

**ENVIRONMENTAL PROGRAM FACT SHEET
FOR THE SITE LOCATED AT
425 MERRICK AVENUE
NYSDEC SITE ID #130061
WESTBURY, NEW YORK
JULY 1997**

INTRODUCTION

Under the approval and oversight of the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH), Meadowbrook Management & Realty Corp. (MMRC), General Applied Science Laboratories, Inc. (GASL), and New York University (NYU), collectively referred to as the potentially responsible parties (PRPs), are conducting an environmental study at the Site Located at 425 Merrick Avenue in Westbury, New York (see the attached Site Map). This site is listed on the New York State Registry of Inactive Hazardous Waste Sites with a Class 2 designation. Such sites require further investigation and possible remediation to eliminate any potential long-term threats to human health and the environment. The PRPs are conducting a site investigation and interim remedial measure (IRM) at the site.

SITE HISTORY

Prior to 1939, the property was reportedly the location of a country club. Since that time, the site has been used for commercial purposes. These include laboratory and research and development (R&D) for the aerospace industry and various governmental agencies. The site has been vacant since 1989.

In 1991 during a waste characterization and preliminary site investigation, polychlorinated biphenols (PCBs) were detected in onsite soils above the New York State Department of Environmental Conservation (NYSDEC) Recommended Soil Cleanup Objectives (NYSDEC 1994). In March 1997, the PRPs signed a Consent Order with the State of New York, in which the parties involved agreed to implement the IRM and perform additional environmental testing. The locations in which PCB contamination had been detected will be removed as part of an IRM. An IRM is a discrete set of activities to address both emergency and non-emergency site conditions to prevent, mitigate, or remedy environmental damage or the consequences of environmental damage attributable to the site. Additional environmental testing of soil and groundwater will be conducted throughout the Site in a number of potential areas of concern identified during previous investigations at the Site.

The NYSDEC has approved a work plan, including a plan for full citizen participation, for the IRM and site investigation. The work plan is available for public information at information repositories (see below). The IRM will include excavating soils contaminated with PCBs and concrete containment vessels, where present. Soil

sampling will be performed following the excavation of impacted soils and concrete to ensure that the underlying soil is clean. The excavated soil and concrete will be shipped to an off-site disposal facility approved by the NYSDEC. Site investigation activities will include the collection of surface and subsurface soil samples and groundwater samples for laboratory analysis. The excavation plans will include a health and safety plan that will prevent exposures to the surrounding community. The site investigation will determine the nature and extent of additional environmental impacts at the site, if any. Geraghty & Miller, Inc., an environmental consulting firm located in Melville, New York, will supervise the work under NYSEC direction. The IRM and site investigation have begun on Monday July 21, 1997.

CITIZEN PARTICIPATION

Included in the work plan is a Citizen Participation Plan which outlines how the public will be kept informed of and can provide input into the progress of the work at the Site. In addition to the current fact sheet, a fact sheet will be disseminated at the completion of the project.

Public Information Repositories

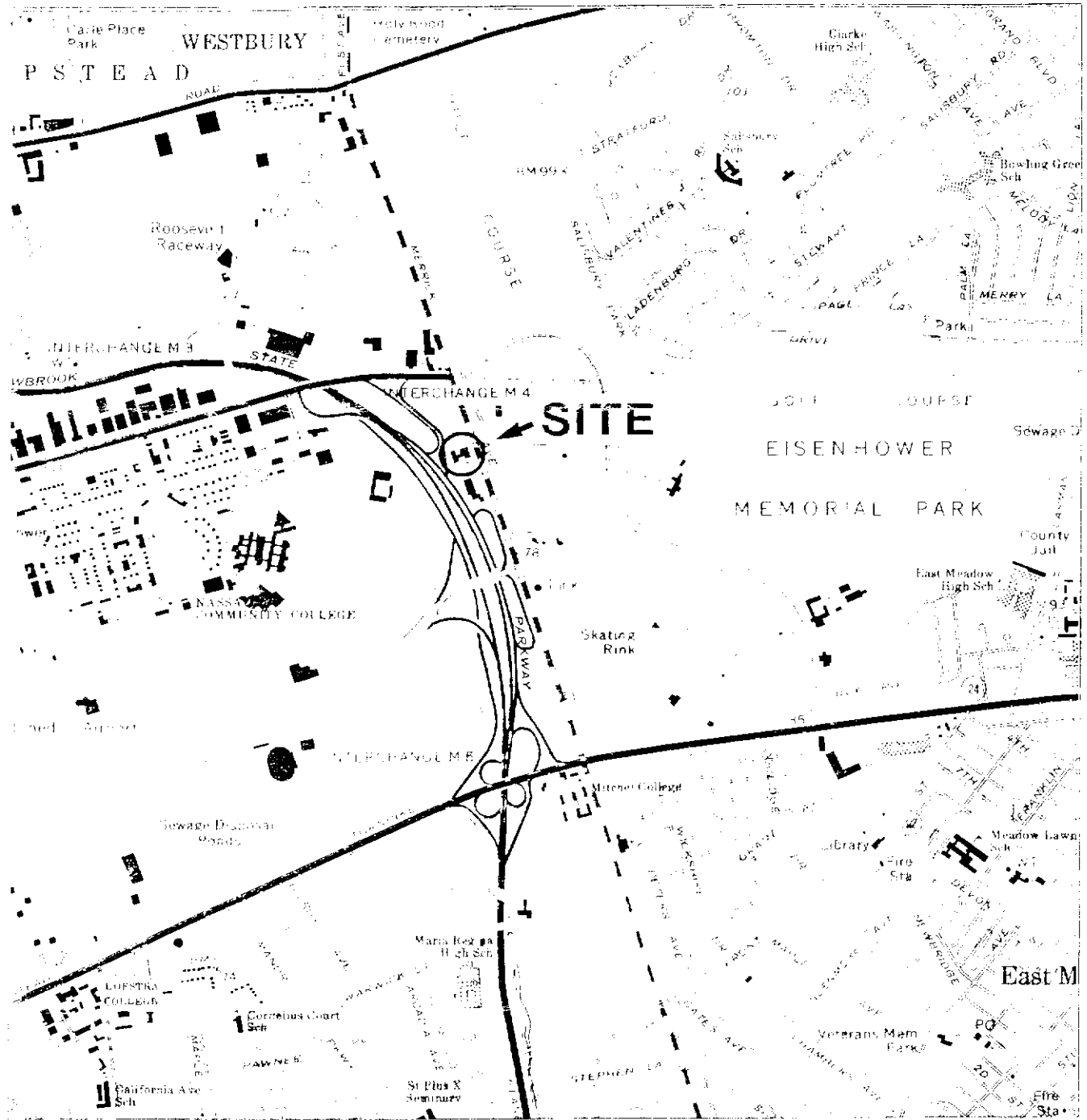
Public information repositories are places where people can go to read the relevant public documents associated with a site. The work plan and other project materials have been placed in the following information repositories:

- East Meadow Public Library
1886 Front Street
East Meadow, New York 11554
(516) 794-2570
Hours: M-F 9-9,
Sat. 9-5 (fall, winter, & spring)/ 9-1 (summer),
Sun. 1-5 (fall, winter & spring)/closed for summer.
- NYSDEC, Region 1
Hazardous Waste Remediation Unit
Building 40, State University of New York
Stony Brook, New York 11790-2356
(516) 444-0249
Hours: M-F 8:30-4:45

Any Questions?

Please call or write any of the following individuals if you have any questions or would like additional information about the environmental program for the Site located at 425 Merrick Avenue in Westbury, New York.

- Girish Desai, Project Manager, (516) 444-0243; or
Joshua Epstein, Citizen Participation Specialist, (516) 444-0249;
NYSDEC, Region 1
Bldg. 40, State University of New York
Stony Brook, New York 11790-2356
- Nina Knapp
New York State Department of Health
Health Liason Program
2 University Place, Room 240
Albany, New York 12203
1-800-458-1158 (Ext. 402)



Source: Aerial Photo, D-1365, Quadrangle, 1972

0 2000 FT



QUADRANGLE LOCATION



**GERAGHTY
& MILLER, INC.**
Environmental Services
A Heidemij Company

SITE LOCATION
425 MERRICK AVENUE
WESTBURY, NEW YORK

FIGURE

1-1



GEORGE E. PATAKI
GOVERNOR

JOHN P. CAHILL
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

The Honorable Gregory P. Peterson
Supervisor
Town of Hempstead
1 Washington Street
Hempstead, New York 11550-4923

AUG 11 1997

Dear Supervisor Peterson:

This responds to your June 18, 1997, letter regarding the status of the buildings located at 425 Merrick Avenue, Westbury, New York. These buildings and the associated property is listed as the "425 Merrick Avenue Site" (site number 130061) in the Registry of Inactive Hazardous Waste Disposal Sites in New York State and designated as a classification "2." A classification "2" indicates that hazardous waste disposal at the site poses a significant threat to the public health or environment - action is required.

This letter will serve to correct the record and set forth the current remedial schedule for the referenced site.

Over the years, several entities owned and/or operated the site. A portion of the site was operated by New York University (NYU) as a research facility. After NYU vacated the facility in 1990, the property owner properly disposed of the containerized waste. A follow-up investigation of stained soils revealed significant contamination by PCBs and 1,2-dichlorobenzene.

On March 31, 1997, the Department issued an Order on Consent which obligates Respondents, NYU, Meadowbrook Management & Realty Corp., and General Applied Science Laboratories, Inc., to implement an Interim Remedial Measure (IRM) Program for the site. The IRM Work Plan was concurrently approved with the Department's execution of the Order. The IRM Work Plan includes a Health and Safety Plan to address community health and safety and the potential physical and chemical hazards that workers may face while performing the planned site investigation and IRM activities at this site. This Health and Safety Plan has been developed to meet the requirements of the Occupational Safety and Health Administration (OSHA) regulations. The work on the site began on July 21, 1997. A schedule for implementing the work required under the Order is enclosed. The Department is making a concerted effort to have the Respondents quickly clean up this site.

The Department's staff from the Region 1 and Eastern Field Unit offices have promptly responded to all questions/concerns raised by Mr. Vincent Ferdico of the Town of Hempstead Department of Building, the Nassau County Police, and other governmental and citizen concerns. In October 1996, the attorneys for the Respondents were notified about site liability issues. The initial telephone contact was followed by a letter from the Department's case

attorney dated October 24, 1996 (enclosed). Included as an enclosure to that letter was all of the information regarding the proper method for securely boarding-up a building which was provided by Mr. Ferdico.

As part of the IRM and site investigation, the consultant hired by the Respondents will conduct a survey of the interior of the buildings to determine whether any potentially hazardous materials are present, locate any interior floor drains and ascertain the existence of unknown supply wells. The consultant will be monitoring the air and use all appropriate personal protective equipment required by OSHA for this type of survey.

In a conversation between staff and Mr. Ferdico on March 24, 1997, Mr. Ferdico was informed of the up-coming survey and told that he could coordinate a site visit at that time. This conversation was confirmed by letter of March 25, 1997 (enclosed). Representatives of the Town's Building Department can conduct a site visit during the survey or at any time as long as they comply with OSHA regulations.

The Department's case attorney has spoken to Barry S. Cohen, Esq., attorney for the site owner. Mr. Cohen informed the Department that his client has no intention to demolish the buildings and that no condemnation proceeding has been initiated by the Town. The Department's staff suggested to Mr. Ferdico that an attorney from the Town of Hempstead contact the Department's case attorney regarding legal issues.

On June 26, 1997, Edward F. Devine, chief of the Eastern Field Unit, placed a telephone call to Deputy Town Attorney Susan Jacobs. Mr. Devine, a former town attorney who is well versed in municipal issues and sensitive to your town's concerns, took the opportunity to explain the inactive hazardous waste disposal site remediation program to Ms. Jacobs. Mr. Devine also faxed relevant information to Ms. Jacobs concerning the implementation of the work that is scheduled to begin at the site this month.

I trust that this letter provides you with information and a sense of urgency with which the Department views all inactive hazardous waste disposal sites. The Department's local representatives at the Regional Office will continue to provide updates to the Town of Hempstead regarding the progress of the site investigation and IRM for this site. The Department will continue to work towards the completion of the site's remediation and it looks forward to the day that the site is returned to productive economic use.

If you would like to discuss this matter further, please contact either the Regional Director, Ray E. Cowen, P.E. at (516) 444-0345 or Mr. Devine at (914) 332-1835 ext. 318.

Sincerely,



John P. Cahill

sures

Barry S. Cohen, Esq.
Edward F. Devine, Esq., Tarrytown

Figure 5-1. Schedule of Site Investigation and Interim Remedial Measures to be Implemented at the Site Located at 425 Merrick Avenue, Westbury, New York.



New York State Department of Environmental Conservation
 Division of Environmental Enforcement
 200 White Plains Road - 5th Floor
 Tarrytown, N.Y. 10591-5805
 Telephone: (914) 232-1835



Michael D. Zagata
 Commissioner

October 24, 1996
 By fax and U.S. Mail

Barry S. Cohen, Esq.
 McMillan, Rather, Bennett & Rigano, P.C.
 395 North Service Road
 Melville, New York 11747

Michael J. Tone, Esq.
 Nixon, Hargrave, Devans & Doyle
 990 Stewart Avenue
 Garden City, New York 11530

José N. Uranga, Esq.
 Aerojet - General Corporation
 P.O. Box 13222
 Sacramento, California 95670

Re: Site Security
 NYU Labs, Site # 1-30-061

Dear Messrs. Cohen, Tone and Uranga:

Recently I have spoken to each of you individually regarding the need for adequate security at the now vacant NYU Labs Site to prevent trespassers from entering the Site. As I informed you, the Department has received several calls on this issue including calls from Assemblyman Michael Balboni's office, the Town of Hempstead Department of Buildings, Nassau County Police - Third Precinct, concerned citizens and environmental groups. The problem with trespassers is an on-going problem, and yet, there seems to be some reluctance on the part of your clients to incur the costs necessarily related to providing adequate security.

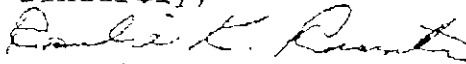
Although some of the incidents of trespassing have involved minors, the six arrests made earlier this month by Nassau County Police involved adults. Based on interviews of these individuals, Nassau County Police have reason to believe that the six arrestees are members of a much larger group which practices satanic rites. Because the building is vacant and the Site is in a rather isolated location, it is apparent that if security is not provided the problem will continue.

The Site is a listed class 2 which indicates that the Site poses a significant threat to human health or the environment. In addition to the potential for human exposure to hazardous wastes, Mr. Vincent Ferdico, Assistant Supervisor of Inspection

Services for the Town of Hempstead Department of Buildings has informed me that the conditions inside the building are unsafe. Your clients are joint and severally liable for the investigation and remediation of the Site and the maintenance of Site security until such time as the remediation is completed.

I am hopeful that your clients will cooperatively resolve this problem. If your clients do not expeditiously address the need for Site security, the Department will use all means at its command to make the Site secure and insure the public safety.

Sincerely,


Rosalie K. Rusinko
Senior Attorney

Enclosures.

cc: G. Desai, Reg. 1

COUNCIL MEMBERS
 RICHARD V. GUARDINO, JR.
 PATRICK A. ZAGARINO
 JOSEPH J. KEARNEY
 CURTIS E. FISHER
 ANTHONY J. SANTINO
 JOSEPH J. RA
 DANIEL M. FISHER, JR.
 TOWN CLERK
 ANGIE M. COLLIN
 RECEIVER OF TAXES
 JOSEPH NOCELLA
 COMMISSIONER

TOWN OF HEMPSTEAD
 DEPARTMENT
 OF
 BUILDINGS

1 WASHINGTON STREET, HEMPSTEAD, N.Y. 11520-4823
 (516) 489-2000
 FAX (516) 489-1573

PAGE 002



GREGORY A. PETERSON
 SUPERVISOR

October 4, 1996

Mr. Irving Anton
 Meadowbrook Management & Realty Co.
 80 Seaview Boulevard
 Port Washington, N.Y. 11050

Re: 425 Merrick Avenue, East Meadow

Dear Mr. Anton:

As per our phone conversation today, enclosed please find a photo copy of Bud specifications showing the proper way your building should be boarded.

Mr. Girish DeSai from the E.P.A. told me today by phone that he will talk to his legal department, but he sees no problem with the restoration of the existing buildings or the demolition of these buildings providing that any toxic waste materials in the buildings be removed and their removal is satisfied with their agency.

Mr. DeSai said, "There is an ongoing problem with soil contamination and this soil contamination must be cleared before a new building is permitted on this location."

Meanwhile, this building and grounds must be secured and cleared of scattered debris and the grounds fenced to meet the Building Department requirements within ten (10) days of this letter or the Town of Hempstead will commence with a Chapter 90 procedure by properly boarding up these buildings, and the cost of this procedure will be put on a Tax Lien.

On October 2, 1996, I made an inspection with Police Department Detective Wayne Atkins, and while walking around the building, to avoid Detective Atkins stepping on a nail sticking out of piles of wood, I struck my head on an electrical fixture hanging from a pipe, causing me to fall down, bleed and go home with a severe headache.

Very truly yours,

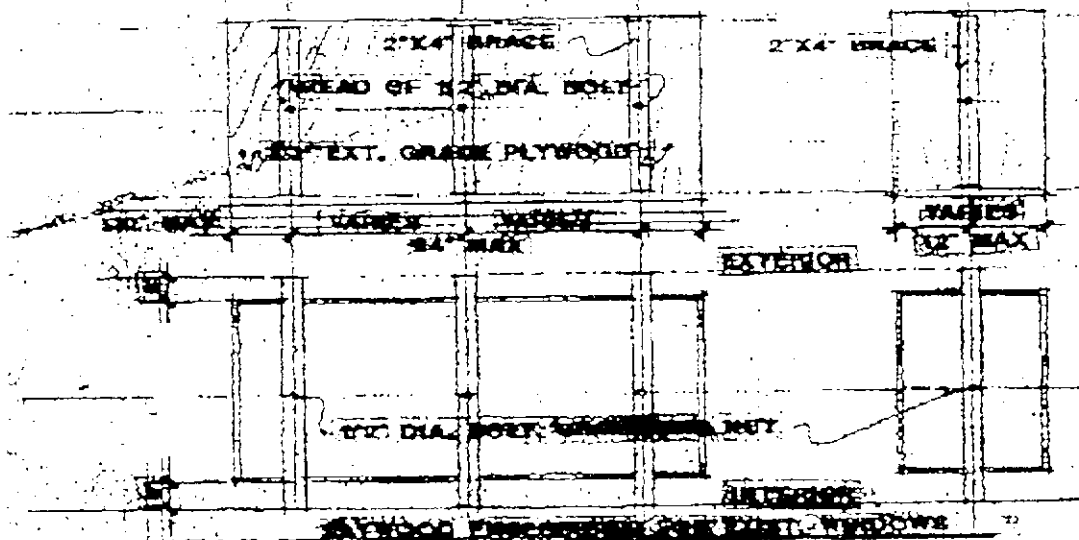
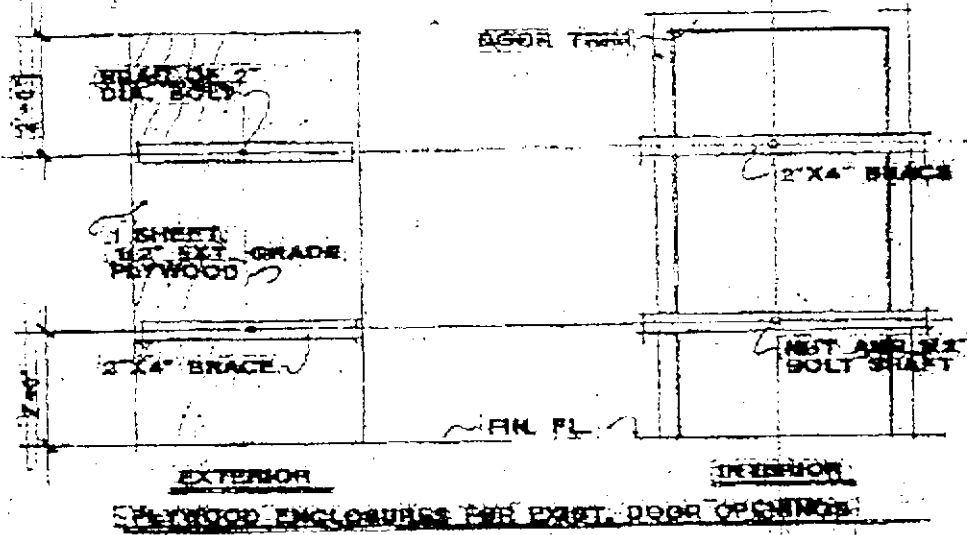
Vincent Perdicco
 Vincent Perdicco

Assistant Supervisor of Inspection Serv.

VP/eg
 enclosure

Letter faxed & regular mail 625 8504 (fax no.)

PAGE 023



NOTE: DIMENSIONS AND MATERIALS ARE APPROXIMATE.
 DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 ALL MATERIALS ARE TO BE FASTENED TO EXISTING CONCRETE OR MASONRY.

** TOTAL: 000.000 **

JOSEPH NOCELLA
COMMISSIONER

TC N OF HEMPSTEAD
DEPARTMENT
OF
BUILDINGS

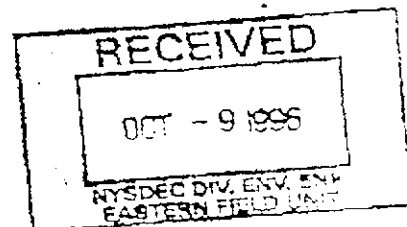
1 WASHINGTON STREET, HEMPSTEAD, N.Y. 11550-4913
(516) 480-6000
FAX# (516) 483-1873



GREGORY P. PETERSON
SUPERVISOR

October 7, 1996

Rosalie Rusinko, Atty.
N.Y.S. Dept. of Environmental Conservation
Division of Environmental Enforcement
200 White Plains Road
5th Floor
Tarrytown, N.Y. 10591



Subject: 425 Merrick Avenue, East Meadow, N.Y. 11554

Dear Ms. Rusinko:

On Friday, October 4, 1996, I faxed a copy of a letter addressed to the owner of the above address, Irving Anton, along with a spec sheet of HUD approved boarding procedure. If you did not receive this fax, please call and I will send another.

This morning I called Inspector Tully of the Third Precinct asking him to send a copy of the police report of the two arrests his department made last week, to your office and mine.

Inspector Tully was not at his desk, but I did leave a detailed message with a Mrs. Franzen of his office, 516 573 6344, with a message to fax these reports out to us as soon as possible.

Please feel free to contact me with any new or helpful information in reference to the above address.

I have also enclosed a copy of an inter-office complaint form from the Town of Hempstead Public Safety Dept. to our Building Department.

Very truly yours,

Vincent Ferrico *Page 2 of 2*
Assistant Supervisor of Inspection Services

4/25

6002

10-10 P.07

BUILDING DEPARTMENT COMPLAINT FORM

4-1111

TO (SECTION): Zone GRECEIVED BY: RJRDATE: 10/1/96

TIME: _____

PHONE

WALK-IN

NAME OF COMPLAINANT: PUBLIC SAFETY - T.O.H.ADDRESS: 201 PENINSULA BOULEVARDTOWN: HEMPSTEADPHONE: 538-1900 X204

NAME OF VIOLATOR:

MEADOWBROOK REALTY 80 SEAVIEW BLVD
PORT WASHINGTON

ADDRESS OF VIOLATOR:

425 MERRICK AVENUE, WESTBURY

TOWN:

HEMPSTEAD - (SOUTH OF 800-FLOWERS BUILDING)

DESCRIPTION OF VIOLATION:

VACANT DANGEROUS BUILDING
BEING USED FOR SATANIC RITES. CULTTYPE ACTIVITY AS PER THIRD PT. NCEDP.O. BRUNO DELLAPINA 573-6370FORMERLY ANTONIO FERRIE LABORATORIESSup. Donald J. Loran

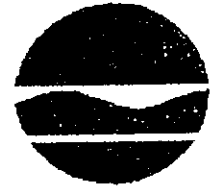
CONDITIONAL REPORT (OPENED CASE#): _____

INSPECTOR

SUPERVISOR

0-1 Complaint

New York State Department of Environmental Conservation
Building 40 - SUNY, Stony Brook, New York 11790-2356
Telephone: (516) 444-0375
Facsimile: (516) 444-0231



March 25, 1997

John P. Cahill
Acting Commissioner

Mr. Vince Ferdico
Assistant Supervisor of Inspection Services
Town of Hempstead Building Department
1 Washington St.
Hempstead, NY 11550

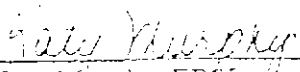
Dear Mr. Ferdico:

As per our telephone conversation yesterday, this letter is to confirm that I will not be going through the former NYU Labs building at 425 Merrick Avenue, Westbury.

As part of the proposed Interim Remedial Measure (IRM), the consulting firm of Geraghty & Miller, Inc. will conduct a survey of the building on site to determine the presence of any floor drains, potentially hazardous materials, unknown supply wells, etc. They will be monitoring the air and have all appropriate personal protective equipment they need for this survey.

If you have any questions or want to coordinate a site visit, contact Girish Desai at 444-0405

Sincerely,


Katy Murphy, EPSI
Division of Solid & Hazardous Materials

cc. G. Desai, DER
File

bcc: Commissioner
R.Cowen
M. O'Toole
R. Becherer
R. Marino
G. Desai
R. Rusinko

9793399

GREGORY P. PETERSON
SUPERVISOR

7-12-319
6130



WC
SG

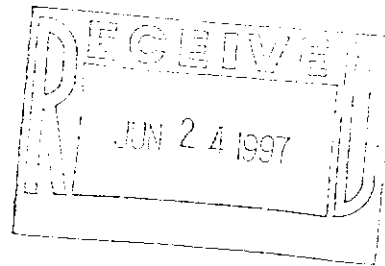
R Cowen
Horn
G Donohue

OFFICE OF THE SUPERVISOR
TOWN OF HEMPSTEAD
1 WASHINGTON STREET, HEMPSTEAD, N.Y. 11550-4923
(516) 489-5000

2 C. Toole
Sternman

June 18, 1997

Mr. John P. Cahill
Acting Commissioner
New York State Department of
Environmental Conservation
Executive Offices
South Wolf Road
Albany, New York 12233



Dear Commissioner Cahill:

I am writing in regard to the status of a building located at 425 Merrick Avenue, East Meadow, Long Island, New York. The location is the former home of a New York University laboratory and is now abandoned. The building is dilapidated and the property is overgrown with vegetation and strewn with debris.

It is my understanding that the New York State Department of Environmental Conservation (NYSDEC) has listed this location on its Registry of Inactive Hazardous Waste Sites (SITE # 1-52-038) -- a designation that does not allow the town, or the current owner, to demolish the structure until a survey and inspection are completed to determine the degree of contamination and assess the area's clean-up needs.

Since early 1996, the Town of Hempstead has made every effort to resolve this matter with the NYSDEC to no avail. In numerous letters and phone calls, officials from the town's Building Department have tried, unsuccessfully to get the NYSDEC to inspect the site and provide the necessary guidance and leadership to implement a clean-up plan and allow the town to demolish the structure.

Additionally, it is my understanding that during these communications, the NYSDEC originally agreed to a site visit and then backed out, preferring that a private contractor complete the review, a review which still has not taken place. These delays are only adding to the annoyance of the local community, and hampering the town's efforts to be responsive.

You should also be aware that, in addition to its close proximity to a residential community, the site is adjacent to Eisenhower Park and Mitchell Field, areas that will be hosting major events for the 1998 Goodwill Games. Certainly you would agree that this eyesore

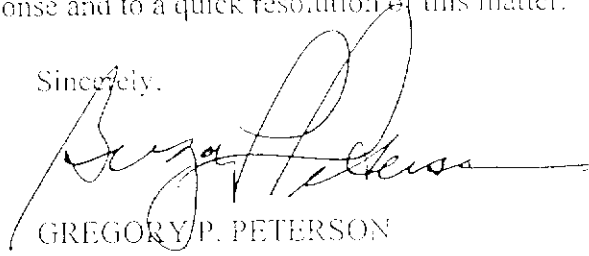
Mr. John P. Cahill
June 18, 1997
Page 2

is not only a blight on the community, but would be a sad representation to the world of the conditions on Long Island and in the State of New York.

Mr. Cahill, the clean-up and removal of this building is long overdue and, therefore, I am requesting that you and your staff at the NYSDEC act quickly and decisively to help us in resolving this matter for the betterment of the community.

I look forward to your prompt response and to a quick resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory P. Peterson", with a long horizontal flourish extending to the right.

GREGORY P. PETERSON
Supervisor

2nd time around Ray
COMMISSIONER/CORRESPONDENCE CONTROL SYSTEM *re-wrote ltr.*
APPROVAL SHEET FOR USE WITH E-MAIL SYSTEM

CONTROL NUMBER: 9793399
CORRESPONDENT'S NAME: Peterson, Gregory
DUE DATE: 07/10/97
FILE NAME: 9793399
SUBJECT: 425 Merick Avenue
PREPARED BY: Bob Becherer/Girish Desai:ic 07/10/97
REGION/DIVISION/LOCATION: REGION ONE/DIVISION OF ENVIRONMENTAL
REMEDATION STONY BROOK

APPROVED BY: INITIAL/DATE

B. BECHERER JC for B. Becherer 7/11/97

G. DESAI GD 7/11/97

ROSA COLOMBA RJC 7/14/97

RAY E. COWEN REC 7/14/97 *REC*

~~M. O'TOOLE~~

M. Sullivan

ADDITIONAL APPROVALS NEEDED: INITIAL/DATE CHECK FOR A
BC*

M. O'TOOLE

M/ 7/30/97 ☐

D. STERMAN A2365

DS 7/31/97 ☐

F. BIFERA

FBS 8-4-97 ☐

STEVE BOBARAKIS Q3370

SB ☒

G. DONOHUE (LEGISLATIVE)

GD ☐

L. FRICK

LF ☐

* Please note: If left unchecked, you will no longer receive a standard bc!

ARE SUPPORTING DOCUMENTS BEING FORWARDED?

(If yes, describe briefly and indicate whether via fax or mail)

YES. Site Security corres. 10/24/96, IRM corres. 3/25/97, and Sch. of Site Investigation.
VIA FAX

SUGGESTED ADDITIONAL (NON-STANDARD) BC'S:

B. Becherer

R. E. Cowen

Michael O'Toole

R. Marino

G. Desai

R. Rusinko

TRANSMITTED BY: Diane Radke

DATE: 7/16/97

Changes done & draft resent 7/29/97