE system. Upon completion the value of the equipment is expected to be below the salvage value.

Due to the fact that New York State will be required to replace defective or nonfunctioning equipment prior to the conclusion of the cleanup effort, and will effectively avoid significant costs of dismantling and disposing of the property, the cost avoidance from transfer of the property further justifies the basis for transfer of ownership to the State of New York.

Determination:
The substantial government investment at the American Drive-in Cleaners site is integral to the ongoing cleanup at the site. The equipment is currently fulfilling the intent of CERCLA legislation to clean up contaminated sites and protect public health. The assumption of operating responsibility by the State of New York for this clean up equipment has not rendered the equipment excess to the government. It would indeed be contrary to the interest of the

government to remove this equipment for sale and thereby jeopardize the ultimate remediation effort at the site.

When the clean up is completed, the SVE and sub-slab systems will be dismantled and removed at significant expense to the State of New York, which has agreed to bear all costs associated with the dismantling and disposal of the equipment.

Since it is my determination that the government property at the American Drive-in Cleaners site has a negligible independent value outside the specific cleanup action at the site and that the State of New York will be required to bear all expenses for the operation of the equipment for the remainder of the remediation effort under the terms of the Site Transfer Agreement, I find it is in the best interests of the government to transfer the title or ownership of said equipment to the State of New York and the associated responsibility for its maintenance, use and disposal.

Rodney O. Dorwin — 5/29/07
Rodney O. Dorwin — Date
Region 2 Property Officer
Chief, Facilities and Administrative Management Branch

PROPERTY TRANSFER AGREEMENT

Between the U.S. Environmental Protection Agency, Region II and

the New York State Department of Environmental Conservation

on behalf of the State of New York

for

AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE

CERCLIS number NYD981565666

I. Purpose

The purpose of this agreement is to effect an orderly transfer of materials and equipment consisting of the soil vapor extraction system ("SVE") and subslab depressurization systems ("subslabs") which are part of the removal action at the American Drive-In Cleaners Superfund Site ("Site"), 3801 Hempstead Turnpike, Levittown, Nassau County, New York, from the United States Environmental Protection Agency ("EPA") to the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York ("State"). It is the intention of EPA and NYSDEC that these systems continue to be operated until the cleanup levels specified in Section II.C. below are met.

II. Transfer Agreement

A. Applicability. This Transfer Agreement applies only to the American Drive-In Superfund Site.

B. Site History. The Site includes a strip mall that housed various dry-cleaning businesses from the mid-1950's through 2000. These operations resulted in the disposal of tetrachloroethylene ("PCE") at the Site. In December 1991 NYSDEC listed the Site as a Class 2 inactive hazardous waste disposal site. From 1997 through 2000, NYSDEC performed a Remedial Investigation/Feasibility Study ("RI/FS") at the Site wherein NYSDEC found PCE in soil and groundwater samples taken at and in the vicinity of the Site. Following the conclusion of the RI/FS, indoor air sampling was conducted in several of the buildings on-Site revealing concentrations of PCE in the indoor air ranging from 800 micrograms/cubic meter ("ug/m^3") to 5,500 ug/m^3. These levels exceeded the New York State Department of Health guidelines for PCE in indoor air which recommend that immediate action be taken for concentrations of PCE over 1000 ug/m^3 and action to be taken for concentrations over 100 ug/m^3. In December 2000, NYSDEC ordered American Drive-In Cleaners to immediately disconnect and empty the dry cleaning machines because of violations of New York State rules regulating dry cleaning

facilities. Between December 2000 and February 2001 additional air sampling was conducted at the facility. Sample results revealed PCE concentrations from 1,420 ug/m^3 to 5,370 ug/m^3. To immediately address the high PCE contamination in the indoor air, in February 2001, NYSDEC installed an SVE system to reduce PCE concentrations in the soil, and sealed openings where soil vapor could possibly enter the building. On March 30, 2001, NYSDEC issued its First Operable Unit Record of Decision for the Site which selected SVE to address contaminated soil and in-situ chemical oxidation and extraction and treatment to address contaminated groundwater.

On May 8, 2001, EPA received a written request from NYSDEC to conduct an emergency response action at the Site. While indoor air quality had improved with the installation of the NYSDEC SVE system, contaminant levels had not consistently dropped below the NYSDOH 1,000 ug/m^3 guideline. The NYSDEC's SVE system, a 50 cubic foot per minute ("CFM") system, was designed to operate on lower concentrations of contaminants and volumes of material. The system was unable to adequately reduce the level of contamination found at the Site.

On May 8, 2001, EPA began an emergency removal action at the Site. EPA installed an upgraded, more powerful, but temporary trailer mounted, 200 CFM SVE system and took certain other interim measures, such as inspecting the building foundations for cracks, and sealing them to help mitigate the threat of further air contamination. EPA subsequently replaced the temporary SVE system with a permanent system, installed additional SVE wells and six sub-slab depressurization systems, to further alleviate PCE contamination in the indoor air. EPA attempted to have the owner of the property take over the operation of the SVE and subslab systems until 6 ug/m^3 is achieved in the indoor air, 81 ug/m^3 is achieved at the intake to the subslab systems, and 810 ug/m^3 is achieved at the intake to the SVE system. The property owner refused. EPA has continued to maintain and operate the SVE and subslab systems and perform quarterly and additional monitoring as needed. Through January 2007, approximately 4003 lbs. of PCE have been removed from the soil at the Site. As of October 2006, PCE concentrations were averaging < 6 ug/m^3 in indoor air, up to 116 ug/m^3 at the intake to the subslab systems and averaging up to 2,600 ug/m^3 at the intake to the SVE system with all systems operating.

C. Funding and Performance after Transfer.

Upon transfer of the SVE and subslab systems at the Site to the State, the State shall be solely responsible for the funding of and operation and maintenance of the SVE and subslab systems. The State agrees to operate the SVE and subslab systems at least until such time as PCE reaches the following levels: 6 ug/m^3 in the indoor air, 81 ug/m^3 at the intake to the subslab systems, and 810 ug/m^3 at the intake to the SVE system.

D. Transfer of Records.

EPA will provide necessary Site-related documents, which are not already in the State's possession, to the State on or before the date of transfer. Records to be transferred in accordance with this paragraph are listed in **Appendix A** attached hereto. These records will be provided in

electronic and/or hard copy, as available.

E. EPA-Owned Property and Equipment.

EPA-owned property and equipment associated with the Removal Action at the Site is identified on the Equipment Disposition List attached hereto as **Appendix B.** All such equipment and property will be transferred to the State on or before the date of transfer. Upon such transfer, full title to all items identified on the Equipment Disposition List is granted to the State. The State is responsible for future equipment repairs, replacement and disposal, and EPA will have no further responsibility for such property or equipment. Attached as **Appendix C** is a determination by the EPA Region 2 Property Officer that all equipment and property has a negligible independent value outside of the American Drive-In Cleaners Site and therefore has no value to the United States. There will be no requirement for transfer of funds to EPA upon demolition or dismantling of the SVE or subslab systems.

In witness whereof, the parties hereto have executed this Site Transfer Agreement for transfer of responsibility of the SVE and subslab systems from EPA to New York State for the American Drive-In Cleaners Site in five (5) copies, each of which shall be deemed an original.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

William McCabe 6-15-07

George Pavlou, Director — DATE
Emergency & Remedial Response Division

FOR THE STATE OF NEW YORK

7/25/07

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

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7. Disposal Information:
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   O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, Soil Boring Report, June 8, 2005.

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- O Positive displacement rotary lobe vacuum blower, rated for up to 225 scfm at a minimum of 6" to 7" of Hg vacuum. The blower is fitted with a discharge silencer. The system motors are TEFC.
- O 80-gallon, horizontal knockout tank, designed for minimum 99% efficiency air/water separation with non-fouling moisture coalescing media. The tank is fitted with a continuous level sensor with sight tube, which controls a progressive cavity condensate transfer pump.
- O The blower influent line includes an airflow meter/totalizer, a liquid-filled vacuum gauge and a field-adjustable vacuum relief valve. Throttling and air make-up valves are included with a 10-micron particulate filter.
- O The blower effluent line includes a liquid-filled pressure gauge, a sampling port, and a temperature gauge.
- O The SVE system is skid mounted, with all integral piping, wiring, and controls included. A skid mounted, self-enclosed control panel with motor starter (NEMA 4) is provided, with a power disconnect.
- O The control system is automated and fail-safe to the extent specified below, requiring only periodic operator attention for major fault conditions and scheduled preventive maintenance: SVE separator tank pump on/off control, SVE separator tank high level alarm, low vacuum cut off, high pressure cut off and hour meter/totalizer. Any improper or fault conditions which are sensed by the monitoring devices listed above will cause the associated alarm to be activated, and the system automatically shut down.
- O The SVE blower and progressive cavity condensate transfer pump have explosion-proof rating, with NEMA 7 motors, and accessories to conform to the UL listing for hazardous/intrinsically-safe locations, designated as Class 1, Division 2, Group D.

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Electrical service connected to the operating building.

APPENDIX C

FINDINGS AND DETERMINATION
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AT THE AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE
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Findings:
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In accordance with a Site Transfer Agreement, the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York has agreed to operate the SVE and sub-slab systems until certain cleanup levels are achieved in the indoor air, at the intake to the sub-slab systems and at the intake to the SVE system. Upon completion the value of the equipment is expected to be below the salvage value.

Due to the fact that New York State will be required to replace defective or nonfunctioning equipment prior to the conclusion of the cleanup effort, and will effectively avoid significant costs of dismantling and disposing of the property, the cost avoidance from transfer of the property further justifies the basis for transfer of ownership to the State of New York.

Determination:
The substantial government investment at the American Drive-in Cleaners site is integral to the ongoing cleanup at the site. The equipment is currently fulfilling the intent of CERCLA legislation to clean up contaminated sites and protect public health. The assumption of operating responsibility by the State of New York for this clean up equipment has not rendered the equipment excess to the government. It would indeed be contrary to the interest of the

government to remove this equipment for sale and thereby jeopardize the ultimate remediation effort at the site.

When the clean up is completed, the SVE and sub-slab systems will be dismantled and removed at significant expense to the State of New York, which has agreed to bear all costs associated with the dismantling and disposal of the equipment.

Since it is my determination that the government property at the American Drive-in Cleaners site has a negligible independent value outside the specific cleanup action at the site and that the State of New York will be required to bear all expenses for the operation of the equipment for the remainder of the remediation effort under the terms of the Site Transfer Agreement, I find it is in the best interests of the government to transfer the title or ownership of said equipment to the State of New York and the associated responsibility for its maintenance, use and disposal.

Rodney O. Dorwin — 5/29/07
Date

Rodney O. Dorwin
Region 2 Property Officer
Chief, Facilities and Administrative Management Branch

PROPERTY TRANSFER AGREEMENT

Between the U.S. Environmental Protection Agency, Region II and

the New York State Department of Environmental Conservation

on behalf of the State of New York

for

AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE

CERCLIS number NYD981565666

I. Purpose

The purpose of this agreement is to effect an orderly transfer of materials and equipment consisting of the soil vapor extraction system ("SVE") and subslab depressurization systems ("subslabs") which are part of the removal action at the American Drive-In Cleaners Superfund Site ("Site"), 3801 Hempstead Turnpike, Levittown, Nassau County, New York, from the United States Environmental Protection Agency ("EPA") to the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York ("State"). It is the intention of EPA and NYSDEC that these systems continue to be operated until the cleanup levels specified in Section II.C. below are met.

II. Transfer Agreement

A. Applicability. This Transfer Agreement applies only to the American Drive-In Superfund Site.

B. Site History. The Site includes a strip mall that housed various dry-cleaning businesses from the mid-1950's through 2000. These operations resulted in the disposal of tetrachloroethylene ("PCE") at the Site. In December 1991 NYSDEC listed the Site as a Class 2 inactive hazardous waste disposal site. From 1997 through 2000, NYSDEC performed a Remedial Investigation/Feasibility Study ("RI/FS") at the Site wherein NYSDEC found PCE in soil and groundwater samples taken at and in the vicinity of the Site. Following the conclusion of the RI/FS, indoor air sampling was conducted in several of the buildings on-Site revealing concentrations of PCE in the indoor air ranging from 800 micrograms/cubic meter ("ug/m^3") to 5,500 ug/m^3. These levels exceeded the New York State Department of Health guidelines for PCE in indoor air which recommend that immediate action be taken for concentrations of PCE over 1000 ug/m^3 and action to be taken for concentrations over 100 ug/m^3. In December 2000, NYSDEC ordered American Drive-In Cleaners to immediately disconnect and empty the dry cleaning machines because of violations of New York State rules regulating dry cleaning

facilities. Between December 2000 and February 2001 additional air sampling was conducted at the facility. Sample results revealed PCE concentrations from 1,420 ug/m^3 to 5,370 ug/m^3. To immediately address the high PCE contamination in the indoor air, in February 2001, NYSDEC installed an SVE system to reduce PCE concentrations in the soil, and sealed openings where soil vapor could possibly enter the building. On March 30, 2001, NYSDEC issued its First Operable Unit Record of Decision for the Site which selected SVE to address contaminated soil and in-situ chemical oxidation and extraction and treatment to address contaminated groundwater.

On May 8, 2001, EPA received a written request from NYSDEC to conduct an emergency response action at the Site. While indoor air quality had improved with the installation of the NYSDEC SVE system, contaminant levels had not consistently dropped below the NYSDOH 1,000 ug/m^3 guideline. The NYSDEC's SVE system, a 50 cubic foot per minute ("CFM") system, was designed to operate on lower concentrations of contaminants and volumes of material. The system was unable to adequately reduce the level of contamination found at the Site.

On May 8, 2001, EPA began an emergency removal action at the Site. EPA installed an upgraded, more powerful, but temporary trailer mounted, 200 CFM SVE system and took certain other interim measures, such as inspecting the building foundations for cracks, and sealing them to help mitigate the threat of further air contamination. EPA subsequently replaced the temporary SVE system with a permanent system, installed additional SVE wells and six sub-slab depressurization systems, to further alleviate PCE contamination in the indoor air. EPA attempted to have the owner of the property take over the operation of the SVE and subslab systems until 6 ug/m^3 is achieved in the indoor air, 81 ug/m^3 is achieved at the intake to the subslab systems, and 810 ug/m^3 is achieved at the intake to the SVE system. The property owner refused. EPA has continued to maintain and operate the SVE and subslab systems and perform quarterly and additional monitoring as needed. Through January 2007, approximately 4003 lbs. of PCE have been removed from the soil at the Site. As of October 2006, PCE concentrations were averaging < 6 ug/m^3 in indoor air, up to 116 ug/m^3 at the intake to the subslab systems and averaging up to 2,600 ug/m^3 at the intake to the SVE system with all systems operating.

C. Funding and Performance after Transfer.

Upon transfer of the SVE and subslab systems at the Site to the State, the State shall be solely responsible for the funding of and operation and maintenance of the SVE and subslab systems. The State agrees to operate the SVE and subslab systems at least until such time as PCE reaches the following levels: 6 ug/m^3 in the indoor air, 81 ug/m^3 at the intake to the subslab systems, and 810 ug/m^3 at the intake to the SVE system.

D. Transfer of Records.

EPA will provide necessary Site-related documents, which are not already in the State's possession, to the State on or before the date of transfer. Records to be transferred in accordance with this paragraph are listed in **Appendix A** attached hereto. These records will be provided in

electronic and/or hard copy, as available.

E. EPA-Owned Property and Equipment.

EPA-owned property and equipment associated with the Removal Action at the Site is identified on the Equipment Disposition List attached hereto as **Appendix B.** All such equipment and property will be transferred to the State on or before the date of transfer. Upon such transfer, full title to all items identified on the Equipment Disposition List is granted to the State. The State is responsible for future equipment repairs, replacement and disposal, and EPA will have no further responsibility for such property or equipment. Attached as **Appendix C** is a determination by the EPA Region 2 Property Officer that all equipment and property has a negligible independent value outside of the American Drive-In Cleaners Site and therefore has no value to the United States. There will be no requirement for transfer of funds to EPA upon demolition or dismantling of the SVE or subslab systems.

In witness whereof, the parties hereto have executed this Site Transfer Agreement for transfer of responsibility of the SVE and subslab systems from EPA to New York State for the American Drive-In Cleaners Site in five (5) copies, each of which shall be deemed an original.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

William McCabe 6-15-07

George Pavlou, Director — DATE
Emergency & Remedial Response Division

FOR THE STATE OF NEW YORK

7/25/07

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

APPENDIX A

LIST OF SITE-RELATED RECORDS

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LIST OF SITE-RELATED RECORDS

1. American Drive-in Cleaners, Operation & Maintenance Manual, Earth Techology, - May 1, 2007.

2. American Drive-in Cleaners, Site Map, May 1, 2007 (revised).

3. American Drive-in Cleaners, SVE PCE Discharge Rates - March 2007.

4. American Drive-in Cleaners, Site Monitoring Data for the period July 2001 to May 2007.

5. American Drive-in Cleaners, Summary Analytical Data, for the period December 2001 to April 2007.

6. Quality Assurance Project Plan, American Drive-in Cleaners, May 1, 2007 (revised)

7. Disposal Information:
   - O Vapor Phase Carbon Data
   - O Sampling Plan/Quality Assurance Project Plan,

8 American Drive-in Cleaners, Health & Safety Plan, Earth Technology, May 1, 2007 (revised)

9. Sampling Reports:

   O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, Soil Boring Report, June 8, 2005.

   O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, SVE Well Installation Report, June 8, 2005.

   O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, June 8, 2005.

APPENDIX B

EQUIPMENT DISPOSITION LIST

APPENDIX B

EQUIPMENT DISPOSITION LIST

Soil Vapor Extraction System (SVE)

The SVE system is rated for 24-hour continuous operation, in an on-site shed (10 ft by 16ft. in size), with the following specifications:

- O Positive displacement rotary lobe vacuum blower, rated for up to 225 scfm at a minimum of 6" to 7" of Hg vacuum. The blower is fitted with a discharge silencer. The system motors are TEFC.
- O 80-gallon, horizontal knockout tank, designed for minimum 99% efficiency air/water separation with non-fouling moisture coalescing media. The tank is fitted with a continuous level sensor with sight tube, which controls a progressive cavity condensate transfer pump.
- O The blower influent line includes an airflow meter/totalizer, a liquid-filled vacuum gauge and a field-adjustable vacuum relief valve. Throttling and air make-up valves are included with a 10-micron particulate filter.
- O The blower effluent line includes a liquid-filled pressure gauge, a sampling port, and a temperature gauge.
- O The SVE system is skid mounted, with all integral piping, wiring, and controls included. A skid mounted, self-enclosed control panel with motor starter (NEMA 4) is provided, with a power disconnect.
- O The control system is automated and fail-safe to the extent specified below, requiring only periodic operator attention for major fault conditions and scheduled preventive maintenance: SVE separator tank pump on/off control, SVE separator tank high level alarm, low vacuum cut off, high pressure cut off and hour meter/totalizer. Any improper or fault conditions which are sensed by the monitoring devices listed above will cause the associated alarm to be activated, and the system automatically shut down.
- O The SVE blower and progressive cavity condensate transfer pump have explosion-proof rating, with NEMA 7 motors, and accessories to conform to the UL listing for hazardous/intrinsically-safe locations, designated as Class I, Division 2, Group D.

One, 2,000 lb. Vapor-Phase Granular Activated Carbon Vessel

SVE Wells 1- 7, ADC 8-11, and six sub-slab systems with independent radon blowers.
Electrical service connected to the operating building.

APPENDIX C

FINDINGS AND DETERMINATION
Disposition of U.S. Government Property at the American Drive-In Cleaners Superfund Site in Levittown, New York

FINDINGS AND DETERMINATION
DISPOSITION OF U.S. GOVERNMENT PROPERTY
AT THE AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE
ON LONG ISLAND, NEW YORK

Findings:
The American Drive-In Cleaners Superfund Site ("Site") requires additional mitigation to ensure that PCE does not intrude into the indoor air of the building on-site. The soil vapor extraction system ("SVE") and sub-slab depressurization systems installed by EPA at the Site were custom designed to mitigate the pollutants at the site thereby reducing their impact on the indoor air. The equipment purchased and installed approximately five years ago had an original acquisition value of less than $12,500 dollars. Almost all of the equipment is permanently mounted and would require disassembly of major subsystems for removal. The cost of removal would most likely exceed the remaining value of the equipment which at this point is considered to be fully depreciated. Removal of any significant part of this equipment would moreover jeopardize the effectiveness of the cleanup operation.

In accordance with a Site Transfer Agreement, the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York has agreed to operate the SVE and sub-slab systems until certain cleanup levels are achieved in the indoor air, at the intake to the sub-slab systems and at the intake to the SVE system. Upon completion the value of the equipment is expected to be below the salvage value.

Due to the fact that New York State will be required to replace defective or nonfunctioning equipment prior to the conclusion of the cleanup effort, and will effectively avoid significant costs of dismantling and disposing of the property, the cost avoidance from transfer of the property further justifies the basis for transfer of ownership to the State of New York.

Determination:
The substantial government investment at the American Drive-in Cleaners site is integral to the ongoing cleanup at the site. The equipment is currently fulfilling the intent of CERCLA legislation to clean up contaminated sites and protect public health. The assumption of operating responsibility by the State of New York for this clean up equipment has not rendered the equipment excess to the government. It would indeed be contrary to the interest of the

government to remove this equipment for sale and thereby jeopardize the ultimate remediation effort at the site.

When the clean up is completed, the SVE and sub-slab systems will be dismantled and removed at significant expense to the State of New York, which has agreed to bear all costs associated with the dismantling and disposal of the equipment.

Since it is my determination that the government property at the American Drive-in Cleaners site has a negligible independent value outside the specific cleanup action at the site and that the State of New York will be required to bear all expenses for the operation of the equipment for the remainder of the remediation effort under the terms of the Site Transfer Agreement, I find it is in the best interests of the government to transfer the title or ownership of said equipment to the State of New York and the associated responsibility for its maintenance, use and disposal.

Rodney O. Dorwin
Region 2 Property Officer
Chief, Facilities and Administrative Management Branch

5/29/07
Date

PROPERTY TRANSFER AGREEMENT

Between the U.S. Environmental Protection Agency, Region II and

the New York State Department of Environmental Conservation

on behalf of the State of New York

for

AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE

CERCLIS number NYD981565666

I. Purpose

The purpose of this agreement is to effect an orderly transfer of materials and equipment consisting of the soil vapor extraction system ("SVE") and subslab depressurization systems ("subslabs") which are part of the removal action at the American Drive-In Cleaners Superfund Site ("Site"), 3801 Hempstead Turnpike, Levittown, Nassau County, New York, from the United States Environmental Protection Agency ("EPA") to the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York ("State"). It is the intention of EPA and NYSDEC that these systems continue to be operated until the cleanup levels specified in Section II.C. below are met.

II. Transfer Agreement

A. Applicability. This Transfer Agreement applies only to the American Drive-In Superfund Site.

B. Site History. The Site includes a strip mall that housed various dry-cleaning businesses from the mid-1950's through 2000. These operations resulted in the disposal of tetrachloroethylene ("PCE") at the Site. In December 1991 NYSDEC listed the Site as a Class 2 inactive hazardous waste disposal site. From 1997 through 2000, NYSDEC performed a Remedial Investigation/Feasibility Study ("RI/FS") at the Site wherein NYSDEC found PCE in soil and groundwater samples taken at and in the vicinity of the Site. Following the conclusion of the RI/FS, indoor air sampling was conducted in several of the buildings on-Site revealing concentrations of PCE in the indoor air ranging from 800 micrograms/cubic meter ("ug/m^3") to 5,500 ug/m^3. These levels exceeded the New York State Department of Health guidelines for PCE in indoor air which recommend that immediate action be taken for concentrations of PCE over 1000 ug/m^3 and action to be taken for concentrations over 100 ug/m^3. In December 2000, NYSDEC ordered American Drive-In Cleaners to immediately disconnect and empty the dry cleaning machines because of violations of New York State rules regulating dry cleaning

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C. Funding and Performance after Transfer.

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In witness whereof, the parties hereto have executed this Site Transfer Agreement for transfer of responsibility of the SVE and subslab systems from EPA to New York State for the American Drive-In Cleaners Site in five (5) copies, each of which shall be deemed an original.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

William McCabe 6-15-07

George Pavlou, Director — DATE
Emergency & Remedial Response Division

FOR THE STATE OF NEW YORK

7/25/07

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

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7. Disposal Information:
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   O Trip Report: U.S. Environmental Response Team (ERT)/Response Engineering Analytical Contract (REAC), American Drive-in Cleaners Site, June 8, 2005.

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EQUIPMENT DISPOSITION LIST

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- O The blower influent line includes an airflow meter/totalizer, a liquid-filled vacuum gauge and a field-adjustable vacuum relief valve. Throttling and air make-up valves are included with a 10-micron particulate filter.
- O The blower effluent line includes a liquid-filled pressure gauge, a sampling port, and a temperature gauge.
- O The SVE system is skid mounted, with all integral piping, wiring, and controls included. A skid mounted, self-enclosed control panel with motor starter (NEMA 4) is provided, with a power disconnect.
- O The control system is automated and fail-safe to the extent specified below, requiring only periodic operator attention for major fault conditions and scheduled preventive maintenance: SVE separator tank pump on/off control, SVE separator tank high level alarm, low vacuum cut off, high pressure cut off and hour meter/totalizer. Any improper or fault conditions which are sensed by the monitoring devices listed above will cause the associated alarm to be activated, and the system automatically shut down.
- O The SVE blower and progressive cavity condensate transfer pump have explosion-proof rating, with NEMA 7 motors, and accessories to conform to the UL listing for hazardous/intrinsically-safe locations, designated as Class I, Division 2, Group D.

One, 2,000 lb. Vapor-Phase Granular Activated Carbon Vessel

SVE Wells 1- 7, ADC 8-11, and six sub-slab systems with independent radon blowers.
Electrical service connected to the operating building.

APPENDIX C

FINDINGS AND DETERMINATION
Disposition of U.S. Government Property at the American Drive-In Cleaners Superfund Site in Levittown, New York

FINDINGS AND DETERMINATION
DISPOSITION OF U.S. GOVERNMENT PROPERTY
AT THE AMERICAN DRIVE-IN CLEANERS SUPERFUND SITE
ON LONG ISLAND, NEW YORK

Findings:
The American Drive-In Cleaners Superfund Site ("Site") requires additional mitigation to ensure that PCE does not intrude into the indoor air of the building on-site. The soil vapor extraction system ("SVE") and sub-slab depressurization systems installed by EPA at the Site were custom designed to mitigate the pollutants at the site thereby reducing their impact on the indoor air. The equipment purchased and installed approximately five years ago had an original acquisition value of less than $12,500 dollars. Almost all of the equipment is permanently mounted and would require disassembly of major subsystems for removal. The cost of removal would most likely exceed the remaining value of the equipment which at this point is considered to be fully depreciated. Removal of any significant part of this equipment would moreover jeopardize the effectiveness of the cleanup operation.

In accordance with a Site Transfer Agreement, the New York State Department of Environmental Conservation ("NYSDEC") on behalf of the State of New York has agreed to operate the SVE and sub-slab systems until certain cleanup levels are achieved in the indoor air, at the intake to the sub-slab systems and at the intake to the SVE system. Upon completion the value of the equipment is expected to be below the salvage value.

Due to the fact that New York State will be required to replace defective or nonfunctioning equipment prior to the conclusion of the cleanup effort, and will effectively avoid significant costs of dismantling and disposing of the property, the cost avoidance from transfer of the property further justifies the basis for transfer of ownership to the State of New York.

Determination:
The substantial government investment at the American Drive-in Cleaners site is integral to the ongoing cleanup at the site. The equipment is currently fulfilling the intent of CERCLA legislation to clean up contaminated sites and protect public health. The assumption of operating responsibility by the State of New York for this clean up equipment has not rendered the equipment excess to the government. It would indeed be contrary to the interest of the

government to remove this equipment for sale and thereby jeopardize the ultimate remediation effort at the site.

When the clean up is completed, the SVE and sub-slab systems will be dismantled and removed at significant expense to the State of New York, which has agreed to bear all costs associated with the dismantling and disposal of the equipment.

Since it is my determination that the government property at the American Drive-in Cleaners site has a negligible independent value outside the specific cleanup action at the site and that the State of New York will be required to bear all expenses for the operation of the equipment for the remainder of the remediation effort under the terms of the Site Transfer Agreement, I find it is in the best interests of the government to transfer the title or ownership of said equipment to the State of New York and the associated responsibility for its maintenance, use and disposal.

Rodney O. Dorwin
Region 2 Property Officer
Chief, Facilities and Administrative Management Branch

5/29/07
Date