FARRELLFRITZ
ATTORNEYS

Charlotte Biblow
Partner

Direct Dial: 516.227.0686
Direct Fax: 516.336.2266
cbiblow@farrellfritz.com

1320 RXR Plaza
Uniondale, NY 11556
www.farrellfritz.com

Our File No.
12183-101

April 2, 2014

Via Federal Express
Kelly Lewandowski, Esq.
New York State Department of Environmental Conservation
Bureau of Technical Support
Site Control Section
625 Broadway, 11th Floor
Albany NY 12233-7020

Re: Delisting/Reclassification Petition
Site # 1-30-070

Dear Ms. Lewandowski:

We represent Citizens Development Company, the owner of the above-referenced site, located at 47 Northern Boulevard, Great Neck, NY. The site is currently listed as a Class 2 site on the State Registry. Enclosed you will find our petition to delist or reclassify the site, which includes an affidavit from the owner, attesting to the basis for the requested relief. As explained in the petition and affidavit, as a result of investigations and remedial activities conducted by the owner and the recent recording of the required environmental easement, the Site no longer presents a significant threat to public health or to the environment and should be delisted from or reclassified on the Registry.

I am available to answer any questions you may have about this petition.

Thank you.

Very truly yours,

Charlotte Biblow

Charlotte Biblow

Enclosure

cc: Sal Panico (with enclosure)
Eric Weinstock (with enclosure)
Rosalie Rusinko, Esq. (with enclosure)(via FedEx)
Jamie Ascher (with enclosure)(via FedEx)

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Delisting and/or Reclassification of the site known as the Citizens Development Company Site, located at 47 Northern Boulevard, Great Neck, County of Nassau, New York pursuant to Environmental Conservation Law Article 27, Title 13 and 6 NYCRR § 375-2.7 by

Citizens Development Company,

Petitioner.

Verified Petition

Site No. 1-30-070

Petitioner, Citizens Development Company, by its attorneys, Farrell Fritz, P.C., as and for its verified petition, pursuant to Environmental Conservation Law (ECL) § 27-1305 and 6 NYCRR § 375-2.7(e) and (f), seeking to delist and/or reclassify the site known as the Citizens Development Company Site, located at 47 Northern Boulevard, Great Neck, County of Nassau, New York, (the "Site") alleges as follows:

1. Petitioner is the owner of the Site.

2. The Site is currently on the Registry of Inactive Hazardous Waste Disposal Sites, (the "Registry"), maintained by the State of New York as a Class 2 site. It was listed on the Registry on April 12, 1993.

3. A Class 2 site is a site where the presence of hazardous waste presents a significant threat to the public health or to the environment. See ECL 27-1305; 6 NYCRR § 375-2.7.

4. As a result of investigations and remedial activities conducted by Petitioner, as detailed below, the Site no longer presents a significant threat to the public health or to the environment and should be delisted from or reclassified on the Registry. See ECL 27-1305(c); 6 NYCRR § 375-2.7(e) and (f).

5. The history of the Site is as follows.

6. Cleanland Drive-In Cleaners, ("Cleanland"), occupied the Site from approximately 1960 to 1976. Cleanland stored and used tetrachloroethene, ("PCE"), at the Site. It is believed that Cleanland intermittently stored PCE saturated filter media on the unpaved rear yard. In 1976, the facility burned down.

7. After the facility was rebuilt, it has been occupied by a commercial florist, and various other tenants, none of which were or are associated with the use or discharge of hazardous wastes.

8. The Nassau County Department of Health, ("NCDOH"), took soil samples in 1983 and 1984 from the rear yard of the facility, which were found to contain elevated levels of PCE.

9. In April 1984, Petitioner installed a groundwater monitoring well at the Site and collected and analyzed soil samples. PCE levels in the soil were observed to decrease with depth. The groundwater samples contained elevated levels of PCE.

10. Petitioner removed approximately 75 cubic yards of contaminated soils from the rear yard in December 1984 and properly disposed of it at a permitted facility.

11. In January 1985, Petitioner installed three additional on-site groundwater monitoring wells and all four wells were sampled and found to contain elevated levels of PCE. Petitioner also installed four off-site groundwater monitoring wells.

12. The sampling and remedial work conducted by Petitioner, described above, was overseen by the NCDOH.

13. Petitioner installed and operated a groundwater extraction system and treatment system at the Site, which operated between 1986 and 1990, and was done with

NYSDEC oversight. Groundwater samples taken in 1989 showed that PCE levels were decreasing.

14. Petitioner took additional soil and groundwater samples at the Site between 1990 and 1993. An upgradient groundwater monitoring well was installed in 1990. Low levels of volatile organic compounds (VOCs) were detected upgradient of the Site. Additional groundwater monitoring wells were installed at the Site at this time. Exterior dry wells were sampled and were found to contain levels of VOCs including PCE that were either non-detectable or were below the applicable clean up guidance levels.

15. The Site was listed on the Registry as a Class 2 Site on April 12, 1993.

16. Also in April 1993, soil samples from an interior floor sump were found to contain elevated levels of PCE.

17. In 1994, Petitioner entered into a consent order with the NYSDEC for the Site. A copy of the consent order is attached as Exhibit A.

18. Following listing on the Registry, the NYSDEC approved an interim remedial measure, ("IRM"), which included excavating contaminated soil from the interior floor sump and installation and operation of a soil vapor extraction system, ("SVE"). Petitioner implemented the IRM work, which was overseen and approved by the NYSDEC in 1996.

19. In 1997, Petitioner conducted a remedial investigation, ("RI"), for Operable Unit 1, ("OU-1"), which included sampling 15 groundwater monitoring wells.

20. In 1998, the Record of Decision, ("ROD"), for OU-1 was issued by the NYSDEC. The remedy selected by the NYSDEC in the ROD for OU-1 was no further

action with continued annual groundwater monitoring for a period of at least three years. A copy of the OU-1 ROD is attached as Exhibit B.

21. In 1999, Petitioner began implementing a RI for Operable Unit 2, ("OU-2"). It initially focused on groundwater but was later expanded.

22. Petitioner also conducted other activities as part of the work associated with OU-2. These included, among other things, 29 indoor air samples, 6 outdoor samples, a soil gas survey in the rear yard, 15 post-excavation subsurface soil samples, 6 groundwater samples in the Upper Glacial Aquifer, construction and sampling of 3 deep groundwater monitoring wells and sampling the existing 12 groundwater monitoring wells.

23. Petitioner commenced conducting indoor air sampling in 2002. Petitioner made enhancements to the SVE during the RI for OU-2 which significantly decreased indoor air levels at the Site.

24. In 2002, Petitioner installed a sub-slab depressurization system, ("SSDS"), under the basement floor. The SSDS was aimed at controlling migration of soil vapor into the building from under the slab.

25. In 2004, Petitioner excavated 77 tons of contaminated soil from the rear yard and disposed of this material at a permitted facility. It also installed another SVE at the base of the excavation, which was aimed at remediating residual soil contamination.

26. Petitioner conducted in-situ treatment of groundwater commencing in 2004 via injections of sodium permanganate, which resulted in significant reductions in PCE levels. Petitioner conducted additional injections in 2005. The last in-situ injections were applied in 2006.

27. Based on the results of water samples collected from downgradient groundwater monitoring wells following the permanganate injections, the NYSDEC determined that this remedial effort was successful and discontinued the requirement for groundwater sampling in 2011.

28. As a result of the activities at the Site, in 2006, the NYSDEC issued a ROD for OU-2, in which the selected remedy required no further action with continued operation of the SVE systems and additional groundwater treatment via permanganate injections, as needed. The NYSDEC determined that this remedy would be protective of human health and the environment in the OU-2 ROD. A copy of the OU-2 ROD is attached as Exhibit C.

29. In May 2011, the NYSDEC concurred that the SVE in the rear yard operating since 2005, could be turned off and converted to a sub-slab depressurization system, ("SSDS"). Petitioner completed the conversion to the SSDS in July 2011.

30. There are two engineering controls at the Site, which are composed of the two SSDS. The first SSDS was installed by Petitioner in 2002 under the basement floor and consists of a low vacuum SSDS fan that exhausts soil vapor at a rate of approximately 150 cfm. The second SSDS is connected to the horizontal and vertical vents that were installed for the SVE system. As noted above, this conversion was completed in July 2011.

31. As required by NYSDEC, Petitioner implemented an institutional control in the form of an environmental easement which was recorded in the Nassau County Clerk's office in January 2014. A copy of the recorded easement is attached as Exhibit D.

The environmental easement restricts the use of the Site to commercial or industrial uses. It also does not allow the groundwater to be used for potable or industrial purposes.

32. Petitioner has complied with the requirements in the RODs for OU-1 and OU-2, has conducted the post-ROD testing and has submitted required periodic reports. It has also complied and continues to comply with the engineering controls and the site management plan. It has also recorded the required institutional control, by recording the environmental easement.

33. Since the remedial activities at the Site have eliminated the significant threat to the public health and the environment, the Site should be delisted and/or reclassified on the Registry.

WHEREFORE, Petitioner Citizens Development Company hereby requests that the New York State Department of Environmental Conservation delist the Site from the Registry or reclassify the Site.

Dated: Uniondale, New York
March 31, 2014

FARRELL FRITZ, P.C.

By: Charlotte Biblow

Charlotte A. Biblow, Esq.
Attorneys for Petitioner
1320 RXR Plaza
Uniondale, New York 11556
(516) 227-0700

VERIFICATION

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

I, Sal Panico, being duly sworn, says:

I am a member of Citizens Development Company General Partners, LLC, the general partner of Citizens Development Company, the Petitioner in the within proceeding; I have read the foregoing Verified Petition and know the contents thereof, and the same is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

Sal Panico

Sworn to before me this
31st day of March, 2014.

Notary Public

ANTHONY J. COLLETTI
Notary Public, State of New York
No. 01CO4797958
Qualified in Queens County
Commission Expires September 30,2017

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Delisting and/or Reclassification of the site known as the Citizens Development Company Site, located at 47 Northern Boulevard, Great Neck, County of Nassau, New York pursuant to Environmental Conservation Law Article 27, Title 13 and 6 NYCRR § 375-2.7 by

Citizens Development Company

Petitioner.

AFFIDAVIT IN SUPPORT OF THE VERIFIED PETITION

Site No. 1-30-070

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

Sal Panico, being duly sworn, deposes and states the following, under penalty of perjury.

1. I am a member of Citizens Development Company General Partners, LLC, the general partner of Citizens Development Company, the Petitioner.

2. I am fully familiar with the facts and circumstances set forth in this affidavit form my personal knowledge, my discussions with employees and consultants of Petitioner and its affiliated entities and from my review of the books and records of Petitioner.

3. I submit this affidavit in support of Petitioner's request to delist and/or reclassify the site known as the Citizens Development Company Site, located at 47 Northern Boulevard, Great Neck, County of Nassau, New York, (the "Site") from the Registry of Inactive Hazardous Waste Disposal Sites, (the "Registry").

4. Petitioner is the owner of the Site.

5. The Site is currently on the Registry as a Class 2 site. It was listed on the Registry on April 12, 1993.

6. Because of the extensive investigation and remediation activities conducted by Petitioner at the Site over the past twenty years, which activities are set forth in detail in the accompanying Verified Petition, the Site no longer presents a significant threat to the public health or to the environment and should be delisted from or reclassified on the Registry.

7. As explained in the Verified Petition, tetrachloroethene ("PCE") was used at the Site by a former tenant, a dry cleaner, from 1960 to 1976. Subsequent tenants have not been associated with the use or discharge of hazardous wastes.

8. After elevated levels of PCE were found in soil samples taken from the rear yard of the facility, Petitioner excavated and removed approximately 75 cubic yards of contaminated soils from the rear yard in 1984 and properly disposed of it at a permitted facility. This work was overseen by the Nassau County Department of Health, ("NCDOH").

9. Petitioner subsequently installed and sampled several groundwater monitoring wells at the Site and at off-site locations. This was done with NCDOH oversight.

10. Petitioner thereafter installed and operated a groundwater extraction system and treatment system from 1986 and 1990, which was done with New York State Department of Environmental Conservation ("NYSDEC") oversight.

11. In 1994, Petitioner entered into a consent order with the NYSDEC for the Site.

12. Pursuant to the consent order, Petitioner conducted several investigations and undertook several remedial efforts, all with the approval and oversight of the NYSDEC. The more significant efforts are summarized below.

13. In 1996, Petitioner conducted an interim remedial measure, ("IRM"), which included excavating contaminated soil from the interior floor sump and installation and operation of a soil vapor extraction system, ("SVE").

14. In 1997, Petitioner conducted a remedial investigation, ("RI"), for Operable Unit 1, ("OU-1").

15. In 1998, the Record of Decision, ("ROD"), for OU-1 was issued by the NYSDEC. The remedy selected in the ROD for OU-1 was no further action with continued annual groundwater monitoring for a period of at least three years.

16. Petitioner began conducting a RI for Operable Unit 2, ("OU-2") in 1999. This work included groundwater testing, indoor air and sub-slab vapor assessments and a soil gas survey.

17. In 2002, Petitioner installed a sub-slab depressurization system, ("SSDS"), under the basement floor to control migration of soil vapor into the building from under the slab.

18. In 2004, Petitioner excavated and removed 77 tons of contaminated soil from the rear yard and another SVE was installed at the base of the excavation, which was aimed at remediating residual soil contamination.

19. Petitioner conducted in-situ treatment of groundwater via injections of sodium permanganate, from 2004 through 2006. These injections resulted in significant reductions in PCE levels.

20. The NYSDEC determined that the groundwater remedial effort was successful and discontinued the requirement for groundwater sampling in 2011.

21. In 2006, the NYSDEC issued a ROD for OU-2, in which the selected remedy required no further action with continued operation of the SVE systems and additional groundwater treatment via permanganate injections, as needed. The NYSDEC determined that this remedy would be protective of human health and the environment in the OU-2 ROD.

22. In May 2011, the NYSDEC permitted the SVE in the rear yard to be turned off and converted to a sub-slab depressurization system, ("SSDS"). Petitioner completed the conversion to a SSDS in July 2011.

23. There are two engineering controls at the site, the two SSDS. Testing of the indoor air has demonstrated that these two SSDS are effective at controlling sub-slab soil vapor migration into the building.

24. As required by NYSDEC, an institutional control in the form of an environmental easement was recorded in the Nassau County Clerk's office in January 2014. The environmental easement restricts the use of the Site to commercial or industrial uses. It also does not allow the groundwater to be used for potable or industrial purposes.

25. Petitioner has complied with the requirements in the RODs for OU-1 and OU-2, has conducted the post-ROD testing and has submitted required periodic reports. It

has also complied and continues to comply with the engineering controls and the site management plan. It has also recorded the required institutional control, by recording the environmental easement.

26. Since the Site no longer presents a significant threat to the public health or to the environment, it should be delisted from or reclassified on the Registry.

WHEREFORE, Petitioner Citizens Development Company hereby requests that the New York State Department of Environmental Conservation delist the Site from the Registry or reclassify the Site.

Sal Panico

Sworn to before me this
31st day of March, 2014.

ANTHONY J. COLLETTI
Notary Public, State of New York
No. 01CO4797958
Qualified in Queens County
Commission Expires September 30,2017

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Program for an
Inactive Hazardous Waste Disposal
Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by

Citizen Development Company,
Respondent.

ORDER
ON
CONSENT

Site Code # 1-30-070
Index # W1-0683-93-12

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is entered into pursuant to the Department's authority under ECL Article 27, Title 13 and ECL 3-0301.

2. Respondent Citizen Development Company ("Respondent"), is a limited partnership organized under the laws of the State of New York. Respondent is the current owner of that portion of real property located at 47 Northern Blvd., in Great Neck, New York, County of Nassau, denoted as tax map Section 2 Block 51 Lot 202 (the"Site"), a map of which is appended as appendix "A". The Site was formerly leased to a garment dry cleaning establishment.

3. The Department has listed the Site as an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2, and has determined that the Site presents a

significant threat to the public health or environment. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 130070. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.

4. A. Pursuant to ECL 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the department, at such site, and (ii) to implement such program within reasonable time limits specified in the order."

B. Any person under order pursuant to ECL 27-1313.3.a has a duty imposed by ECL Article 27, Title 13 to carry out the remedial program committed to under order. ECL 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

C. The Department also has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL 3-0301.1.i.

5. The Department and Respondent agree that the goals of this Order are for Respondent to (i) develop and implement an inactive hazardous waste disposal site remedial program

("Remedial Program") for the Site that shall include a Remedial Investigation/Feasibility Study ("RI/FS"), design and implementation of the selected remedial alternative, and operation, maintenance and monitoring of the selected remedial alternative; and (ii) reimburse the State's administrative costs.

6. Respondent, having waived Respondent's right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Within 30 days after the effective date of this Order, Respondent shall submit to the Department all data within Respondent's possession or control regarding environmental conditions on-Site and off-Site, and other information described below, unless the Department advises Respondent that such data have previously been provided to the Department. The data and other information shall include:

A. A brief history and description of the Site, including the types, quantities, physical state, location, and dates of disposal of hazardous waste including methods of

disposal and spillage of such wastes;

B. A concise summary of information held by Respondent and Respondent's attorneys and consultants with respect to all persons responsible for such disposal of hazardous wastes, including but not limited to names, addresses, dates of disposal and any proof linking each such person responsible with hazardous wastes identified pursuant to Subparagraph I.A; and

C. A comprehensive list and copies of all existing relevant reports with titles, authors, and subject matter, as well as a description of the results of all previous investigations of the Site and areas in the vicinity of the Site, including copies of all available topographic and property surveys, engineering studies and aerial photographs.

II. RI/FS Work Plan Contents and Submittals

A. Within 60 days after the effective date of this Order, Respondent shall submit to the Department a detailed work plan describing the methods and procedures to be implemented in performing an RI/FS for the Site ("RI/FS Work Plan").

B. (1) The RI/FS Work Plan shall include, but not be limited to, the following:

a. A chronological description of the anticipated RI/FS activities together with a schedule for the performance of these activities.

b. A Sampling and Analysis Plan that

shall include:

(i) A quality assurance project plan that describes the quality assurance and quality control protocols necessary to achieve the initial data quality objectives. This plan shall designate a data validation expert and must describe such individual's qualifications and experience.

(ii) A field sampling plan that defines sampling and data gathering methods in a manner consistent with the "Compendium of Superfund Field Operations Method" (EPA/540/P-87/001, OSWER Directive 9355.0-14, December 1987) as supplemented by the Department.

c. A health and safety plan to protect persons at and in the vicinity of the Site during the performance of the RI/FS which shall be prepared in accordance with 29 C.F.R. 1910 and all other applicable standards and endorsed by a certified health and safety professional. Respondent shall add supplemental items to this plan necessary to ensure the health and safety of all persons at or in the vicinity of the Site during the performance of any work pursuant to this Order.

d. A citizen participation plan that is in full compliance with the Department's publication, "New York State Inactive Hazardous Waste Site Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto, and 6 NYCRR Part 375.

(2) The RI/FS Work Plan shall incorporate all elements of a RI/FS as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") [42 U.S.C. 9601 et seq.], as amended, the National Contingency Plan ("NCP") of March 8, 1990 [40 CFR Part 300], the USEPA guidance document entitled "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA," dated October 1988, and any subsequent revisions to that guidance document in effect at the time the RI/FS Work Plan is submitted, and appropriate USEPA and Department technical and administrative guidance documents.

III. Performance and Reporting of Remedial Investigation

A. Within 30 days after the Department's approval of the RI/FS Work Plan, Respondent shall commence the Remedial Investigation.

B. Respondent shall perform the Remedial Investigation in accordance with the Department-approved RI/FS Work Plan.

C. At all times during the performance of all field activities of the Remedial Investigation, Respondent shall have on-Site a representative who is qualified to supervise the work done.

D. Within the time frame set forth in the RI/FS Work Plan, Respondent shall prepare a Remedial Investigation Report that shall:

(1) include all data generated and all other

information obtained during the Remedial Investigation:

(2) provide all of the assessments and evaluations set forth in CERCLA, the NCP, and the guidance documents identified in Subparagraph II.B(2);

(3) identify any additional data that must be collected; and

(4) include a certification by the individual or firm with primary responsibility for the day to day performance of the Remedial Investigation that all activities that comprised the Remedial Investigation were performed in full accordance with the Department-approved RI/FS Work Plan.

IV. Feasibility Study

A. Within 60 days after receipt of the Department's approval of the Remedial Investigation Report, Respondent shall submit a Feasibility Study evaluating on-Site and off-Site remedial actions to eliminate, to the maximum extent practicable, all health and environmental hazards and potential hazards attributable to hazardous waste disposal at the Site. The Feasibility Study shall be prepared by and have the signature and seal of a professional engineer who shall certify that the Feasibility Study was prepared in accordance with this Order.

B. Respondent shall perform and prepare the Feasibility Study in accordance with the Department-approved RI/FS Work Plan and in a manner consistent with CERCLA, the NCP, and the guidance documents identified in Subparagraph

II.B(2).

C. Within 45 days after the Department's approval of the Feasibility Study, Respondent shall cooperate and assist the Department in soliciting public comment on the RI/FS and the proposed remedial action plan identified therein, in accordance with CERCLA,the NCP, the guidance documents identified in Subparagraph II.B(2), and with any Department policy and guidance documents in effect at the time the public comment period is initiated. After the close of the public comment period, the Department shall select a final remedial alternative for the site in a Record of Decision ("ROD"). The ROD shall be incorporated into and become an enforceable part of this Order.

V. Remedial Design Contents

A. Unless the ROD selects the "no action" alternative, within 90 days after the ROD is signed, Respondent shall submit to the Department a remedial design to implement the remedial alternative for the Site selected by the Department in the ROD (the "Remedial Design"). The Remedial Design shall be prepared by and have the signature and seal of a professional engineer who shall certify that the Remedial Design was prepared in accordance with this Order.

B. The Remedial Design shall include the following:

1. A detailed description of the remedial objectives and the means by which each element of the selected

remedial alternative will be implemented to achieve those objectives, including, but not limited to:

a. the construction and operation of any structures;

b. the collection, destruction, treatment, and/or disposal of hazardous wastes and substances and their constituents and degradation products, and of any soil or other materials contaminated thereby;

c. the collection, destruction, treatment, and/or disposal of contaminated groundwater, leachate, and air;

d. physical security and posting of the Site;

e. health and safety of persons living and/or working at or in the vicinity of the Site;

f. quality control and quality assurance procedures and protocols to be applied during implementation of the Remedial Design; and

g. monitoring which integrates needs which are present on-Site and off-Site during implementation of the Department-selected remedial alternative.

2. "Biddable Quality" documents for the Remedial Design including, but not limited to, documents and specifications prepared, signed, and sealed by a professional engineer. These plans shall satisfy all applicable local, state and federal laws, rules and regulations;

3. A time schedule to implement the Remedial Design;

4. The parameters, conditions, procedures, and protocols to determine the effectiveness of the Remedial Design, including a schedule for periodic sampling of groundwater monitoring wells on-Site and off-Site;

5. A description of operation, maintenance, and monitoring activities to be undertaken after the Department has approved construction of the Remedial Design, including the number of years during which such activities will be performed;

6. A contingency plan to be implemented if any element of the Remedial Design fails to achieve any of its objectives or otherwise fails to protect human health or the environment;

7. A health and safety plan for the protection of persons at and in the vicinity of the Site during construction and after completion of construction. This plan shall be prepared in accordance with 29 CFR 1910 and endorsed by a certified health and safety professional; and

8. A citizen participation plan which incorporates appropriate activities outlined in the Department's publication, "New York State Inactive Hazardous Waste Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto, and 6 NYCRR Part 375.

VI. Remedial Design Construction and Reporting

A. Within 60 days of the Department's approval of the Remedial Design, Respondent shall commence construction of the Remedial Design.

B. Respondent shall implement the Remedial Design in accordance with the Department-approved Remedial Design.

C. At all times during implementation of all construction activities identified in the Remedial Design, Respondent shall have on-Site a representative who is qualified to supervise the work done.

D. Within 15 days after completion of the construction activities identified in the Remedial Design, Respondent shall submit to the Department a detailed post-remedial operation and maintenance plan ("O & M Plan"); "as-built" drawings and a final engineering report (each including all changes made to the Remedial Design during construction); and a certification by a professional engineer that the Remedial Design was implemented and all construction activities were completed in accordance with the Department-approved Remedial Design. The O & M Plan, "as built" drawings, final engineering report, and certification must be prepared, signed, and sealed by a professional engineer.

E. Upon the Department's approval of the O & M Plan, Respondent shall implement the O & M Plan in accordance with the requirements of the Department-approved O & M Plan.

F. After receipt of the "as-built" drawings, final engineering report, and certification, the Department shall

notify Respondent in writing whether the Department is satisfied that all construction activities have been completed in compliance with the approved Remedial Design.

G. If the Department concludes that any element of the Remedial Program fails to achieve its objectives or otherwise fails to protect human health or the environment, Respondent shall take whatever action the Department determines necessary to achieve those objectives or to ensure that the Remedial Program otherwise protects human health and the environment. The Department shall afford the Respondent the opportunity to provide its data and recommendations on correcting such element within 10 days of Respondent's receipt of notice from the Department of such element's failure (except that in an emergency the Department will afford a shorter time frame).

VII. Interim Remedial Measures

Respondent may propose interim remedial measures ("IRMs") for the Site on an as-needed basis. In proposing each IRM, Respondent shall submit to the Department a work plan which includes a chronological description of the anticipated IRM activities together with a schedule for the performance of those activities. Upon the Department's determination that the proposal is an appropriate interim remedial measure and upon the Department's approval of such work plan, the work plan shall be incorporated into and become an enforceable part of this Order; and Respondent shall submit

to the Department for its review and (as appropriate) approval, in accordance with the schedule contained in the Department-approved work plan, detailed documents and specifications prepared, signed, and sealed by a professional engineer to implement the Department-approved IRM. Such documents shall include a health and safety plan, contingency plan, and (if the Department requires such) a citizen participation plan that incorporates appropriate activities outlined in the Department's publication, "New York State Inactive Hazardous Waste Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto. Respondent shall then carry out such IRM in accordance with the requirements of the approved work plan, detailed documents and specifications, and this Order. Within the schedule contained in the Department-approved work plan, Respondent shall submit to the Department a final engineering report prepared by a professional engineer that includes a certification by that individual that all activities that comprised the IRM were performed in full accordance with the Department-approved work plan, detailed documents and specifications, and this Order. Within the schedule contained in the Department-approved work plan, Respondent shall submit to the department a report or reports documenting the performance of the IRM. Respondent shall notify the Department of any significant difficulties that may be encountered in implementing the Department-approved work plan,

detailed documents, or specifications and shall not modify any obligation unless first approved by the Department.

VIII. Progress Reports

Respondent shall submit to the parties identified in Subparagraph XVI.B in the numbers specified therein copies of written monthly progress reports that: (i) describe the actions which have been taken toward achieving compliance with this Order during the previous month; (ii) include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent; (iii) identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month; (iv) describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site; (v) include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays; (vi) include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and (vii) describe all activities

undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondent shall submit these progress reports to the Department by the tenth day of every month following the effective date of this Order.

Respondent also shall allow the Department to attend, and shall provide the Department at least seven days advance notice of, any of the following: prebid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.

IX. Review of Submittals

A. (1) The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal, except for the submittal discussed in Subparagraph II.B.(1)c. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

(2) (a) If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within 10 days after receiving written notice that Respondent's submittal has been

disapproved, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

(b) After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the Department disapproves the revised submittal, unless Respondent requests an opportunity to respond to the Department's objections pursuant to the Dispute Resolution section, infra, Respondent shall be in violation of this Order and the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary.

X. Compliance

A. (1) Respondent's failure to comply with any term of this Order constitutes a violation of this Order and the ECL. If the Department disapproves a revised submittal, Respondent shall be in violation of this Order unless, within 10 days of receipt of the Department's notice of disapproval,

Respondent serves on the Department's Director of Hazardous Waste Remediation a written statement of the issues in dispute, the relevant facts upon which the dispute is based, and factual data, analysis or opinion supporting its position, and all supporting documentation on which Respondent relies (hereinafter called the "Statement of Position"). The Department shall serve its Statement of Position, including supporting documentation no later than ten business (10) days after receipt of Respondent's Statement of Position. Respondent shall have 5 business days after receipt of the Department's Statement of Position within which to serve upon the Department a reply to the Department's Statement of Position, and in the event Respondent serves such a reply, the Department shall have 5 business days after receipt of Respondent's reply to Respondent's reply to the Department's Statement of Position. In the event that the periods for exchange of Statements of Position and replies may cause a delay in the work being performed under this Order, the time periods may be shortened upon and in accordance with notice by the Department as agreed to by the Respondent.

An administrative record of any dispute under this paragraph shall be maintained by the Department. The record shall include the Statement of Position of each party,and any reply thereto, served pursuant to the preceding subparagraph, and any relevant information. The record shall be available for review of all parties and the public.

Upon review of the administrative record as developed pursuant to this paragraph, the Director shall issue a final decision and order resolving the dispute. Respondent shall revise the submittal in accordance with the Department's specific comments, as may be modified by the Director and except for those which have been withdrawn by the Director, and shall submit a revised submittal. The period of time within which the submittal must be revised as specified by the Department in its notice of disapproval shall control unless the Director revises the time frame in the final decision and order resolving the dispute.

After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval of the revised submittal.

If the revised submittal fails to address the Department's specific comments, as modified, and the Department disapproves the revised submittal for this reason, Respondent shall be in violation of this Order and the ECL.

In review by the Director of any dispute pursued under this paragraph, Respondent shall have the burden of proving by a preponderance of the evidence that the Department's position should not prevail.

The invocation of the procedures stated in this paragraph shall not extend, postpone or modify Respondent's obligations under this Order with respect to any disputed items, unless and until the Department agrees or a court

determines otherwise. The invocation of the procedures stated in this paragraph shall constitute an election of remedies by the Respondent, and such election of this remedy shall constitute a waiver of any and all other remedies which may otherwise be available to that party regarding the issue in dispute.

Nothing in this Order shall be construed to allow any dispute by Settling Defendants regarding the validity of the ROD's provisions.

(2) Respondent shall be liable for payment to the Department of the sums set forth below as stipulated penalties for each day or part thereof that Respondent is in violation of the terms of this Order. All penalties begin to accrue on the first day Respondent is in violation of the terms of this Order and continue to accrue through the final day of correction of any violation. Such sums shall be due and payable within 15 days after receipt of notification from the Department assessing the penalties. If such payment is not received within 15 days after Respondent receives such notification from the Department, interest shall be payable at the annual rate of nine per centum on the overdue amount from the day on which it was due through, and including, date of payment. Penalties shall be paid by certified check or money order, made payable to "New York State Department of Environmental Conservation" and shall be delivered personally or by certified mail, return receipt requested, to the

Director, Division of Environmental Enforcement, N.Y.S.D.E.C., 50 Wolf Road, Albany, New York 12233-5500. Payment of the penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order. Stipulated penalties shall be due and payable under Subparagraph X.A.(2) pursuant to the following schedule:

Period of Non-Compliance	Penalty Per Day
First through 15th day	$ 5,000
16th through 30th day	$ 10,000
31st day and thereafter	$ 15,000

B. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of an act of God, war, or riot. Respondent shall, within five days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such five-day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order pursuant to Subparagraph X.B.

XI. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under

the control of Respondent by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order. During implementation of the Remedial Design, Respondent shall permit the Department full access to all records relating to matters addressed by this Order and job meetings.

XII. Payment of State Costs

Within 10 days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for the State's expenses including, but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs, and contractor costs incurred by the State of New York for work performed at the Site to date, as well as for negotiating this Order, reviewing and revising submittals made pursuant to this Order, overseeing activities conducted pursuant to this Order, collecting and analyzing samples, and administrative costs associated with this Order. Such payment shall be made by certified check payable to the Department of Environmental Conservation. Payment shall be sent to the Bureau of Program Management, Division of Hazardous Waste Remediation, N.Y.S.D.E.C., 50 Wolf Road, Albany, NY 12233-7010. Itemization of the costs shall include an accounting of personal services indicating the employee name, title, biweekly salary, and time spent (in hours) on the project

during the billing period, as identified by an assigned time and activity code. This information shall be documented by quarterly reports of Direct Personal Service. Approved agency fringe benefit and indirect cost rates shall be applied. Non-personal service costs shall be summarized by category of expense (e.g., supplies, materials, travel, contractual) and shall be documented by the New York State Office of the State Comptroller's quarterly expenditure reports.

XIII. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights including, but not limited to nor exemplified by, the following:

1. the Department's right to bring any action or proceeding against anyone other than Respondent and/or any of Respondent's past, present and future general partners, limited partners who act or have acted as a general partner, directors, officers, employees, servants, agents, successors, and assigns;

2. the Department's right to enforce this Order against Respondent and/or any of Respondent's past, present and future general partners, limited partners who act or have acted as a general partner, directors, officers, employees, servants, agents, successors, and assigns if Respondent fails to satisfy any of the terms of this Order;

3. the Department's right to bring any action

or proceeding against Respondent and/or any of Respondent's past, present and future general partners, limited partners who act or have acted as a general partner, directors, officers, employees, servants, agents, successors, and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances or constituents at or from the Site or areas in the vicinity of the Site;

4. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's past, present and future general partners, limited partners who act or have acted as a general partner, directors, officers, employees, servants, agents, successors, and assigns with respect to hazardous substances that are present at the Site or that have migrated from the Site;

5. the Department's right to require Respondent and/or any of Respondent's past, present and future general partners, limited partners who act or have acted as a general partner, directors, officers, employees, servants, agents, successors, and assigns to develop and implement IRMs for the Site; and

6. the Department's right to gather information and enter and inspect property and premises.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

XIV. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent, and/or Respondent's past, present and future general partners, limited partners who act or have acted as a general partner, directors, officers, employees, servants, agents, successors, and assigns who act or have acted on behalf of the partnership; provided, however, that Respondent's indemnity obligation under this paragraph shall not extend to claims, suits, actions, damages, and costs of any name or description arising out of acts or omissions of the Department, the State of New York, and their representatives, employees, contractors and agents during the course of work conducted pursuant to this Order, which acts or omissions result from gross negligence, or reckless, wanton or intentional misconduct.

XV. Public Notice

A. Within 30 days after the effective date of this Order, Respondent shall file a Declaration of Covenants and Restrictions with the Clerk of the County wherein the Site is located to give all parties who may acquire any interest in the Site notice of this Order. The Declaration of Covenants and Restrictions may be modified upon the re-classification of

the Site and may be expunged upon the delisting of the Site.

B. If Respondent proposes to convey the whole or any part of Respondent's ownership interest in the Site, Respondent shall, not fewer than 60 days before the date of conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed date of the conveyance and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

XVI. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

Communication from Respondent shall be sent to the Department's attorney:

Rosalie K. Rusinko, Esq.
Department of Environmental Conservation
Division of Environmental Enforcement
200 White Plains Road
Tarrytown, New York 10591

with copy to the Department's project manager:

Jamie Ascher
Division of Hazardous Waste Remediation
New York State Department of Environmental Conservation
SUNY Building 40
Stonybrook, New York 11790-2356

B. Copies of work plans and reports shall be submitted as follows:

1. Four copies (one unbound) to:
Jamie Ascher
Division of Hazardous Waste Remediation
New York State Department of Environmental Conservation

SUNY Building 40
Stonybrook, New York 11790-2356

2. Two copies to the
G. Anders Carlson, Ph.D.
Director, Bureau of Environmental Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203

3. Michael J. O'Toole, Jr., Director
Division of Hazardous Waste Remediation
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

4. Rosalie K. Rusinko, Esq.
Department of Environmental Conservation
Division of Environmental Enforcement
200 White Plains Road
Tarrytown, New York 10591

C. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit to Jamie Ascher a computer readable magnetic media copy of the approved report in American Standard Code for Information Interchange (ASCII) format.

D. Communication to be made from the Department to Respondent shall be sent to:

Scott E. Furman, Esq.
Shatzkin & Furman, P.C.
108-18 Queens Boulevard
Forest Hills, N.Y. 11375

E. The Department and Respondent reserve the right to designate additional or different addressees for communication or written notice to the other.

XVII. Miscellaneous

A. All activities and submittals required by this

Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous wastes at the Site.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel, and data validators acceptable to the Department to perform the technical, engineering, and analytical obligations required by this Order. The experience, capabilities, and qualifications of the firms or individuals selected by Respondent shall be submitted to the Department within 15 days after the effective date of this Order. The Department's approval of these firms or individuals shall be obtained before the start of any activities for which Respondent and such firms or individuals will be responsible. The responsibility for the performance of the professionals retained by Respondent shall rest solely with Respondent.

C. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent, and the Department also shall have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be

conducted pursuant to this Order.

E. Respondent shall obtain all permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations necessary to perform Respondent's obligations under this Order.

F. Respondent and Respondent's successors and assigns and the Department shall be bound by this Order. Any change in ownership or partnership status of Respondent including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order. Respondent, through its directors, officers, employees, agents, servants, successors, and assigns shall be responsible for implementing the terms of this Order.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into in order to carry out the obligations identified in this Order upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work in satisfaction of the requirements of this Order.

H. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law.

I. All references to "days" in this Order are to calendar days unless otherwise specified.

J. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

K. (1) The terms of this Order shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.

(2) If Respondent desires that any provision of this Order be changed, Respondent shall make timely written application, signed by Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to

Rosalie K. Rusinko, Esq. and to Jamie Ascher.

L. The effective date of this Order shall be the date it is signed by the Commissioner or his designee.

DATED: Albany, New York
September 29, 1994

~~John~~ J. Langdon Marsh
~~Acting~~ Commissioner
New York State Department
of Environmental Conservation

By:

Ann Hill DeBarbieri
Deputy Commissioner

To: Scott E. Furman, Esq.
Shatzkin & Furman, P.C.
108-18 Queens Boulevard
Forest Hills, N.Y. 11375

CONSENT BY RESPONDENT

Citizen Development Company

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: George Meyer
George Meyer

Title: General Partner

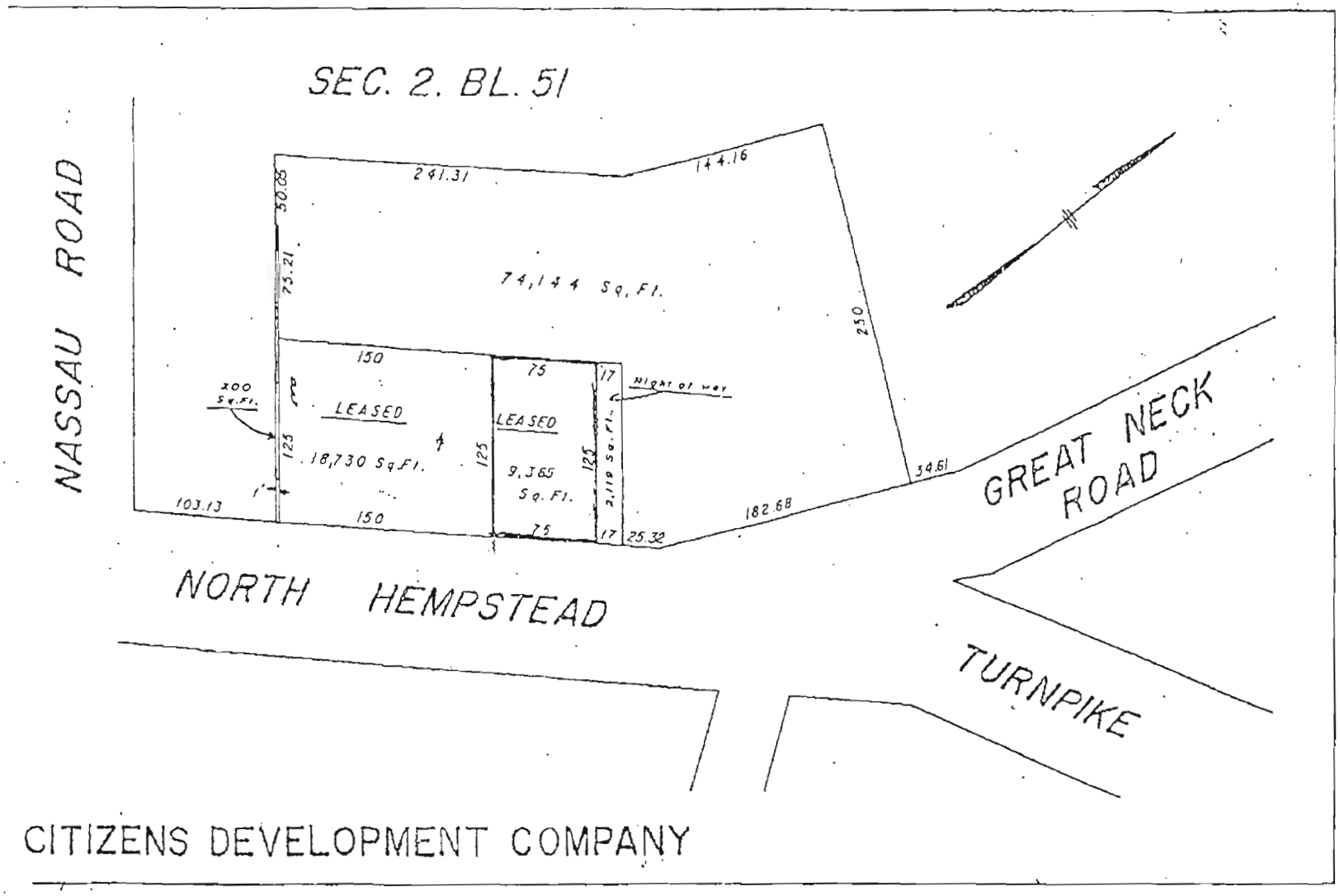
Date: 8-15-94

STATE OF NEW YORK)
) s.s.:
COUNTY OF QUEENS)

On this 15th day of August, 1994, before me personally came GEORGE MEYER, to me known, who being duly sworn, did depose and say that he resides in 84 Cove Neck Rd Oyster Bay NY 11771; that he is a General Partner of Citizen Development Company, the limited partnership described in and which executed the foregoing instrument; that he signed his name thereto as the act and deed of such limited partnership with the ratification of all the limited partners.

Richard Charles Yeretzian
Notary Public

RICHARD CHARLES YERETZIAN
Notary Public, State of New York
No. 41-4785459
Qualified in Queens County
Commission Expires June 30th, 1995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LEASED
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34.61
GREAT NECK ROAD
NORTH HEMPSTEAD
TURNPIKE
CITIZENS DEVELOPMENT COMPANY

Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

Citizens Development Company
Operable Unit 1
Inactive Hazardous Waste Site
University Gardens, Nassau County
Site Number 1-30-070

March 1998

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

DECLARATION STATEMENT - RECORD OF DECISION

Citizens Development Company Inactive Hazardous Waste Site
OPERABLE UNIT 1
University Gardens, Nassau County, New York
Site No. 1-30-070

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Operable Unit 1 for (OU-1) the Citizens Development Company inactive hazardous waste disposal site which was chosen in accordance with the New York State Environmental Conservation Law (ECL). The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300).

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

Assessment of the Site

Actual or threatened release of hazardous waste constituents from Operable Unit 1 of the Citizens Development Company Site have been addressed by implementing the interim response actions identified in this ROD. Therefore, this Operable Unit no longer represents a current or potential threat to public health and the environment.

Description of Selected Remedy

Based upon the results of the Remedial Investigation/Feasibility Study (RI/FS) for the Citizens Development Company, remediation of the site under previously completed Interim Remedial Measures and the criteria identified for evaluation of alternatives, the NYSDEC has selected no further action with continued groundwater monitoring for Operable Unit 1. This remedy will include:

- Monitoring and evaluating groundwater quality and flow direction at 12 existing groundwater monitoring wells annually for a period of at least three years.

New York State Department of Health Acceptance

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

Declaration

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

3/30/98

Date

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

TABLE OF CONTENTS

Appendices

RECORD OF DECISION

CITIZENS DEVELOPMENT COMPANY

Site No. 1-30-070
Operable Unit No. 1
University Gardens (V), North Hempstead (T), New York
March, 1998

SECTION 1: SITE LOCATION AND DESCRIPTION

Citizens Development Company Site #1-30-070 is located at 47 Northern Boulevard in the City of Great Neck, Town of North Hempstead, Nassau County, New York. A site location map is presented in Figure No.1. The Site consists of a one acre parcel of land containing a 3000 square foot, one story concrete building, situated in the center of the property. The building contains a basement. Adjacent to the Site are light industrial and commercial properties to the east, west and south. To the north is a residential apartment complex.

Two inactive hazardous waste disposal sites are located within one mile of the Site. They are:
* Stanton Cleaners (1-30-072), 0.5 miles north
* Mayflower Cleaners (1-30-068), 0.2 miles east

A public water supply wellfield is located approximately 2500 feet north of the Site. The wellfield is operated by the Water Authority of Great Neck North. The wellfield has been impacted by chlorinated solvents. Wellhead treatment is currently in place to remove contaminants and render the water potable.

Operable Unit 1, which is the subject of this PRAP, addresses the completed remediation of the on-site source area, previous groundwater treatment, and documents groundwater quality in the shallow aquifer. Soil and groundwater quality have been evaluated via subsurface investigation and laboratory analysis.

An Operable Unit represents a portion of the site remedy which for technical or administrative reasons can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. The remaining operable unit for this site is described in Section 2.2 below.

SECTION 2: SITE HISTORY

2.1: Operational/Disposal History

Cleanland Drive-In Cleaners occupied the facility from approximately 1960 to 1976. Intermittently during this time, the dry cleaners stored (PCE) saturated filter media on an unpaved portion of the site immediately north of the facility (rear yard). This practice was confirmed by a former employee of Cleanland Drive-In Cleaners.

1960-1976: Facility occupied by Cleanland Drive-In Cleaners.

1976: Facility burned down.

1982-1984: Facility rebuilt and occupied by Flower Fashion, a commercial florist.

1984-present: Various commercial tenants, none of which were associated with the use or discharge of hazardous wastes.

2.2: Remedial History

The following is a chronological listing of investigations and remedial measures performed at site.

November 7, 1983: Nassau County Department of Health (NCDH) acquired a surface soil sample from the site in the rear yard. Analysis revealed 3.5 ppm of PCE (see Figure 2).

January 3, 1984: NCDH acquired a surface soil sample from the site in the rear yard. Analysis revealed 17 ppm of PCE (see Figure 2).

1984-1985: In April 1984, under NCDH oversight, the Potentially Responsible Party (PRP) installed an on-site groundwater observation well (OW) and advanced four soil borings in the rear yard. The groundwater monitoring well was screened at the water table. Soil borings B-1, and B-3 were advanced to a final vertical depth of 22 feet below land surface (bls). Soil borings B-2 and B-4 were advanced to a final vertical depth of 27 feet bls. Soil samples were acquired and analyzed for volatile organic compounds (VOCs) every five feet. PCE concentrations were observed to generally decrease with depth within the vertical soil profile (from 1300 ppm to less than 1 ppm). Two groundwater samples acquired from the on-site monitoring well revealed 4700 and 4900 ppb of PCE (see Figure 2).

December 1984: Approximately 75 cubic yards of soil were excavated and removed from the site. The excavation was conducted in the rear yard and encompassed an area of approximately 150 square feet and extended vertically approximately 15 - 17 feet. This soil was removed from the site by a licensed waste hauler to an approved Treatment, Storage and Disposal Facility (TSDF). Also, during this time, three additional groundwater monitoring wells were installed on the site (MW-2, MW-3, MW-4). These monitoring wells were screened at the water table. Groundwater samples were acquired from MW-2, MW-3, and MW-4 in January 1985. PCE concentrations were detected at 970 ppb, 3335 ppb, and 3503 ppb, respectively. The observation well was also sampled in January 1985 at which time 3463 ppb of PCE were detected (see Figure 3).

January 1985: Monitoring wells #5 - #10 were to have been installed off-site. However, it appears from the file search that monitoring well #9 was not installed. These monitoring wells were screened at the water table (see Figure 3).

January 1986- May 1990: In January 1986, a groundwater pump and treat system was installed on-site. The observation well installed in April 1984 was removed and replaced with a 12 inch recovery well. The recovery well was advanced to a depth of approximately 75 feet bls. Depth to groundwater on-site is approximately 43 feet bls. A submersible pump delivered groundwater to a granular activated carbon treatment system (see Figure 3). Treated effluent was regulated under a State Pollution Discharge Elimination System (SPDES) permit (NY 0206351) as overseen by the Division of Water (DOW). The treated effluent was discharged to a storm sewer catch basin. The groundwater remediation operated until May 1990, at which time mechanical failure caused the system to be shut down. Groundwater samples were acquired in August 1989 from monitoring wells MW-2, MW-3, MW-4 and the recovery well. Comparison of groundwater data collected in 1985 with groundwater data generated in 1989 reveals decreasing concentrations of PCE in MW-2, MW-3, MW-4, and the recovery well (see Table A).

December 1990: An upgradient groundwater monitoring well was installed (MW-1a). Groundwater levels were taken to confirm the site specific groundwater flow direction and monitoring wells MW-1a, MW-2 and MW-4 were sampled. Site specific groundwater flow direction was determined to be nearly due north (see Figure 3).

February 1991 - July 1991: Groundwater sampling and analysis of selected on-site (MW-1a, MW-2, MW-3, MW-4) and off-site (MW-8, MW-10) groundwater monitoring wells (see Figure 3) . This sampling effort revealed low level VOCs upgradient of the Site and elevated levels of VOCs downgradient of the Site (see Table B). Petroleum hydrocarbons were also detected during this round of groundwater sampling, however, these contaminants are not attributable to past practices at the site.

February 1993: 17 soil borings were advanced on-site. Twelve of these soil borings were advanced in the front of the facility, upgradient of the identified source area. The remaining five soil borings were advanced in the rear of the facility in the area previously identified as the source area. Soil samples were acquired from borings B-1 through B-16 for VOC analysis at vertical depth intervals of 10 and 15 feet bls. There were no detections of VOCs in any of the soils analyzed from borings B-1 through B-13 and B-15. Soil boring B-17 was sampled at five foot intervals beginning at five feet bls to an ultimate vertical depth of 40 feet bls. Analytical results revealed residual, low level PCE contamination existed in soils from borings B-14, B-16 and B-17. Only the soil sample acquired at the ten foot interval from boring B-17 exceeded NYSDEC Technical Administrative Guidance Memorandum (TAGM) #4046 soil cleanup guidelines for the protection of human health and groundwater (see Figure 4).

Two of the soil borings, B-3 and B-4, were advanced during this February 1993 investigation to the water table and monitoring wells were constructed. These became upgradient monitoring wells MW-1c and MW-1d, respectively. Also constructed was upgradient water table monitoring well, MW-1b (see Figure 4). In February and March 1993, monitoring wells MW-1a,b,c,d, MW-2 - MW4 and the recovery well were sampled for VOCs. Analytical results from this sampling effort revealed PCE in upgradient and downgradient monitoring wells (see Table A).

There are two exterior dry wells (DW-1 and DW-2) located on-site. Both dry wells were sampled during the period February 1993. Soil samples were acquired from the bottom sediments of each dry well and a second soil sample was collected five feet beneath the bottom of each dry well. The bottom sediments of DW-1

revealed the following levels of VOCs: Vinyl chloride at 10 ppb, 1,2-dichloroethene at 170 ppb, trichloroethylene at 52 ppb, and PCE at 42 ppb. These levels are below NYSDEC TAGM #4046 guidance levels, and so the sediments can be left in place. Analysis of the soil sample acquired five feet below the bottom of the dry well revealed no detections of VOCs. Laboratory analysis of the sediments and soil from dry well DW-2 revealed no detections of VOCs (see Figure 4).

April 12, 1993: Site is listed in the New York State Registry of Inactive Hazardous Waste Disposal Sites as a Class 2 site.

April 1993: During an inspection of the interior of the facility a floor sump was discovered in the basement of the facility. The sump was approximately two to three feet wide and approximately one foot deep. Samples were taken of the liquid within the sump, sediments from the side of the sump and sediments from the bottom of the sump. Additional soil samples were taken at depth, vertically through the bottom of the sump. These samples were analyzed for VOCs. Laboratory analysis of the liquid and soil within the floor sump revealed the highest levels of VOCs extended to a depth of approximately 22 inches (see Figure 4). Under the approved Interim Remedial Measure (IRM), liquid and sediment was removed from the floor sump to a depth of four feet.

Operable Unit 2 (OU-2) will further define off-site, downgradient groundwater quality at depth and further identify those receptors which may be impacted. To this end, some OU-2 work has already begun with the installation and sampling of off-site, downgradient groundwater monitoring wells. Additional groundwater sampling at depth will confirm whether or not PCE has migrated vertically within the aquifer.

SECTION 3: CURRENT STATUS

In response to a determination that the presence of hazardous waste at the Site presents a significant threat to human health and the environment, the Citizens Development Company has recently completed a Remedial Investigation/Feasibility Study (RI/FS).

3.1: Summary of the Remedial Investigation

The purpose of the RI was to define the nature and extent of any remaining groundwater contamination resulting from previous activities at the site. Soil contamination was remediated during several IRMs which are discussed in detail in Section 3.2.

The RI was conducted in one phase. Field implementation of the RI took place during June through September 1997. A report entitled Remedial Investigation Report dated November 1997 has been prepared describing the field activities and findings of the RI in detail.

The RI included the following activities:

- *Background information review.*
- *Utilizing 15 groundwater monitoring wells, seven of which were located on-site and eight located off-site, groundwater elevations were acquired in June, July and September 1997 to determine if groundwater flow direction*

has fluctuated from flow direction previously observed. All the monitoring wells utilized in this survey are screened at the water table. Groundwater flow direction was found to be nearly due north as was previously observed in December 1990. (see Figure 5).

- *The collection of groundwater samples from the same 15 monitoring wells. Groundwater samples were acquired by both the Responsible Party and NYSDEC in July 1997 and submitted to a NYSDOH ELAP certified laboratory for VOC analysis (see Table A).*

To determine groundwater contamination levels of concern, the RI analytical data were compared to environmental Standards, Criteria, and Guidance (SCGs). Groundwater, SCGs identified for the Citizens Development Company site were based on NYSDEC Ambient Water Quality Standards and Guidance Values and Part V of NYS Sanitary Code. Soil quality data was compared to NYSDEC TAGM #4046.

Based upon the results of the remedial investigation in comparison to the SCGs and potential public health and environmental exposure routes, certain areas and media of the site require further monitoring. These are summarized below. More complete information can be found in the RI Report.

Chemical concentrations are reported in parts per billion (ppb), parts per million (ppm), For comparison purposes, SCGs are given for groundwater.

3.1.1 Nature of Contamination:

As described in the RI Report, groundwater samples were collected at the Site to characterize the nature and extent of contamination.

Groundwater Quality:

- A total of 15 monitoring wells, located both on and off the site were sampled and analyzed during the RI (see Figure 5). Previous investigations have utilized all of these monitoring well at some point for groundwater sampling and analysis (see Table A).

- Based upon past environmental investigations, and groundwater sampling and analysis for the RI, PCE is the contaminant associated with past disposal practices. Beside PCE, trichloroethylene and 1,2 dichloroethylene have been observed in groundwater samples both on and off -site. Benzene, toluene, ethyl-benzene and xylene have been discovered in sidegradient monitoring wells FN-4 and FN-14; however, those contaminants are associated with a nearby petroleum spill currently being remediated by the Division of Environmental Remediation (Spill #82-00157).

3.1.2 Extent of Contamination

Table 1 summarizes the extent of contamination for the contaminants of concern in groundwater and compares the data with the proposed remedial action levels (SCGs) for the Site. The following are the media which were investigated and a summary of the findings of the investigation.

Groundwater

The primary VOC of concern was PCE (2 to 180 ppb) which was detected in some monitoring wells above NYS groundwater standard. Other VOCs which were detected in groundwater included methylene chloride (2 to 24 ppb), trichloroethene (1 to 30 ppb), toluene (540 to 2400 ppb), ethylbenzene (310 to 900 ppb), xylene (5 to 3700 ppb), benzene (150 to 380 ppb), 1,2-dichloroethene (1 to 38 ppb) and acetone (4 ppb), (see Table 1). The groundwater standard for all of these compounds, except benzene and acetone, is 5 ppb. The groundwater standard for benzene is 0.7 ppb. The groundwater standard for acetone is 50 ppb.

3.2 Interim Remedial Measures:

Interim Remedial Measures (IRMs) are conducted at sites when a source of contamination or exposure pathway can be effectively addressed before completion of the RI/FS.

January 24, 1995: NYSDEC approved an Interim Remedial Measure (IRM) work plan to remove contaminated soil from the interior floor sump and utilize soil vapor extraction (SVE) for the remediation of the remaining soil contamination on the site.

May 1995: Field implementation of the approved IRM work plan began by utilizing a truck mounted vacuum system to excavate an area approximately five feet in diameter and four feet deep from the interior floor sump. Post excavation confirmatory soil sampling revealed non detections of VOCs in two sidewall samples and 9.8 ppm of PCE and 0.1 ppm of trichloroethene in the bottom soil. Approximately four cubic yards of excavated soil material was containerized on site and vacuumed using the SVE system to remove the PCE. A perforated pipe was placed within the excavation and connected to the SVE system, to remove the residual PCE that existed after the excavation. The excavation was backfilled, and the concrete slab was patched.
Five soil vacuum extraction wells were installed outside the facility, to remove the residual PCE contamination observed in soil borings B-14, B-16 and B-17. The SVE system operated for approximately 10 months whereupon steady state emissions were observed and five confirmatory soil samples acquired to verify the success of the remedial effort (see Figure 6).

February 28, 1996: NYSDEC approved an IRM Closure Report. Confirmatory soil samples taken from five to ten below grade in the rear yard revealed residual contaminant concentrations below NYSDEC TAGM #4046.

Confirmatory soil sampling of the containerized soil/sediments revealed residual contaminant levels below TAGM #4046. The soil was spread in an unpaved portion of the site.

Contaminants identified in sediments within the two on-site drywells were below TAGM #4046 soil cleanup guidance levels.

3.3 Summary of Human Exposure Pathways:

This section describes the types of human exposures that may present added health risks to persons at or around the site. A more detailed discussion of the health risks can be found in Section 5.0 of the RI Report.

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

The exposure assessment evaluated the potential current and future risks to potentially exposed individuals. Potential pathways for exposures include ingestion, dermal contact, and/or inhalation.

Identified Exposure Pathways and Receptors

Current Use:

The site at present is unsecured. Entrance to the facility building is limited to its employees or customers. All potable water used at the site is obtained from a public water source. Although contaminants have been detected in the soil, sediment and groundwater under the current land use scenario exposure pathways are limited to site workers.

Review of public water supply well locations and populations indicate that everyone within a 1-1/2 mile radius of the site is connected to a public water supply system.

Future Use:

Although the use of the site in the future is likely to remain commercial, a future residential use is assumed for purposes of the risk assessment.

If residences are constructed on the site in the future, child and adult residents would be considered potential receptors. If the site remains a commercial property, on-site workers and patrons would be considered potential receptors. Potential future exposure points are soil, soil vapor and groundwater. Potential exposure pathways are, for the most part, identical for both current use (commercial) receptors such as workers or patrons and for possible future use (residential) receptors:

- Incidental ingestion of soils and sediments.
- Dermal contact with soils and sediments.
- Inhalation of contaminated air.

There are presently no potable or production wells on-site utilizing groundwater. However, if under a future residential use scenario, an on-site water supply well was used an additional exposure pathway would be:

- Ingestion of groundwater.

Exposure to contaminated sediments or soils via incidental ingestion or direct contact is not likely at present because the site is paved. Additionally, residual levels of PCE in soils are below levels identified in TAGM #4046.

The potential exists for elevated concentrations of residual PCE in indoor air. This exposure pathway will be evaluated through indoor air sampling at the site during Operable Unit 2. Air monitoring with field instrumentation has not indicated elevated concentrations of VOCs in ambient (outdoor) air.

The subject site and surrounding properties are served with treated water provided by regulated Water Districts. Consequently, construction and use of an on-site well is not likely under any scenario. At any rate, the concentration of PCE in groundwater will continue to be investigated and monitored under Operable Units 1 and 2.

Off-Site Receptors:

The primary exposure pathway of concern related to this site is the potential use of contaminated groundwater. While there are no private wells in the vicinity of the site, there are public water supply wells at the Watermill Lane wellfield approximately ½ of a mile downgradient from the site. This wellfield, which serves area residents and businesses, has been contaminated with VOCs since 1984. The Water Authority of Great Neck North is treating the water to remove these contaminants from the water prior to distribution to the community. Remedial activities at the Citizens Development Company site have resulted in substantial reductions of PCE concentrations in groundwater. Concentrations of PCE in groundwater will continue to be monitored under Operable Unit 1. Additional investigation of the aquifer at depth will occur under Operable Unit 2, followed by a re-evaluation of the need for further remedial action.

SECTION 4: ENFORCEMENT STATUS

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

The following is the chronological enforcement history of this site.

Orders on Consent

Date	Index	Subject
9/29/94	W-1-0683-93-12	RI/FS/IRM

The NYSDEC and the Citizens Development Company entered into a Consent Order on September 29, 1994. The Order obligates the responsible parties to implement a full remedial program.

SECTION 5: SUMMARY OF THE REMEDIATION GOALS

Goals for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375-1.10. The overall remedial goal is to meet all Standards, Criteria, and Guidance (SCGs) and be protective of human health and the environment.

At a minimum, the remedy selected should eliminate or mitigate all significant threats to the public health and to the environment presented by the hazardous waste disposed at the site through the proper application of scientific and engineering principles.

The goals selected for this site are:

- Mitigate the impacts of contaminated groundwater to the environment or public water supply.
- Provide for attainment of SCGs for groundwater quality at the limits of the area of concern (AOC), to the extent practicable.
- Remediate on-site soil contamination to levels below TAGM 4046.

SECTION 6: SUMMARY OF THE EVALUATION OF ALTERNATIVES

The selected remedy should be protective of human health and the environment, be cost effective, comply with other statutory laws and utilize permanent solutions, alternative technologies or resource recovery technologies to the maximum extent practicable. Potential remedial alternatives for the Citizens Development Company site were identified, screened and evaluated in a Feasibility Study. This evaluation is presented in the report entitled Remedial Investigation/Feasibility Study Report, February 11, 1998.

A summary of the detailed analysis follows. As used in the following text, the time to implement reflects only the time required to implement the remedy, and does not include the time required to design the remedy, procure contracts for design and construction or to negotiate with responsible parties for implementation of the remedy.

6.1: Description of Alternatives

The potential remedies are intended to address the contaminated groundwater at the site.

Alternative 1: No Further Action

This alternative recognizes remediation of the site conducted under a previously completed IRM. Additionally, the excavation and removal of contaminated soil from the site in 1984 and the groundwater pump and treat system which operated from 1986 through 1990 have each helped to reduce the contaminant mass on-site. Based upon RI/FS data, continued groundwater monitoring would assist in evaluating the effectiveness of past remedial activities at the site. Groundwater samples would be acquired from monitoring wells MW-1a, 1b, 1c, 1d , MW-2 through MW-8 and MW-10 and analyzed for VOCs on an annual basis for three years. Groundwater levels would also be measured to confirm the groundwater flow direction.

Present Worth:	30,000
Capital Cost:	None
Annual O&M:	10,000
Time to Implement:	Immediately

Alternative 2: Groundwater Pump and Treatment

This remedial system would utilize the existing recovery well at the site. This well is adjacent to both the historical source area and the monitoring well (MW-4) currently demonstrating the highest residual concentration of PCE.
The groundwater pump and treatment system as proposed in the RI/FS would utilize a precipitation process to remove elevated mineral levels in the groundwater. Thereafter, groundwater would be treated by the carbon sorption process to remove hydrocarbons and prevent hydrocarbon fouling from a nearby gasoline spill. Treated groundwater would then be subjected to an air stripping process before being discharged to the storm sewer on Northern Boulevard. Remedial effectiveness would be evaluated through a groundwater monitoring program.

Present Worth:	600,000
Capital Cost:	300,000
Annual O&M:	100,000
Time to Implement:	Three months

Alternative 3: Groundwater Air Sparging System

A groundwater air sparging system would be installed in the area previously identified as the source area. The system would include three air sparge wells spaced approximately 20 feet apart and extending 25 feet into the groundwater. Four soil vapor extraction wells would be installed between the sparge points. The vapor extraction wells would be screened above the water table and would collect the VOC vapors resulting from the sparging operation. VOC vapors may require polishing through activated granular carbon before being exhausted into the atmosphere. Remedial effectiveness would be evaluated through a groundwater monitoring program.

Present Worth:	100,000
Capital Cost:	55,000
Annual O&M:	15,000
Time to Implement:	Two months

6.2 Evaluation of Remedial Alternatives

The criteria used to compare the potential remedial alternatives are defined in the regulation that directs the remediation of inactive hazardous waste sites in New York State (6NYCRR Part 375). For each of the criteria, a brief description is provided followed by an evaluation of the alternatives against that criterion. A detailed discussion of the evaluation criteria and comparative analysis is contained in the RI/FS report.

The first two evaluation criteria are termed threshold criteria and must be satisfied in order for an alternative to be considered for selection.

1. Compliance with New York State Standards, Criteria, and Guidance (SCGs). Compliance with SCGs addresses whether or not a remedy will meet applicable environmental laws, regulations, standards, and guidance.

Alternative 1 would not immediately meet the SCGs for groundwater quality standards. However, natural attenuation would restore the aquifer to the groundwater quality standards over a period of time. The existing public water supply regulations are in effect to ensure that the drinking water standards are met within the public water supply distribution system. This would be the same regardless of the alternative selected. The existing wellhead treatment at the Watermill Lane wellfield ensures compliance with the NYS drinking water standards. Alternative 1, while not immediately meeting SCGs, would be an acceptable alternative given the relatively low concentrations of PCE recently observed in monitoring wells downgradient of the site.

Groundwater Alternatives 2 and 3 would also result in groundwater eventually complying with applicable SCGs.

2. Protection of Human Health and the Environment. This criterion is an overall evaluation of the health and environmental impacts to assess whether each alternative is protective.

All groundwater remedial alternatives would be protective of human health and the environment. These alternatives rely upon the NYSDOH Part 5 drinking water requirements which must be met by community water suppliers. The public water supply wells located at Watermill Lane are equipped with wellhead treatment to meet these requirements. There are no potable or production wells on-site utilizing groundwater.

The next five "primary balancing criteria" are used to compare the positive and negative aspects of each of the remedial strategies.

3. Short-term Effectiveness. The potential short-term adverse impacts of the remedial action upon the community, the workers, and the environment during the construction and/or implementation are evaluated. The length of time needed to achieve the remedial objectives is also estimated and compared against the other alternatives.

Worker exposure to contaminated groundwater or soil during implementation of Alternatives 2 or 3 would be controlled through a site specific health and safety plan.
It is estimated that both Alternatives 2 and 3 would have to operate for a minimum of three years before complying with SCGs.

4. Long-term Effectiveness and Permanence. This criterion evaluates the long-term effectiveness of the remedial alternatives after implementation. If wastes or treated residuals remain on site after the selected remedy has been implemented, the following items are evaluated: 1) the magnitude of the remaining risks, 2) the adequacy of the controls intended to limit the risk, and 3) the reliability of these controls.

Under Alternative 2, treated groundwater would have to meet Groundwater Effluent Standards prior to being discharged to the municipal storm sewer system. A groundwater monitoring program would evaluate groundwater quality and the effectiveness of the remedial alternative.

Under Alternative 3, VOCs would be extracted from the groundwater via air sparging and vacuum extraction. Air emissions generated during the application of this alternative might have to be treated to comply with SCGs. A groundwater monitoring program would evaluate the effectiveness of the remedial alternative.

Alternatives 2 and 3 provide for long term effectiveness and permanence.

The Citizens Development Company site and surrounding community are utilizing public water for potable uses. The public water supply wells located at Watermill Lane are equipped with wellhead treatment to treat contaminated groundwater.

5. Reduction of Toxicity, Mobility or Volume. Preference is given to alternatives that permanently and significantly reduce the toxicity, mobility or volume of the wastes at the site.
Neither Alternatives 1, 2 or 3 would reduce the toxicity of the groundwater contaminants at the Site.
Alternative 2 would reduce the volume of contaminants at the
Site and would also reduce the mobility due to containment around the recovery well.
Alternative 3 would reduce the volume of contaminants at the Site.

6. Implementability. The technical and administrative feasibility of implementing each alternative are evaluated. Technical feasibility includes the difficulties associated with the construction and the ability to monitor the effectiveness of the remedy. For administrative feasibility, the availability of the necessary personnel and material is evaluated along with potential difficulties in obtaining specific operating approvals, access for construction, etc..

All alternatives are implementable. However, Alternative 2 would be complicated by high mineral content within the groundwater (iron fouling) and the possibility of capturing hydrocarbons associated with a nearby gasoline spill.

7. Cost. Capital and operation and maintenance costs are estimated for each alternative and compared on a present worth basis. Although cost is the last balancing criterion evaluated, where two or more alternatives have met the requirements of the remaining criteria, cost effectiveness can be used as the basis for the final decision. The costs for each alternative are presented in Table 2.

This final criterion is considered a modifying criterion and is taken into account after evaluating those above. It is focused upon after public comments on the Proposed Remedial Action Plan have been received.

8. Community Acceptance - Concerns of the community regarding the RI/FS reports and the Proposed Remedial Action Plan have been evaluated. The "Responsiveness Summary" included as Appendix A presents the public comments received and the Department's response to the concerns raised.

SECTION 7: SUMMARY OF THE SELECTED REMEDY

Based upon the results of the RI/FS, and the evaluation presented in Section 6, the NYSDEC is proposing Alternative 1 as the remedy for this site.

While Alternative 1 does not immediately meet SCGs, its selection is based upon the fact that three remedial actions previously undertaken at the site have been successful in remediating the soil and groundwater. Those remedial actions were:

1. Soil Excavation: Under the oversight of the NCDH, approximately 75 cubic yards of VOC contaminated soil was excavated and removed from the site in December 1984. Removal of this grossly contaminated soil greatly reduced the threat of continued contamination of on-site groundwater.

2. Groundwater Pump and Treatment: Under the supervision of the Department, a groundwater extraction and treatment system removed VOCs from on-site groundwater. The system operated from January 1986 through May 1990. PCE concentrations in the on-site recovery well diminished from 3463 ppb in January 1985 to 860 ppb in August 1989.

3. Soil Vapor Extraction (SVE) System: Under the supervision of the Division of Environmental Remediation a SVE system removed residual VOC contamination from on-site soil. The system operated from May 1995 through February 1996. Confirmatory soil sampling verified that the on-site source area and the interior floor sump had been remediated to levels below NYSDEC TAGM #4046.

Groundwater quality data generated prior to and during the RI has demonstrated that remediation of the source area and previous groundwater treatment have resulted in significantly reducing the concentrations of PCE in on-site and off-site groundwater. For example, PCE concentrations in downgradient MW-4 diminished from 3,503 ppb in January 1985 to 180 ppb in July 1997.

Groundwater quality data generated during the RI from downgradient monitoring wells, off - site has demonstrated that natural attenuation continues to reduce concentrations of PCE to nearly the SCGs.

The estimated present worth cost to implement the remedy is $30,000. The estimated average annual operation and maintenance cost for three years is $10,000.

The elements of the selected remedy are as follows:

1. Since the remedy results in untreated groundwater remaining at the site, a long term groundwater monitoring program will be instituted. This program will allow the effectiveness of past remedial actions to be monitored and would be a component of the operation and maintenance for the site.

2. The RI confirmed the site specific groundwater flow direction. Based upon these results, monitoring wells MW-1a, 1b, 1c, 1d, MW-2 through MW-8 and MW-10 will be utilized in a groundwater monitoring program. Under this program, groundwater samples will be acquired annually for VOC analysis. The results will be evaluated by NYSDEC and NYSDOH. Water levels will also be taken from this suite of monitoring wells to observe any changes in groundwater flow direction. At the end of the three year monitoring program, groundwater quality will be evaluated and a determination made as to whether to continue the monitoring program or not.

SECTION 8: HIGHLIGHTS OF COMMUNITY PARTICIPATION

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

- A repository for documents pertaining to the site was established.

- A site mailing list was established which included nearby property owners, local political officials, local media and other interested parties.
- A RI/FS Fact Sheet was disseminated to the public in December, 1996.
- A public meeting was held on February 23, 1998 to present the Proposed Remedial Action Plan.
- In March, 1998 a Responsiveness Summary was prepared and made available to the public, to address the comments received during the public comment period for the Proposed Remedial Action Plan.

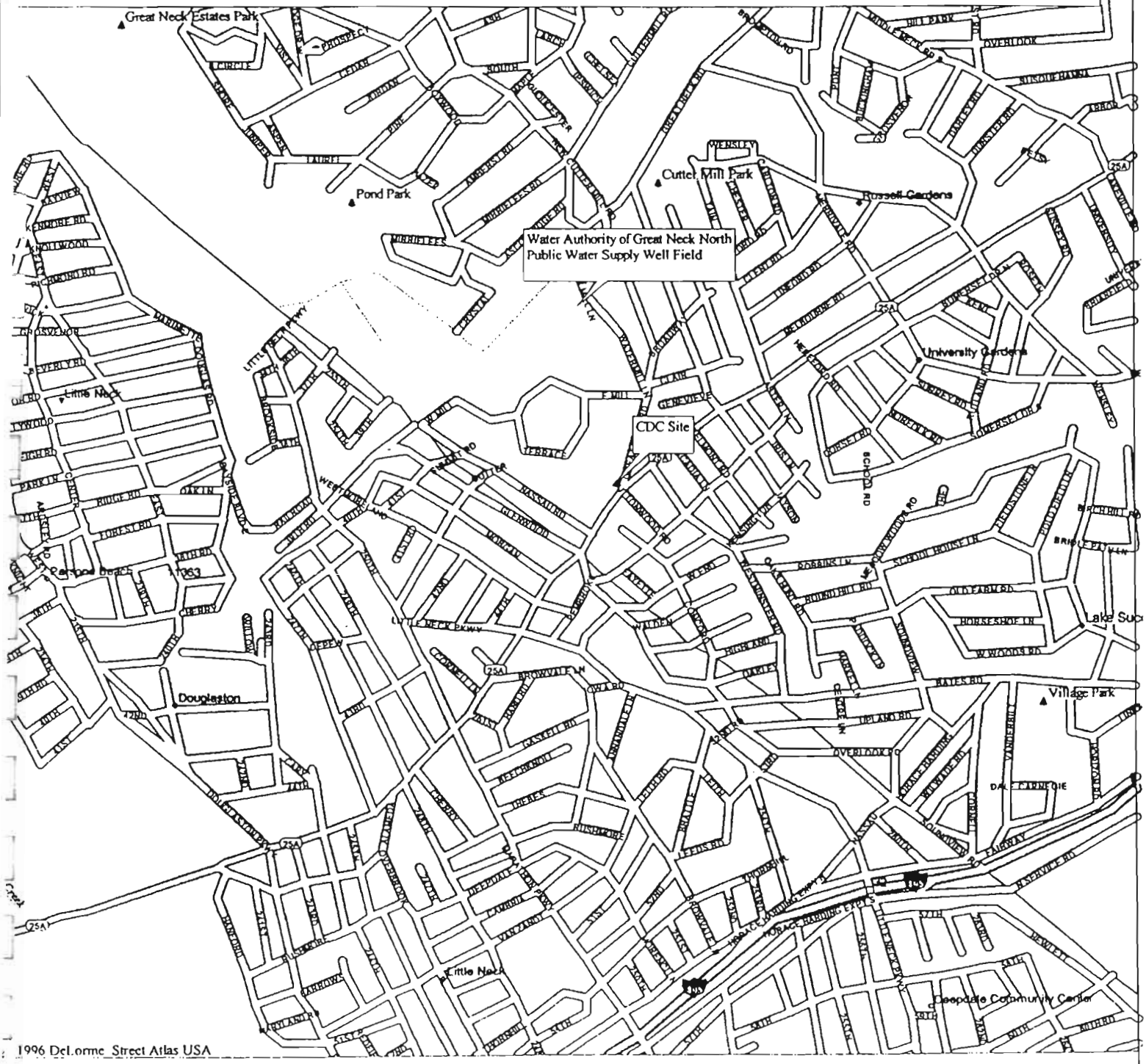
Table 1
Nature and Extent of Contamination

MEDIA	CLASS	CONTAMINANT OF CONCERN	CONCENTRATION RANGE (ppb)	FREQUENCY of EXCEEEDING SCGs	SCG (ppb)
Groundwater	Volatile Organic Compounds (VOCs)	Methylene Chloride	2 to 24	4	5
		1,2-Dichloroethene	ND to 38	3	5
		Trichloroethene	ND to 30	2	5
		Tetrachloroethene	2 to 180	10	5
		Benzene	ND to 380	2	0.7
		Toluene	ND to 2400	3	5
		Ethylbenzene	ND to 900	3	5
		Xylene	ND to 3700	3	5
		Acetone	ND to 4	0	50

Table 2
Remedial Alternative Costs

Remedial Alternative	Capital Cost	Annual O&M	Total Present Worth
No Further Action - Monitor Only	$0	$10,000	$30,000
Groundwater Pump & Treat System	$300,000	$100,000	$600,000
Groundwater Air Sparging System	$55,000	$15,000	$100,000

Citizens Development Co. Fig. #1



Map 15.00
Thu Mar 26 10:29 1998
Scale 1:15,625 (at center)
1000 Feet
500 Meters

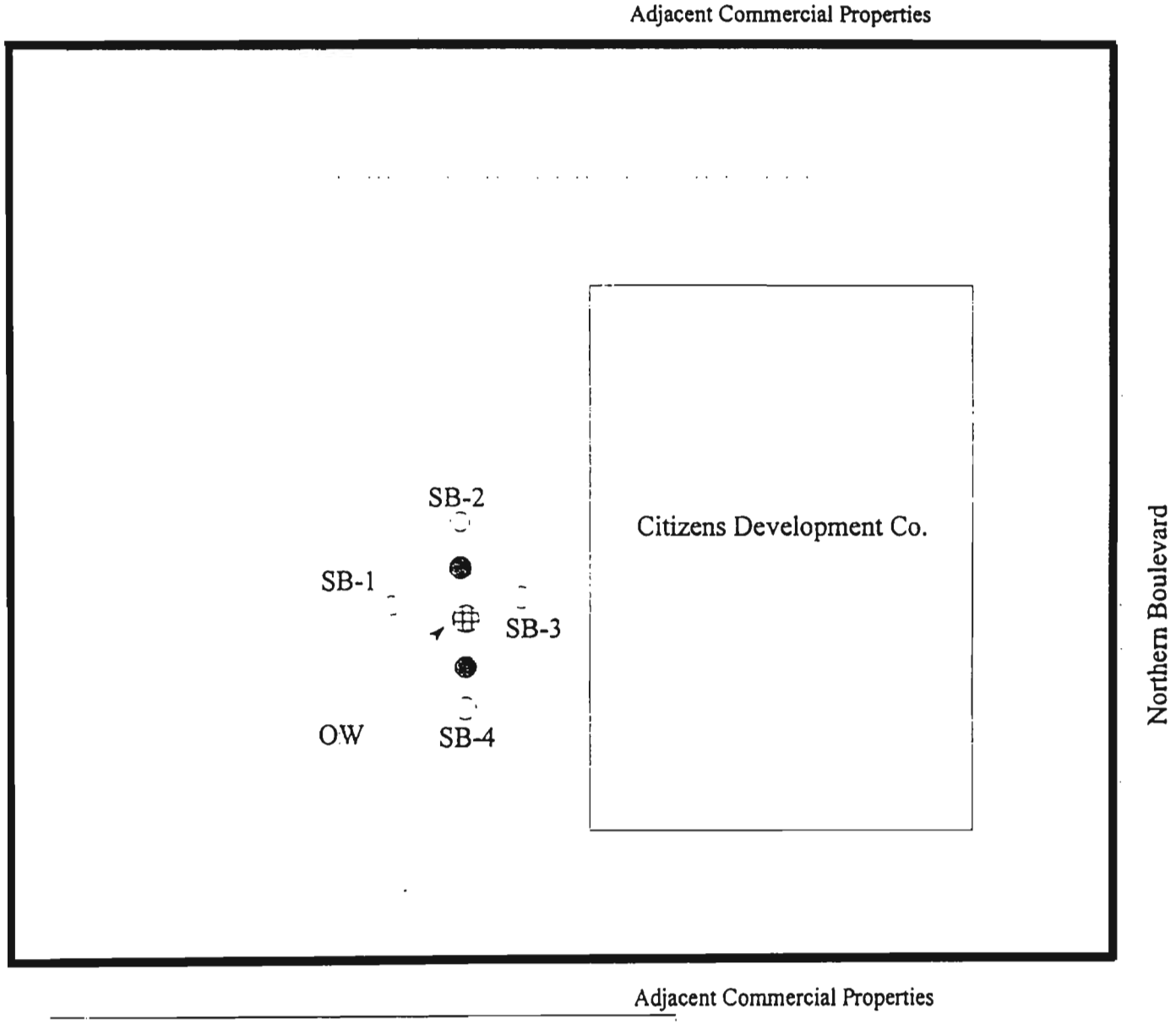
PCE in soil (ppm) -April 1984

Sample Depth	OW	SB1	SB2	SB3	SB4
5 - 7	1300	0.13	0.01	ND	470
10 - 12	550	0.01	ND	ND	6.5
15 - 17	NS	ND	0.01	0.02	0.14
20 - 22	0.01	ND	NS	ND	NS
25 - 27	NS	NS	ND	NS	ND
30 - 32	ND	NS	NS	NS	NS
40 - 42	0.01	NS	NS	NS	NS
50 - 52	0.34	NS	NS	NS	NS

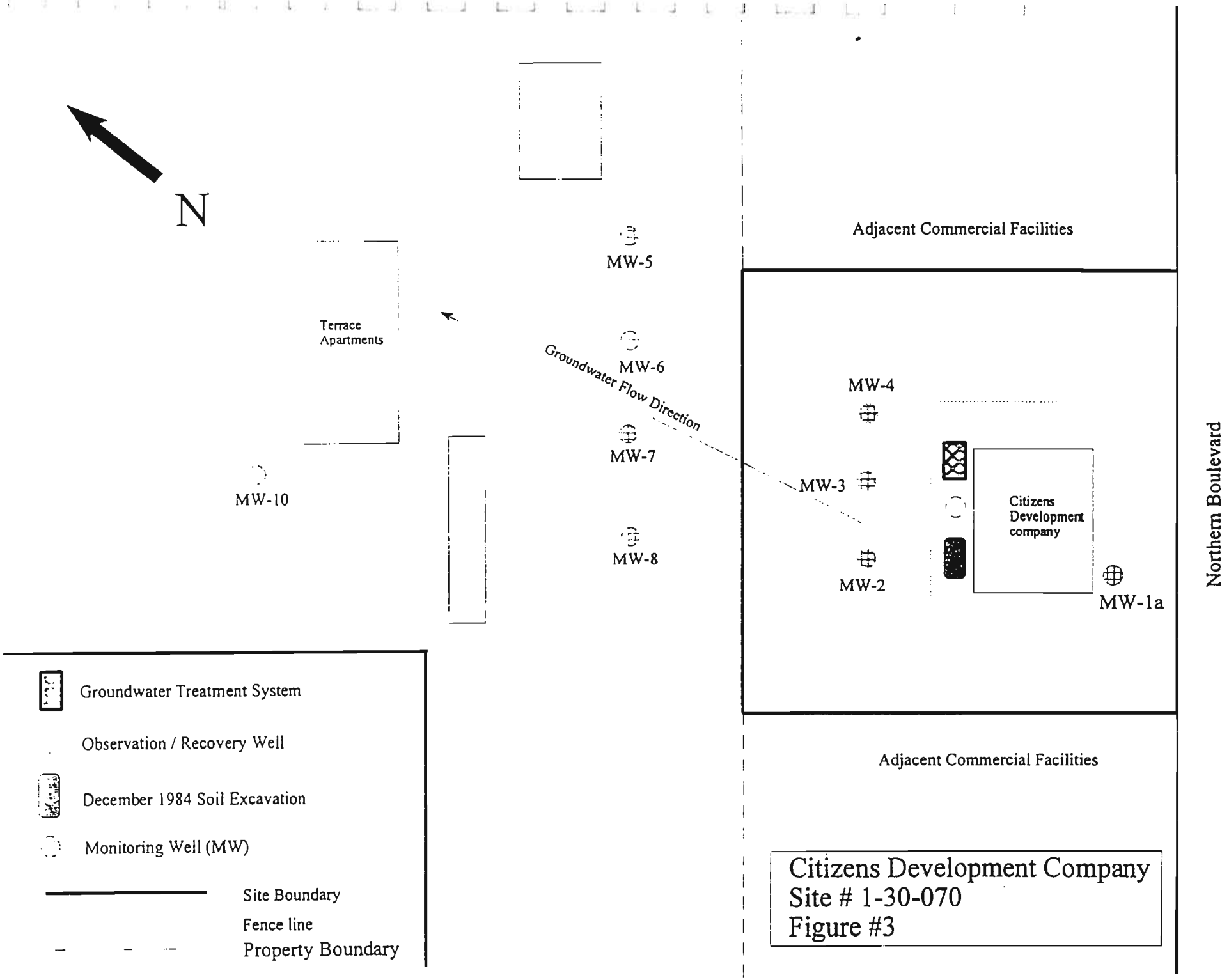
NS - Not Sampled

ND - Non Detect

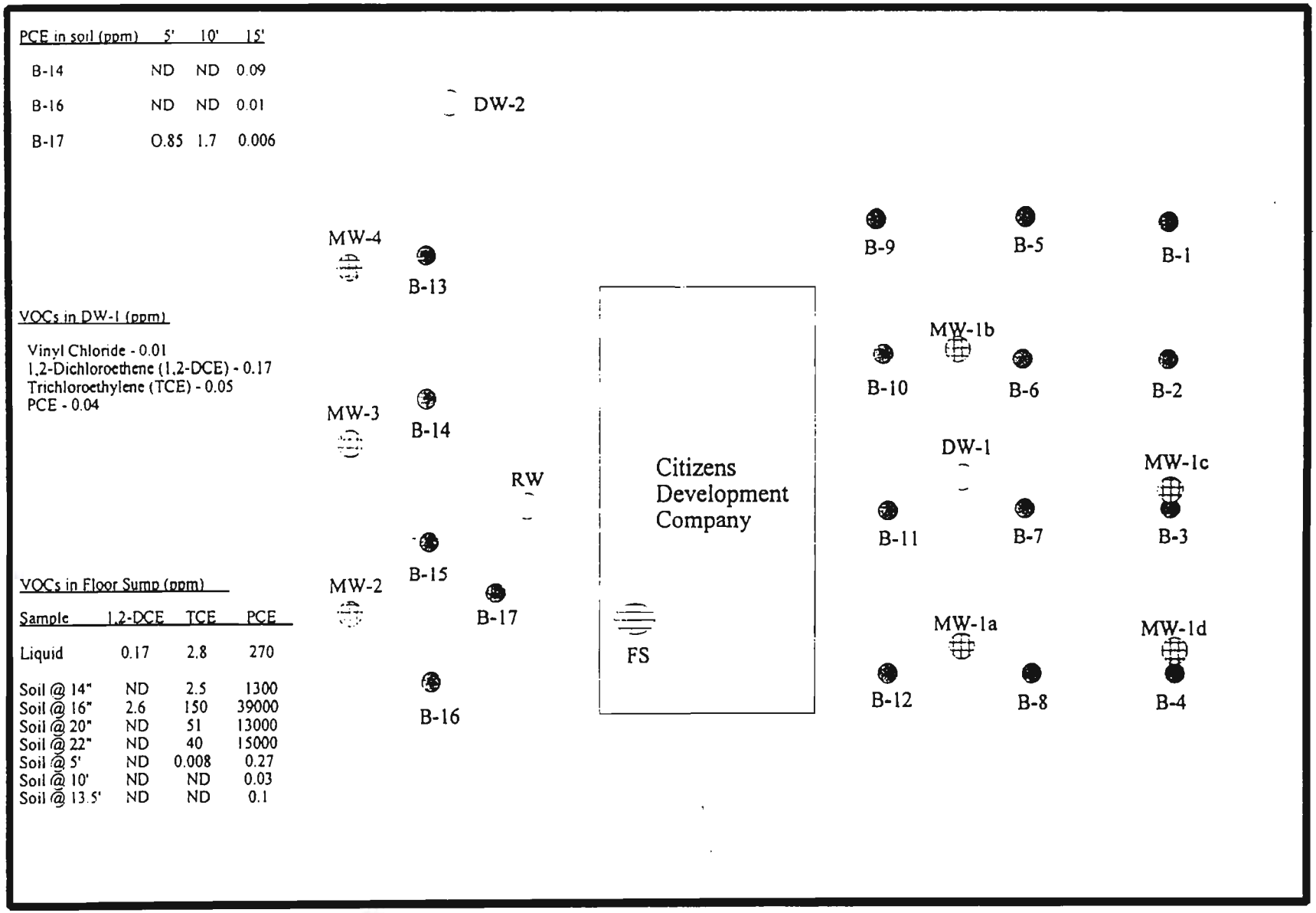
All sample depths in feet below grade



Citizens Development Company
Site # 1-30-070
Figure #2



Citizens Development Company
Site # 1-30-070
Figure #3



Soil Boring location

Monitoring Well (MW)

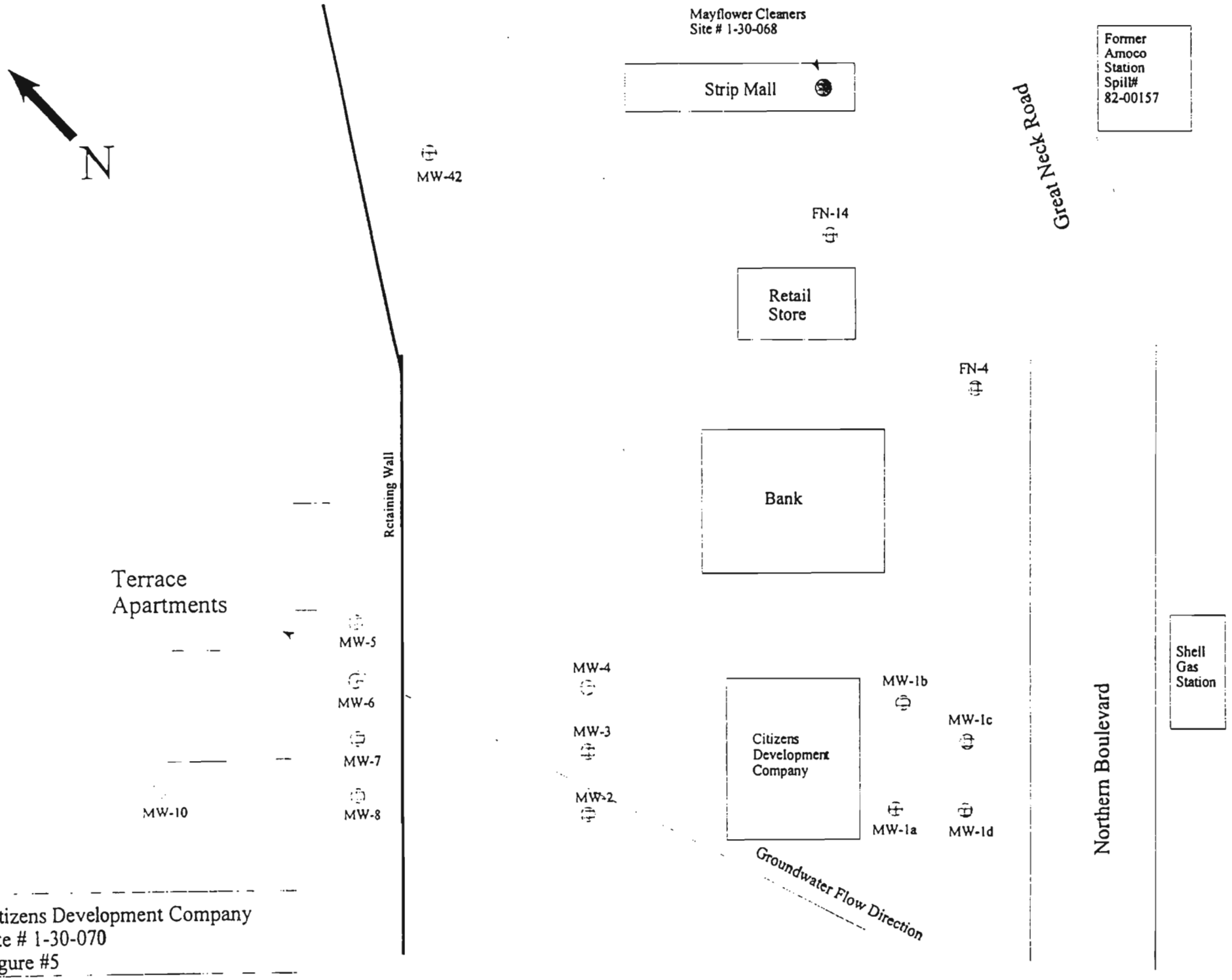
Recovery Well (RW)

Drywell (DW)

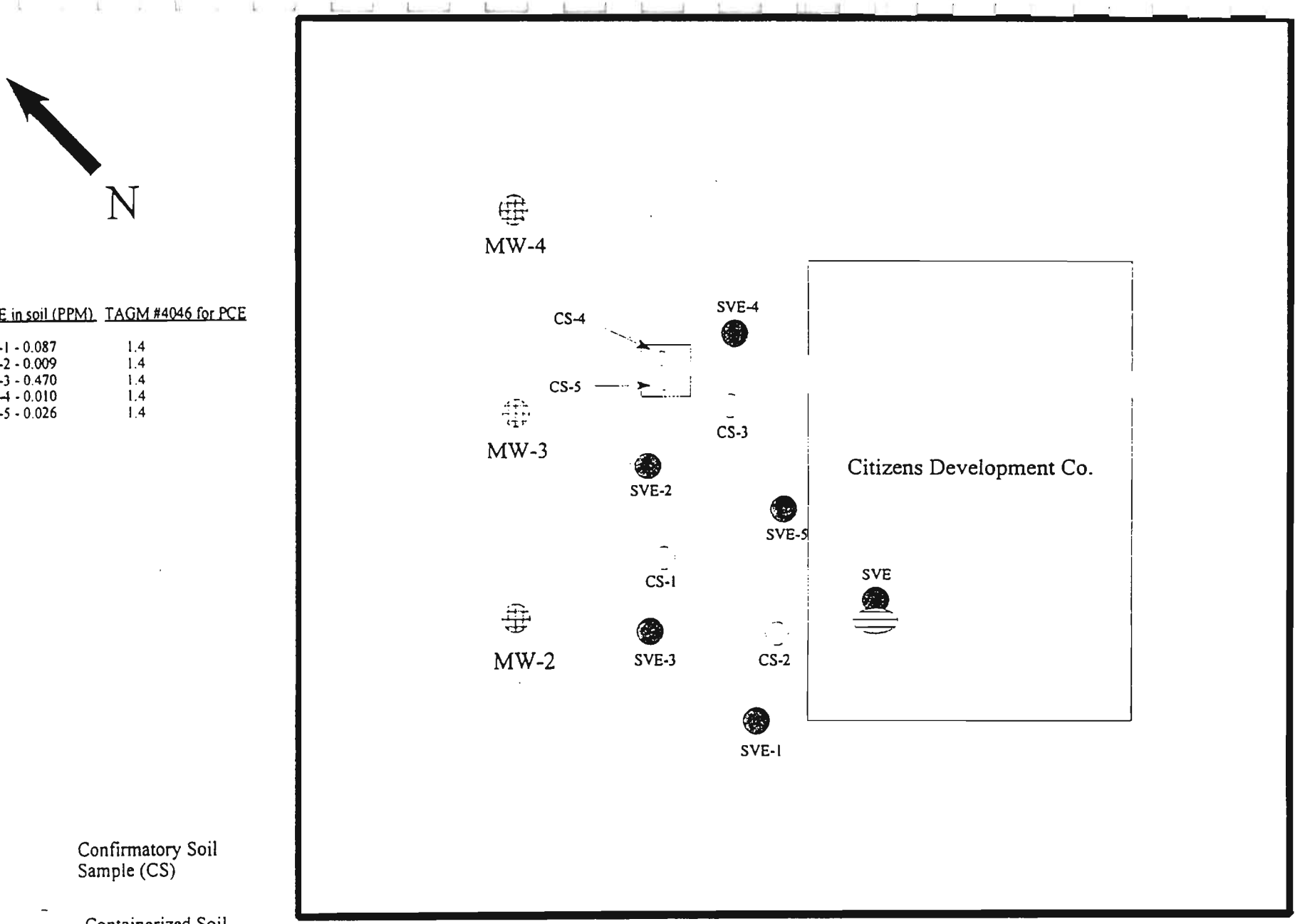
ND - Non Detect

Floor Sump (FS)

Citizens Development Company
Site # 1-30-070
Figure #4



Citizens Development Company
Site # 1-30-070
Figure #5



PCE in soil (PPM)	TAGM #4046 for PCE
CS-1 - 0.087	1.4
CS-2 - 0.009	1.4
CS-3 - 0.470	1.4
CS-4 - 0.010	1.4
CS-5 - 0.026	1.4

Confirmatory Soil Sample (CS)

Containerized Soil

Site Boundary

Floor Sump (FS)

Monitoring Well (MW)

Fence

Soil Vapor Extraction point (SVE)

Citizens Development Company
Site # 1-30-070
Figure #6

Table A: PCE in Groundwater (ppb) April 1984 - July 1997

	April 1984	January 1985	NCDH 1985	NCDH 1986	August 1989	December 1990	July 1991	February 1993	March 1993	July 1997
MW-1a						63	31	46	48	7
MW-1b								150	120	4
MW-1c								45	54	12
MW-1d								9	18	3
OW/RW	4900	3463			860				38	
MW-2		970	1100	68	29	701	772	860	8	69
MW-3		3335	3000	620	140		229	50	25	52
MW-4		3503	2000		26	1033	1780	1800	850	180
MW-5			6							3
MW-6			56							25
MW-7			340							6
MW-8			190				58			2
MW-10							104			4
FN-4										17
FN-14										36
MW-42										7

Table B: VOCs in Groundwater (ppb) February 1991 - July 1991

Monitoring Well No.	Date	PCE	Trichloroethylene	Benzene	Toluene	Ethyl-benzene	Xylene
MW-1a	February	20	3				
	March	29					
	April	37					
	May	30					
	June	38	3				
	July	31					
MW-2	February	333	42			6	12
	March	342	50				
	April	557	81		13	29	92
	May	405	49		19	32	88
	June	633	74		8	23	41
	July	772	92			25	13
MW-3	February	37	30	4			
	March	446	34				10
	April	221	12				5
	May	99					
	June	150	15				
	July	229	20				
MW-4	February	327	11				
	March	1732	55				
	April	1441	46				
	May	1367	43				
	June	1479	44				
	July	1780	54				
MW-8	February	57	5				
	July	58	8				
MW-10	February	46	19	3			
	July	104	21	135		1	2

APPENDIX A

Citizens Development Company
Site #1-30-070
March 23, 1998

RESPONSIVENESS SUMMARY

This document summarizes the comments and questions received by the New York State Department of Environmental Conservation (NYSDEC) regarding the Proposed Remedial Action Plan (PRAP) for the Citizens Development Company Site. The Department provided a comment period from February 17, 1998 to March 20, 1998 to receive comments from the public on the PRAP. The Department held a public meeting on February 23, 1998 at the Lakeville Elementary School to discuss the PRAP and the preferred alternative.

Part 1: The following questions were raised during the public meeting of February 23, 1998:

1. **Can the Public Comment Period be extended?**

   The Public Comment Period will end on March 20, 1998 rather than March 18, 1998.

2. **Has the areal extent of the groundwater plume been defined?**

   The horizontal extent of groundwater contamination has been defined. The vertical extent of groundwater contamination will be determined during Operable Unit 2 (OU-2). During OU-2 groundwater samples will be acquired at discrete depth intervals to ascertain groundwater quality within the aquifer.

3. **Has the NYSDEC ever chosen a remedy other than the Preferred Remedy specified in the Proposed Remedial Action Plan?**

   Yes, in some instances the NYSDEC has chosen an alternative remedy rather than implementing the Preferred Remedy originally described in the Proposed Remedial Action Plan.

4. **Does the pumping of the public water supply wells located on Watermill Lane have any influence on water table elevations at the Citizens Development Company Site?**

   There has been no observed influence on water table elevations attributable to the public water supply wellfield.

5. **Was there notification of the Public Meeting in any local newspapers?**

   The Public Meeting was announced in the Great Neck News, the Great Neck Record, Newsday's Government Watch and by a Meeting Invitation Fact Sheet prepared by the NYSDEC.

Part 2: The following questions/comments were raised by Ms. Shirley Siegal of the League of Women Voters of Great Neck in a letter dated February 25, 1998.

1. **Since the No Further Action Alternative results in untreated groundwater remaining at the site, it remains a threat to human health and the environment and is therefore unacceptable.**

   The No Further Action Alternative was chosen to recognize the effectiveness of past remedial activities conducted at the site. The residual concentrations of tetrachloroethylene (PCE), as observed in the downgradient groundwater monitoring wells, are not expected to pose a threat to human health or the environment. A program of groundwater monitoring - an integral part of this Alternative - will be implemented to verify this. Additionally, under Operable Unit 2, further investigation will be conducted to assess the significance of residual concentrations with respect to deeper portions of the aquifer.
   Recent observations of benzene, toluene and xylene in an upgradient on-site groundwater monitoring well suggests an upgradient source of these contaminants which will be further investigated for appropriate action.

2. **If private wells are used for watering lawns, there is a danger that the contaminated groundwater could be ingested. Blowing contaminated soil spread in the rear, and interior volatile organic compounds (VOCs) still must be addressed.**

   There are no known private wells immediately downgradient of the site. Local water supply is provided by the Water Authority of Great Neck North. The most contaminated soil was excavated from the interior floor sump and the remaining soil was subjected to soil vapor extraction. Prior to emplacement at the rear of the site, remediated soil was analyzed and found to be well below soil cleanup guidelines. Indoor air monitoring will be performed within the basement of the facility as part of OU-2.

3. **Additional monitoring wells must be installed in all three aquifers on-site and off-site to the north to determine the levels of VOCs which are flowing towards the wellfield at Watermill Lane. The monitoring wells should be tested quarterly and the data shared with the Water Authority of Great Neck North (WAGNN) and the Nassau County Department of Health. A limit of three years for this remediation is not protective of the health and welfare of the residents of area.**

   As part of OU-2, groundwater samples will be acquired at discrete vertical depths to ascertain groundwater quality at depth within the aquifer. The Groundwater Monitoring Program will utilize 12 monitoring wells located on-site and off-site, upgradient and downgradient of the site. The contaminant concentrations in groundwater samples taken during the remedial investigation have continued to show a downward trend since the source removal. As a result, groundwater samples and water levels will be acquired annually for a period of three years. This data will be shared with the local water authority and the Health Department and will be evaluated with regard for the need for further remedial action. The Groundwater Monitoring Program can be extended if warranted.

4. **Why was soil removed to a depth of four feet in the interior floor sump?**

The highest levels of soil contamination observed within the floor sump extended to a depth of 22 inches. Soil quality at a depth of five feet was found to be below soil cleanup guidelines. Excavation of soil/sludge material extended to a depth of four feet, whereupon excavation was discontinued due to physical constraints. The remaining soil was subjected to soil vapor extraction to remove residual VOCs.

5. **The soil which was removed from the floor sump was containerized and then subjected to soil vapor extraction. When remediation was complete, the soil was spread about in the unpaved alley on the west side of the facility. This soil should be removed from the site. The soil which remains in the floor sump should be retested.**

The containerized soil was analyzed after remediation and found to be below the soil cleanup guidelines. The soil cleanup guidelines are protective of human health and the environment, therefore, the soil can remain on-site.

Post excavation sampling of the floor sump revealed contaminant levels at nearly the soil cleanup guidelines. Due to the presence of residual contamination, the floor sump was subjected to soil vapor extraction to remove the remaining VOCs.

6. **The customers of the Water Authority of Great Neck North are asked to pay for the remediation of any contamination which may arrive at the wellfield from the Citizens Development Company Site. This is another reason why the No Further Action alternative is unacceptable.**

OU-2 will be conducted to determine if there is any off-site impact to the groundwater from the Citizens Development Company Site. The residual levels of tetrachloroethylene observed in the groundwater monitoring wells downgradient of the site, are not expected to pose a threat to the Watermill Lane wellfield. However, in recognition of the impacts caused to the WAGNN Watermill Lane wellfield by at least one other site, the NYSDEC will be funding the upgrade of the air stripper used by the Water Authority to treat groundwater.

7. **Tetrachloroethylene (PCE) levels have decreased over time, but where have they gone?**

PCE levels have reduced over time due to a variety of reasons. On-site source remediation, pumping and treating of contaminated groundwater, and natural attenuation have all played a part in reducing the concentration of PCE in groundwater.

8. **The No Further Action Alternative does not meet the following goals: "At a minimum, the remedy selected should eliminate or mitigate all significant threats to the public health and to the environment presented by hazardous waste disposed at the site through the proper application of scientific and engineering principles".**

On-site source remediation has been successful. The residual concentrations of PCE observed in the downgradient monitoring wells do not pose a significant threat to the public health or the environment.

9. **What do the letters U, J, B and E in Appendix A and B of the Remedial Investigation/ Feasibility Study (RI/FS) mean?**

These letters are used by the analytical laboratory to qualify analytical results. The individual definitions of these letters is described in Appendix B of the RI/FS.

10. **If the No Further Action Alternative is chosen how will benzene, toluene and xylene be removed from the groundwater?**

These contaminants have been observed coming onto the site from an upgradient source. The NYSDEC will identify and investigate the source of the observed hydrocarbon contamination and then undertake the necessary remedial effort.

11. **Please explain laboratory data sheet 1E - Tentatively Identified Compounds.**

The compounds noted on this lab sheet are hydrocarbon based, their origin is most likely due to the presence of gasoline in the groundwater.

12. **In Appendix A, what is MDL?**

MDL stands for Method Detection Limit.

13. **Finding 1300 ppm of PCE in the soil in the rear yard may indicate more was being dumped than just filters.**

The areal extent of the soil contamination in the rear yard was delineated and the source area remediated.

14. **What was the pumping rate of the groundwater pump and treatment system?**

The pumping rate was approximately 50 gallons per minute.

15. **Why was no data produced in sampling the effluent from the pump and treatment system for 1986, 1987 and 1988?**

The Division of Water was responsible for regulatory oversight of the discharge of treated groundwater from the site. A search of DOW files has revealed data gaps during 1986 and 1987.

16. **Table A states that the PCE level for mw-4 on 7/91 was 180 ppb. Appendix A states that on 7/91 the PCE level was 1780 ppb. Why the difference?**

Table A of the Proposed Remedial Action Plan correctly represents the analytical data for mw-4. In 7/91 the concentration of PCE in mw-4 was 1780 ppb. In 7/97 the concentration of PCE in mw-4 was 180 ppb.

Department of Environmental Conservation

Division of Environmental Remediation

Record of Decision

Citizens Development Company Site
Operable Unit No. 2
University Gardens, Nassau County New York

Site Number 1-30-070

March 2006

New York State Department of Environmental Conservation
GEORGE E. PATAKI, *Governor* DENISE M. SHEEHAN, *Commissioner*

DECLARATION STATEMENT - RECORD OF DECISION

Citizens Development Company Inactive Hazardous Waste Disposal Site
Operable Unit No. 2
University Gardens, Nassau County, New York
Site No. 1-30-070

Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedy for Operable Unit No. 2 of the Citizens Development Company site, a Class 2 inactive hazardous waste disposal site. The selected remedial program was chosen in accordance with the New York State Environmental Conservation Law and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for Operable Unit No. 2 of the Citizens Development Company inactive hazardous waste disposal site, and the public's input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Assessment of the Site

Actual or threatened release of hazardous waste constituents from this site have been addressed by implementing the interim remedial measures (IRMs) identified in this ROD. These IRMs have significantly reduced the threat to public health and the environment. The remedial actions will continue to be operated and soil, soil gas, indoor air and groundwater quality will be monitored to ensure the effectiveness of these actions in meeting the remedial goals.

Description of Selected Remedy

Based on the results of the Remedial Investigation for the Citizens Development Company site and the criteria identified for evaluation of alternatives, the NYSDEC has selected No Further Action with continued operation of the soil vapor extraction (SVE) systems and additional treatment of groundwater. The components of the remedy are as follows:

- Continued operation of the sub-slab and exterior SVE systems to mitigate vapor intrusion into the site building and adjacent buildings and to remediate residual soil contamination.
- Additional in-situ treatment of groundwater via injections of sodium permanganate, as necessary.

- Development of a site management plan to provide for the operation and maintenance of the components of the remedy, including periodic monitoring of soil gas, indoor air and groundwater.

- Imposition of an institutional control in the form of an environmental easement that would require compliance with the approved site management plan; restrict the use of groundwater as a source of potable or process water without the necessary water quality treatment; and require the property owner to complete and submit to the NYSDEC a periodic certification.

New York State Department of Health Acceptance

The New York State Department of Health (NYSDOH) concurs that the remedy selected for this site is protective of human health.

Declaration

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

MAR 31 2006

Date

Dale A. Desnoyers, Director
Division of Environmental Remediation

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RECORD OF DECISION

Citizens Development Company
Operable Unit No. 2
University Gardens, Nassau County, New York
Site No. 1-30-070
March 2006

SECTION 1: SUMMARY OF THE RECORD OF DECISION

The New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), has selected this remedy for the Citizens Development Company (CDC) site, Operable Unit No. 2 (OU-2). The presence of hazardous waste has created significant threats to human health and the environment that are addressed by this remedy. As more fully described in Sections 3 and 5 of this document, dumping of contaminated filter media resulted in the disposal of hazardous wastes, namely volatile organic compounds (VOCs). These wastes contaminated the soil and groundwater at the site and resulted in:

- a significant threat to human health associated with current and potential exposure to contaminated subsurface soil, soil gas and groundwater.

- a significant environmental threat associated with the impacts of contaminants to groundwater.

During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the CDC site in response to the threats identified above. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI). The IRMs undertaken at this site included soil excavation, soil vapor extraction (SVE) and in-situ treatment of groundwater.

Based on the implementation of the above IRMs, the findings of the investigation of this site indicate that the site no longer poses a significant threat to human health or the environment. Therefore, No Further Action with continued operation of the SVE systems and additional treatment of groundwater has been selected as the remedy for this site.

The selected remedy, discussed in detail in Section 6, is intended to attain the remediation goals identified for this site in Section 6. The remedy must conform with officially promulgated standards and criteria that are directly applicable, or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, criteria and guidance are hereafter called SCGs.

SECTION 2: SITE LOCATION AND DESCRIPTION

The Citizens Development Site (1-30-070) is located at 47 Northern Boulevard in the City of Great Neck, Town of North Hempstead, Nassau County, New York (Figure 1). The site consists of a 3,000 square foot single story facility. There is a basement within the building. The site is located in a mixed commercial/residential setting.

Two inactive hazardous waste disposal sites are located within one mile of the site. They are:

- Stanton Cleaners (1-30-072)
- Mayflower Cleaners (1-30-068)

OU-2, which is the subject of this document, consists of the investigation of deeper groundwater quality upgradient and downgradient of the site. OU-2 also addresses the additional remediation of subsurface soil undertaken in response to the identification of a new contaminant source area on-site and to elevated levels of tetrachloroethene (PCE) in shallow groundwater.

An operable unit represents a portion of the site remedy that for technical or administrative reasons can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination.

The remaining operable unit for this site is:
Operable Unit No. 1 (OU-1). OU-1 addressed the remediation of a previously identified contaminant source area in soil and its affect on shallow groundwater.

SECTION 3: SITE HISTORY

3.1: Operational/Disposal History

Cleanland Drive-In Cleaners occupied the facility from approximately 1960 to 1976. During this time, the dry cleaners often stored PCE saturated filter media on the unpaved rear yard of the site. In 1976 the facility burned down. The facility was rebuilt and from 1982 until 1984 was occupied by Flower Fashion, a commercial florist. Since 1984, the facility has been occupied by various tenants, none of which were associated with the use or discharge of hazardous wastes.

3.2: Remedial History

November 1983 and January 1984: Nassau County Department of Health (NCDH) soil samples revealed elevated levels of PCE in surface soils in the rear yard of the facility.

April 1984 - December 1984: Soil and groundwater samples collected by the NCDH detected elevated levels of PCE. Approximately 75 cubic yards of contaminated soil were excavated from the rear yard and disposed of at a permitted facility.

January 1986 - May 1990: Under the oversight of the NYSDEC a groundwater extraction and treatment system was constructed on site. Treated groundwater was discharged to the municipal sewer system under a State Pollution Discharge Elimination System (SPDES) permit (NY-0206351).

December 1990 - February 1993: Additional soil and groundwater samples were collected on-site.

April 1993: Soil samples collected from an interior floor sump revealed elevated levels of PCE. Groundwater sampling data revealed elevated levels of PCE in groundwater.

April 12,1993: The NYSDEC listed the site as a Class 2 site in the Registry of Inactive Hazardous Waste Disposal Sites in New York. A Class 2 site is a site where hazardous waste presents a significant threat to the public health or the environment and action is required.

January 1995: The NYSDEC approved an IRM work plan for OU-1 which included the excavation of contaminated soil from an interior floor sump and the installation of a soil vapor extraction system (SVE).

February 1996: The NYSDEC approved an IRM closure report for OU-1.

June 1997 - September 1997: An RI (OU-1) was conducted during which 15 groundwater monitoring wells were sampled.

March 1998: A ROD was issued for OU-1 which selected no further action with continued groundwater monitoring.

SECTION 4: ENFORCEMENT STATUS

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

The NYSDEC and the Citizens Development Company entered into a Consent Order on September 29, 1994. The Order obligates the responsible parties to implement a full remedial program.

SECTION 5: SITE CONTAMINATION

A remedial investigation/feasibility study (RI) has been conducted to evaluate the alternatives for addressing the significant threats to human health and the environment.

5.1: Summary of the Remedial Investigation

The purpose of the RI was to define the nature and extent of VOC contamination in deeper groundwater resulting from previous activities at the site. The OU-2 RI began in October 1999 but the conclusion was delayed due to a spike in PCE levels in shallow groundwater downgradient of the site and the discovery of another contaminant source area. The field activities and findings of the investigation are described in the RI report and the semi-annual groundwater monitoring reports.

The following activities were conducted during the RI:

- The collection of 29 indoor air samples and six outdoor air samples;

- A soil gas survey in the rear yard of the site;

- Collection of 15 post excavation subsurface soil samples:

- The collection of six discrete groundwater samples within the Upper Glacial Aquifer using the hydropunch method: and

- The construction and sampling of three deeper groundwater monitoring wells within the Upper Glacial Aquifer and the sampling of 12 pre-existing water table wells.

To determine whether the subsurface soil, soil vapor, groundwater and indoor air contained contamination at levels of concern, data from the investigation were compared to the following SCGs:

- Groundwater, drinking water, and surface water SCGs are based on NYSDEC "Ambient Water Quality Standards and Guidance Values" and Part 5 of the New York State Sanitary Code.

- Soil SCGs are based on the NYSDEC "Technical and Administrative Guidance Memorandum (TAGM) 4046; Determination of Soil Cleanup Objectives and Cleanup Levels".

- To determine whether soil vapor or air contains contamination at levels of concern, soil vapor and air samples are compared to values described in the New York State Soil Vapor Intrusion Guidance document.

Based on the RI results, in comparison to the SCGs and potential public health and environmental exposure routes, certain media and areas of the site required remediation. These are summarized below. More complete information can be found in the RI and IRM reports.

5.1.1: Site Geology and Hydrogeology

The site is situated over the Upper Glacial and Magothy aquifers. The Upper Glacial aquifer is approximately 190 feet thick and is composed of stratified sands and gravel with intermittent silt lenses. Beneath the Upper Glacial aquifer lies the Magothy aquifer. The Magothy aquifer is composed of clay, silt and sandy clay. Coarse sand and gravels may exist in the lower portions of the aquifer. Beneath the Magothy aquifer lies the Raritan Formation, whose Raritan Clay member is a relatively impermeable confining layer composed of solid and silty clay. The site specific groundwater flow direction is generally northwest (Figure 2). Groundwater is encountered approximately 40'- 45' below land surface.

5.1.2: Nature of Contamination

As described in the reports, soil, groundwater and indoor air samples were collected to characterize the nature and extent of contamination. As summarized in Table 1, the main categories of contaminants that exceed their SCGs are volatile organic compounds (VOCs), specifically PCE.

5.1.3: Extent of Contamination

This section describes the findings of the investigation for all environmental media that were investigated.

Chemical concentrations are reported in parts per billion (ppb) for water, parts per million (ppm) for waste, soil, and sediment, and micrograms per cubic meter ($\mu g/m^3$) for air samples. For comparison purposes, where applicable, SCGs are provided for each medium.

Table 1 summarizes the degree of contamination for the contaminants of concern in subsurface soil, soil gas and indoor air and compares the data with the SCGs for the site. The following are the media which were investigated and a summary of the findings of the investigation.

Soil Gas/Air

November 2002: Indoor air samples taken from the first floor and basement of the site building contained PCE levels of 120 ug/m^3 and 280 ug/m^3, respectively. Enhancement of the sub-slab SVE system resulted in significant reductions in PCE levels at both locations. In December 2005, PCE was detected at 2.5 ug/m^3 in the first floor and 1.6 ug/m^3 in the basement, well below the NYSDOH PCE guidance value of 100 ug/m^3 and within background concentrations for PCE in indoor air (Table 3).

November 2003: In response to elevated levels of PCE in groundwater and in indoor air, a soil gas survey was conducted in the rear yard to determine if an additional source of contamination existed. Eight locations in the rear yard were sampled with the following range of PCE 1,100 ug/m^3 to 2,400,000 ug/m^3.

Subsurface Soil

Subsurface soil quality was initially characterized through soil gas sampling in November 2003. In August 2004, 77 tons of contaminated soil was excavated from the rear yard. Thereafter, 15 post excavation confirmatory soil samples were collected from the base and sidewalls of the contaminant source area. These samples revealed PCE levels in soil ranging from 0.053 ppm to 27 ppm (Figure 3). Physical constraints posed by the site complicated further excavation, therefore, a SVE system was constructed in the base of the excavation to remediate residual soil contamination (Figure 4). When air emissions from the SVE system reach asymptotic conditions, additional confirmatory soil samples will be collected to ensure compliance with TAGM #4046 Recommended Soil Cleanup Objectives.

Groundwater

As previously discussed, the original focus of OU-2 was to evaluate groundwater quality within the Upper Glacial aquifer. The investigation of deeper groundwater was accomplished through a sampling technique known as the hydropunch method. This sampling method allows groundwater samples to be collected at discrete depths within the aquifer.

In October 1999, hydropunch samples were collected approximately 25' and 50' below the water table (bwt) at upgradient location HP-1 and downgradient locations HP-2 and HP-3. A permanent monitoring well (MW-4D) was constructed adjacent to HP-2 at approximately 95' bwt (Figure 2).

PCE was non detect in HP-1S (25' bwt) and 6 ppb in HP-1I (50' bwt). At HP-2S (25' bwt), PCE was detected at 100 ppb and 740 ppb in HP-2I (50' bwt). PCE was detected at 3.1 ppb in MW-4D. At HP-3S (25' bwt), PCE was detected at 4.9 ppb and 6.3 ppb in HP-3I (50' bwt) (Table 2).

Groundwater samples collected in October 2000 revealed that PCE levels had increased in downgradient MW-3 (820 ppb). Additional samples collected in July 2001 revealed elevated levels of PCE in MW-2 (210 ppb), MW-3 (400 ppb) and MW-4 (620 ppb).

In October 2004, in-situ treatment of groundwater began via injection of sodium permanganate (Figure 4). Groundwater samples collected after several applications of sodium permanganate revealed significant reductions in PCE levels.

In December 2005, two permanent monitoring wells, MW-4S (30' bwt) and MW-4I (45' bwt) were constructed at location HP-2. MW-4S had PCE at 0.48 ppb and MW-4I had a PCE concentration of non-detect. MW-4D had 0.75 ppb of PCE during this round of sampling.

During the most recent sampling, in December 2005, PCE was detected in MW-2 at 35.6 ppb, in MW-3 at 9.3 ppb and in MW-4 at 45.4 ppb. The SCG for PCE in groundwater is 5 ppb.

5.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the RI/FS.

Mitigation measures were taken at the on-site building, to address current human exposures (via inhalation) to volatile organic compounds associated with soil vapor intrusion. In November 2003, the blower motor on the existing sub-slab SVE system was upgraded to better capture sub-slab soil gas. This improvement resulted in significantly reducing PCE levels in indoor air (Table 3).

August-September 2004: 77 tons of contaminated soil was excavated and disposed of off-site at a permitted disposal facility. A total of 15 post-excavation confirmatory end point soil samples were collected with PCE levels ranging from 0.053 ppm to 27 ppm (Figure 3). Physical constraints posed by the site made further excavation difficult to undertake. Therefore, prior to backfilling, horizontal piping was installed in the base of the excavation so that SVE could be applied to the residual soil contamination (Figure 4).

October 2004: To further facilitate remediation of subsurface soil and to remediate shallow groundwater, 27 injection points were installed in the rear yard for the injection of sodium permanganate into soil and groundwater (Figure 4). Sodium permanganate is a strong oxidizer which treats PCE in soil and groundwater converting it to carbon dioxide and harmless by-products.

5.3: Summary of Human Exposure Pathways:

This section describes the types of human exposures that may present added health risks to persons at or around the site. A more detailed discussion of the human exposure pathways can be found in Section 7.2 of the RI report.

An exposure pathway describes the means by which an individual may be exposed to contaminants originating from a site. An exposure pathway has five elements: [1] a contaminant source, [2] contaminant release and transport mechanisms, [3] a point of exposure, [4] a route of exposure, and [5] a receptor population.

The source of contamination is the location where contaminants were released to the environment (any waste disposal area or point of discharge). Contaminant release and transport mechanisms carry contaminants from the source to a point where people may be exposed. The exposure point is a location where actual or potential human contact with a contaminated medium may occur. The route of exposure is the manner in which a contaminant actually enters or contacts the body (e.g., ingestion, inhalation, or direct contact). The receptor population is the people who are, or may be, exposed to contaminants at a point of exposure.

An exposure pathway is complete when all five elements of an exposure pathway exist. An exposure pathway is considered a potential pathway when one or more of the elements currently does not exist, but could in the future.

No exposures are expected for individuals drinking groundwater since the area is served with public water which is treated prior to distribution. Historically, tenants were exposed to PCE in indoor air at levels above 100 ug/m^3 in the on-site building and in businesses adjacent to the site. As an IRM, the SVE system already in place was upgraded to include remediation of on-site and off-site soil vapor. The IRM has reduced indoor air contamination to within background concentrations. Indoor air monitoring will continue for the previously impacted buildings.

5.4: Summary of Environmental Impacts

There are no environmental receptors immediately downgradient of the site which are endangered by site related contaminants.

Site related contamination has impacted the groundwater resource in the Upper Glacial aquifer. Groundwater from this aquifer is utilized as a source of drinking water in the area. The United States Environmental Protection Agency has designated Long Island's aquifer system as a sole source aquifer.

SECTION 6: SUMMARY OF THE REMEDIAL GOALS AND SELECTED REMEDY

Goals for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375-1.10. At a minimum, the remedy selected must eliminate or mitigate all significant threats to public health and/or the environment presented by the hazardous waste disposed at the site through the proper application of scientific and engineering principles.

Prior to the completion of the IRMs described in Section 5.2, the remediation goals for this site were to eliminate or reduce to the extent practicable:

- exposures of persons to PCE in indoor air within the site building or adjacent buildings;
- the release of contaminants from soil into groundwater that may create exceedances of groundwater quality standards;
- the release of contaminants from subsurface soil into indoor air and ambient air through soil vapor; and
- reduction of PCE levels in groundwater to concentrations meeting the ambient water quality standard.

Further, the remediation goals for the site include attaining to the extent practicable:

- ambient groundwater quality standards;
- TAGM #4046 Determination of Soil Cleanup Objectives and Cleanup Levels; and
- To determine whether soil vapor or air contains contamination at levels of concern, soil vapor and air samples are compared to values described in the New York State Soil Vapor Intrusion Guidance document.

The NYSDEC believes that the IRMs undertaken during OU-2 have accomplished these remediation goals provided that they continue to be operated and maintained in a manner consistent with the design.

While previous applications of sodium permangante have already effectively reduced PCE concentrations in groundwater, additional applications are expected to further reduce PCE concentrations to levels meeting the remedial goal.

Excavation of the contaminant source area has removed the majority of subsurface soil contamination. Continued operation of the SVE system constructed within the source area will reduce residual soil contamination to levels meeting the recommended soil cleanup objective prescribed in TAGM #4046.

Enhancement and continued operation of the sub-slab SVE system has been proven to be effective in reducing PCE levels in indoor air within the site building and within adjacent buildings.

The following element of the IRMs already completed has achieved the remediation goals and satisfies the SCGs for the site:

- Enhancement of the sub-slab SVE system has reduced PCE levels in indoor air within the site building and adjacent buildings to levels below the SCG.

Based on the results of the investigations at the site, the IRMs that have been performed, and the evaluation presented here, the NYSDEC has selected No Further Action with continued operation of the SVE systems and additional treatment and monitoring of groundwater and indoor air as the preferred alternative for the site.

The basis for this selection is the NYSDEC's conclusion that No Further Action with continued operation of the SVE systems and additional groundwater treatment is protective of human health and the environment and will satisfy all SCGs, as described above. Overall protectiveness is achieved through meeting the remediation goals listed above.

Implementation of the No Further Action alternative, when projected over a period of three years, will require a capital cost of approximately $3,000, operation, maintenance and monitoring of $25,600 and a total present worth of $65,200.

The NYSDEC has concluded that No Further Action is needed other than a site management plan and the institutional and engineering controls listed below.

- Continued operation of the sub-slab SVE system to mitigate vapor intrusion into the site building and adjacent buildings.

- Continued operation of the SVE system installed in the contaminant source area until such time that confirmatory soil samples demonstrate that soil quality meets the remedial goals.

- Additional in-situ treatment of groundwater via injections of sodium permanganate, as necessary.

- Development of a site management plan to provide for the operation and maintenance of the components of the remedy, including periodic monitoring of soil gas, indoor air and groundwater.

- Imposition of an institutional control in the form of an environmental easement that will require compliance with the approved site management plan; restrict the use of groundwater as a source of potable or process water without necessary water quality treatment; and require the property owner to complete and submit to the NYSDEC a periodic certification.

- The property owner will provide a periodic certification, prepared and submitted by a professional engineer or such other expert acceptable to the NYSDEC, until the NYSDEC notifies the property owner in writing that this certification is no longer needed. This submittal will contain certification that the engineering controls, are still in place, allow the NYSDEC access to the site, and that nothing has occurred that would impair the ability of the control to protect public health or the environment, or constitute a violation or failure to comply with the site management plan.

- The operation of the components of the remedy will continue until the remedial objectives have been achieved, or until the NYSDEC determines that continued operation is technically impracticable or not feasible.

SECTION 7: HIGHLIGHTS OF COMMUNITY PARTICIPATION

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

- Documents were placed in the repositories.
- A meeting/invitation fact sheet was distributed per the public contact list.
- A public meeting was held on March 14, 2006 to present and receive comments on the PRAP.
- A responsiveness summary (Appendix A) was prepared to address the comments received during the public comment period for the PRAP.

In general, the public comments received were supportive of the selected remedy.

TABLE 1
Nature and Extent of Contamination

SUBSURFACE SOIL	Contaminants of Concern	Concentration Range Detected (ppm)[a]	SCG[b] (ppm)[a]	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	PCE	0.053 to 27	1.4	12 of 15
	Aug-Sept 2004 (post IRM)			

SOIL GAS	Contaminants of Concern	Concentration Range Detected ($\mu g/m^3$)[a]	SCG[b] ($\mu g/m^3$)[a]	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	PCE	1,100 to 2,400,000	1.7 - 11	8 of 8

AIR	Contaminants of Concern	Concentration Range Detected ($\mu g/m^3$)[a]	SCG[b] ($\mu g/m^3$)[a]	Frequency of Exceeding SCG
Volatile Organic Compounds (VOCs)	PCE	0.5 - 280	*	4 of 29

[a] ppm = parts per million, which is equivalent to milligrams per kilogram, mg/kg, in soil
ug/m^3 = micrograms per cubic meter, ND=non detect

[b] SCG = standards, criteria, and guidance values

* = To determine whether soil vapor or air contains contamination at levels of concern, soil vapor and air samples are compared to values described in the New York State Soil Vapor Intrusion Guidance document

Citizens Development Company - PCE in Groundwater - Table 2

	10/99	10/00	11/00	7/01	10/02	1/03	12/03	6/04	10/04	11/04	12/04	3/05	4/05	5/05	6/05	12/05
MW-1A						61.4	53.6	66.5	NS	NS	60.2	NS	NS	NS	14.3	4
MW-1B											92.8	NS	NS	NS	NS	NS
MW-1C	31	7	NS	NS	11.6	16.1	52	6.5	NS	NS	9.5	NS	NS	NS	1.3	1.2
MW-1D											17.6	NS	NS	NS	NS	NS
HP-1S	ND															
HP-1I	6															
MW-2	51	16	NS	210	146	31.3	5.5	529	NS	NS	189	NS	NS	NS	280	35.6
MW-3	140	820	490	400	162	197	ND	306	NS	NS	60.2	NS	NS	NS	53.4	9.3
MW-4	140	41	410	620	464	49	544	480	670	610	640	460	290	190	8.9	45.4
HP-2S	100															
HP-2I	740															
MW-4S																0.48
MW-4I																ND
MW-4D			3.1	NS	NS	3	1.8	27.5	NS	NS	63.3	NS	NS	NS	5.7	0.75
MW-5		ND	NS	NS	NS	1.6	NS	1.4	NS	NS	NS	NS	NS	NS	1.5	NS
MW-6	56	NS	NS	NS	NS	34.5	NS	10.4	NS	NS	NS	NS	NS	NS	3.7	NS
HP-3S	4.9															
HP-3I	6.3															
MW-7	36		2.1			16.9									19.1	NS
MW-8	ND	ND	NS	NS	NS	1.2	NS	0.48	NS	NS	NS	NS	NS	NS	12.8	NS
MW-10						2.9	NS	NS	NS	NS	NS	NS	NS	NS	3.7	NS

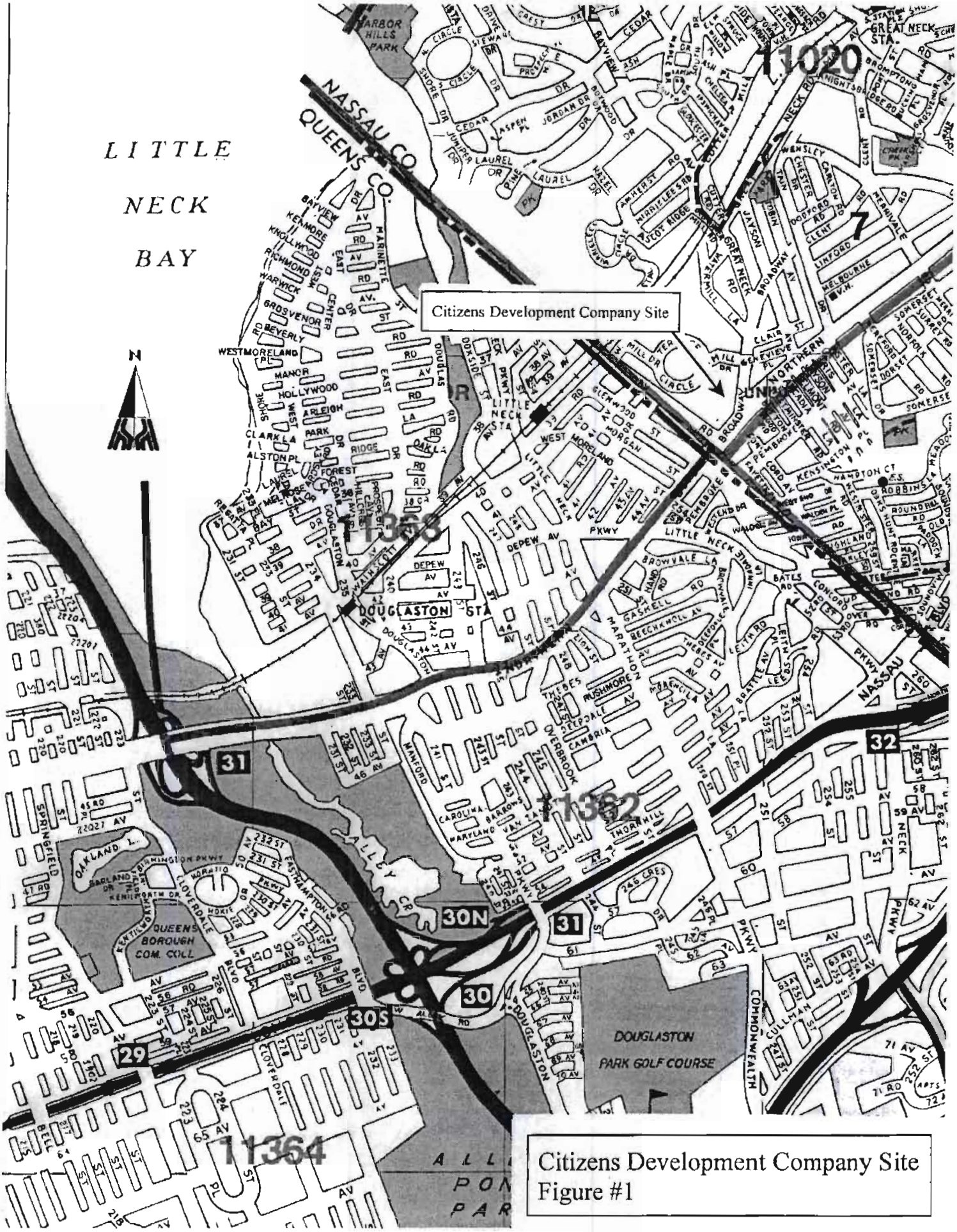
PCE concentrations in ppb
ND=non detect NS=not sampled

Table 3
Citizens Development Co./Flower Fashion Site
Summary of Perchloroethene Indoor Air Readings
Units - ug/m3

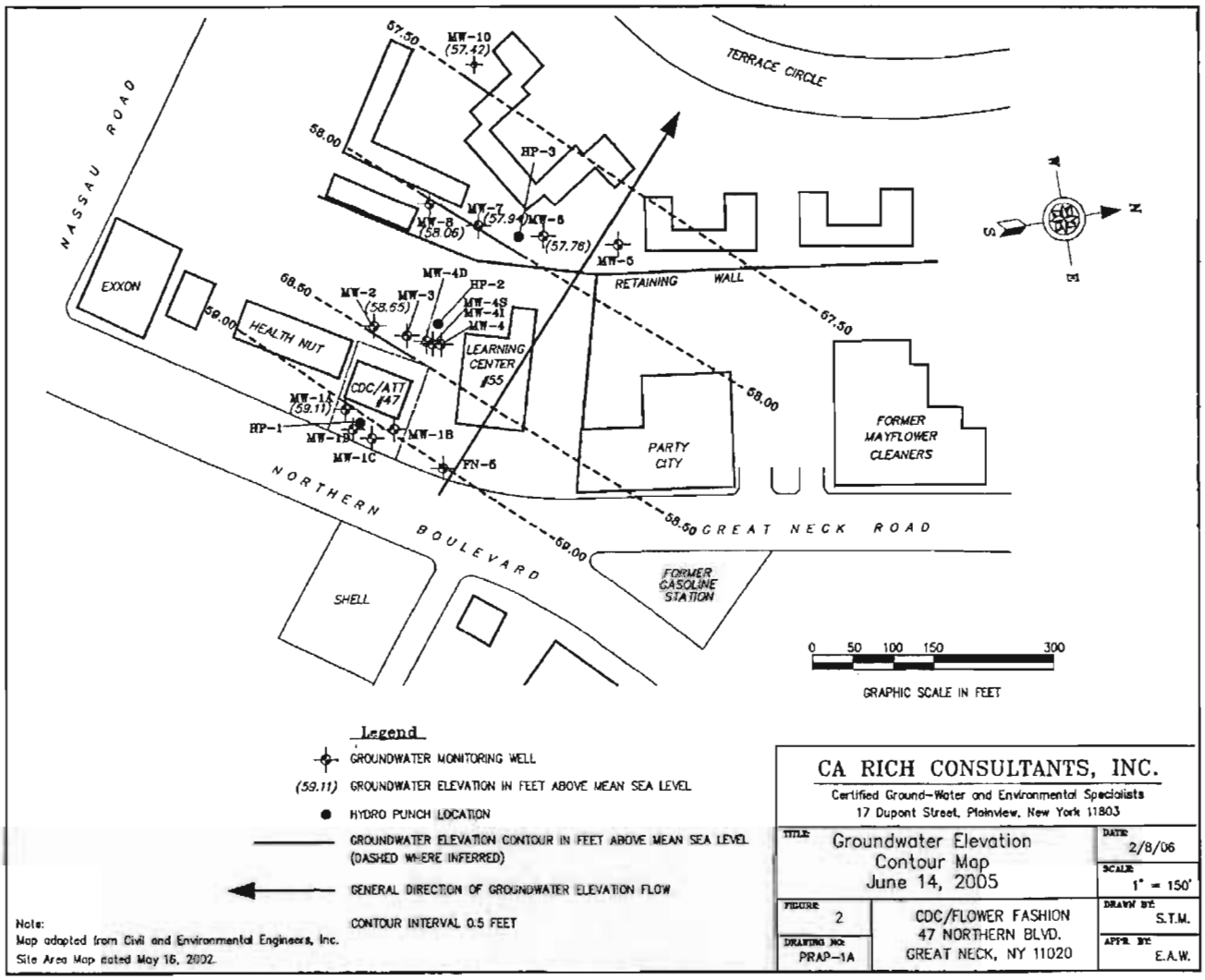
Sample #:	PDM-1	PDM-2	PDM-3	PDM-4	PDM-5	PDM-6*
Location:	AT&T	AT&T	Heath Nut	55 No. Blvd. NW test rm.	55 No. Blvd. Reception	Outdoors
Level:	(Ground Fl.)	(Downstairs)	(Ground Fl.)	(Downstairs)	(Downstairs)	NA
Date						
11/20/02	120	280	NA	170	150	7
12/02/03	27	18	4	47	47	6.4
06/15/04	22	27	6.6	39	39	10
12/17/04	47	52	5.5	70	91	2.6
06/23/05	4.5	8.3	1.4	8.8	10	5.7
12/13/05	2.5	1.6	<0.5	6.2	6.2	<0.5

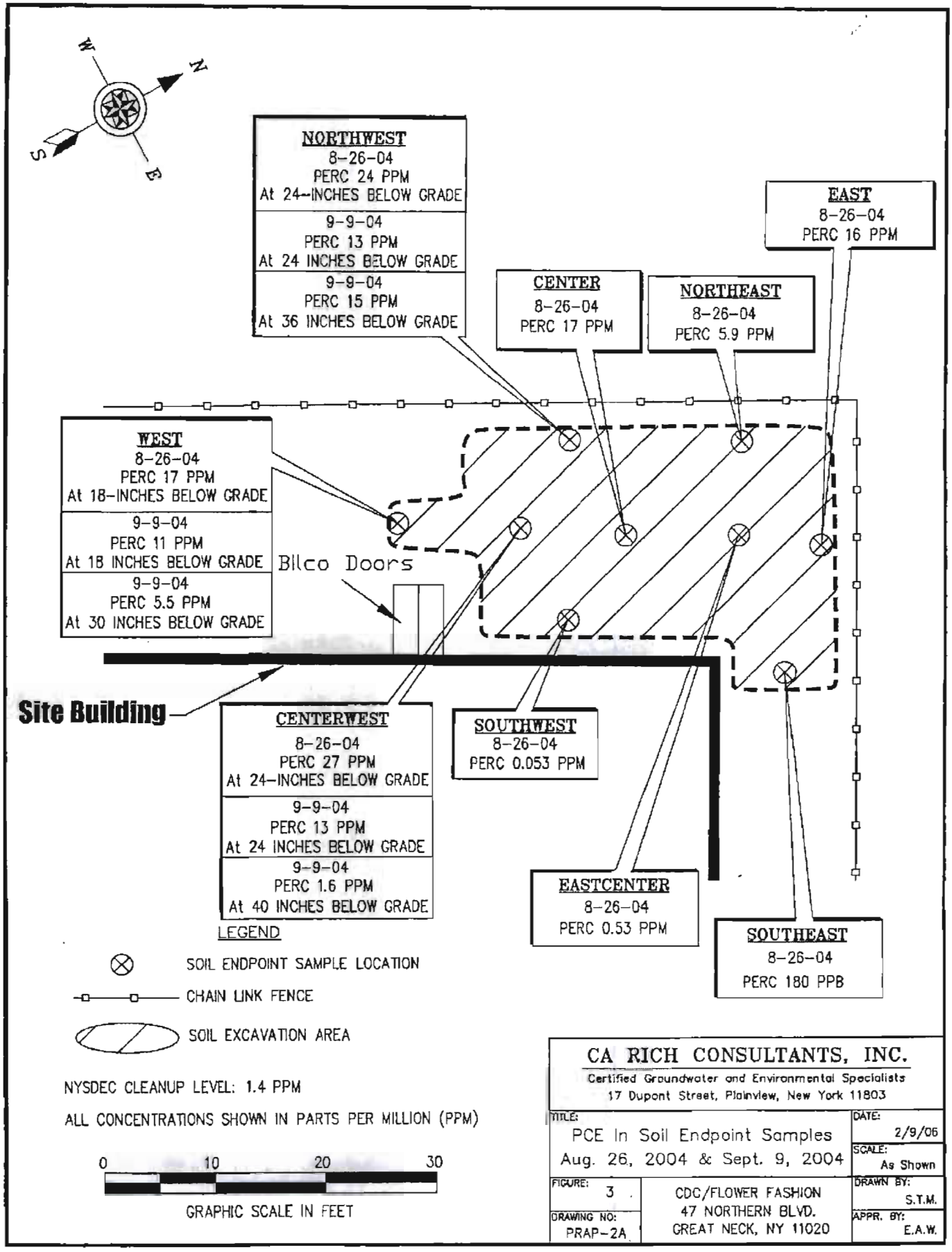
Notes:
1-AT&T store now known as Cingular
2-Subslab venting system in basement of AT&T installed during the Spring of 2002
3-SVE system in rear yard installed January 2005
4-November 20, 2002 samples collected and analyzed by NYSDOH

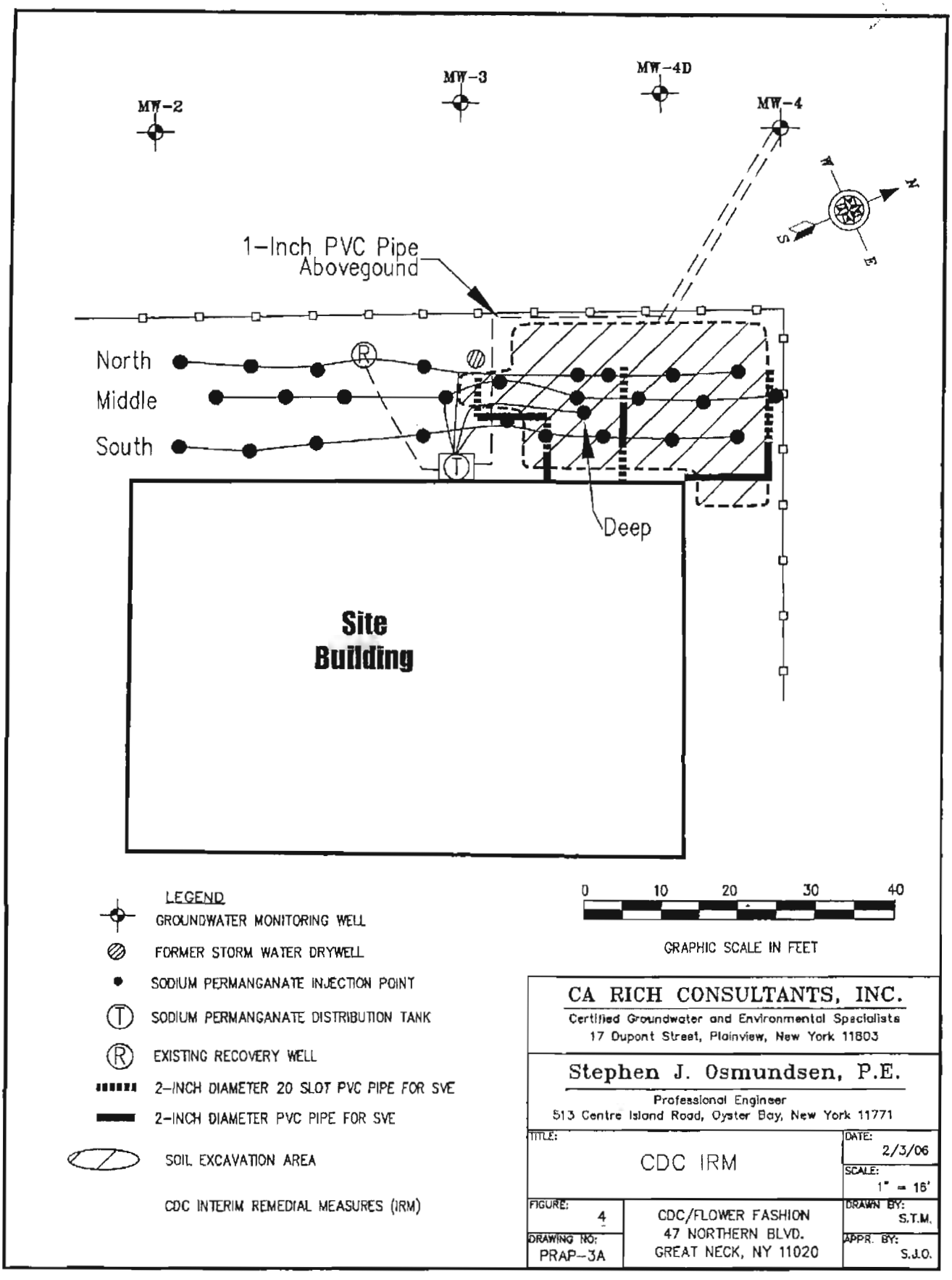
* - Outdoor air sample NA - Not Analyzed



Citizens Development Company Site
Figure #1


NASSAU ROAD
TERRACE CIRCLE
EXXON
HEALTH NUT
CDC/ATT #47
LEARNING CENTER #55
RETAINING WALL
PARTY CITY
FORMER MAYFLOWER CLEANERS
NORTHERN BOULEVARD
GREAT NECK ROAD
SHELL
FORMER GASOLINE STATION
MW-10 (57.42)
MW-7 (57.94)
MW-8 (58.06)
MW-6 (57.78)
MW-5
HP-3
MW-4D
HP-2
MW-2 (58.55)
MW-3
MW-4S
MW-4I
MW-4
MW-1A (59.11)
HP-1
MW-1B
MW-1C
FN-6
57.50
58.00
58.50
59.00
68.50
0 50 100 150 300
GRAPHIC SCALE IN FEET
Legend
GROUNDWATER MONITORING WELL
(59.11) GROUNDWATER ELEVATION IN FEET ABOVE MEAN SEA LEVEL
HYDRO PUNCH LOCATION
GROUNDWATER ELEVATION CONTOUR IN FEET ABOVE MEAN SEA LEVEL (DASHED WHERE INFERRED)
GENERAL DIRECTION OF GROUNDWATER ELEVATION FLOW
CONTOUR INTERVAL 0.5 FEET
Note:
Map adapted from Civil and Environmental Engineers, Inc.
Site Area Map dated May 16, 2002.
CA RICH CONSULTANTS, INC.
Certified Ground-Water and Environmental Specialists
17 Dupont Street, Plainview, New York 11803
TITLE: Groundwater Elevation Contour Map June 14, 2005
DATE: 2/8/06
SCALE: 1" = 150'
FIGURE: 2
DRAWING NO: PRAP-1A
CDC/FLOWER FASHION
47 NORTHERN BLVD.
GREAT NECK, NY 11020
DRAWN BY: S.T.M.
APP'R. BY: E.A.W.


N
E
S
W
NORTHWEST
8-26-04
PERC 24 PPM
At 24-INCHES BELOW GRADE
9-9-04
PERC 13 PPM
At 24 INCHES BELOW GRADE
9-9-04
PERC 15 PPM
At 36 INCHES BELOW GRADE
CENTER
8-26-04
PERC 17 PPM
NORTHEAST
8-26-04
PERC 5.9 PPM
EAST
8-26-04
PERC 16 PPM
WEST
8-26-04
PERC 17 PPM
At 18-INCHES BELOW GRADE
9-9-04
PERC 11 PPM
At 18 INCHES BELOW GRADE
9-9-04
PERC 5.5 PPM
At 30 INCHES BELOW GRADE
Bilco Doors
Site Building
CENTERWEST
8-26-04
PERC 27 PPM
At 24-INCHES BELOW GRADE
9-9-04
PERC 13 PPM
At 24 INCHES BELOW GRADE
9-9-04
PERC 1.6 PPM
At 40 INCHES BELOW GRADE
SOUTHWEST
8-26-04
PERC 0.053 PPM
EASTCENTER
8-26-04
PERC 0.53 PPM
SOUTHEAST
8-26-04
PERC 180 PPB
LEGEND
SOIL ENDPOINT SAMPLE LOCATION
CHAIN LINK FENCE
SOIL EXCAVATION AREA
NYSDEC CLEANUP LEVEL: 1.4 PPM
ALL CONCENTRATIONS SHOWN IN PARTS PER MILLION (PPM)
0
10
20
30
GRAPHIC SCALE IN FEET
CA RICH CONSULTANTS, INC.
Certified Groundwater and Environmental Specialists
17 Dupont Street, Plainview, New York 11803
TITLE:
PCE In Soil Endpoint Samples
Aug. 26, 2004 & Sept. 9, 2004
DATE:
2/9/06
SCALE:
As Shown
FIGURE:
3
DRAWING NO:
PRAP-2A
CDC/FLOWER FASHION
47 NORTHERN BLVD.
GREAT NECK, NY 11020
DRAWN BY:
S.T.M.
APPR. BY:
E.A.W.



CA RICH CONSULTANTS, INC.
Certified Groundwater and Environmental Specialists
17 Dupont Street, Plainview, New York 11803

Stephen J. Osmundsen, P.E.
Professional Engineer
513 Centre Island Road, Oyster Bay, New York 11771

TITLE: CDC IRM		DATE: 2/3/06
		SCALE: 1" = 15'
FIGURE: 4	CDC/FLOWER FASHION 47 NORTHERN BLVD. GREAT NECK, NY 11020	DRAWN BY: S.T.M.
DRAWING NO: PRAP-3A		APPR. BY: S.J.O.

APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

Citizens Development Company Site
Operable Unit No. 2
University Gardens, Nassau County, New York
Site No. 1-30-070

The Proposed Remedial Action Plan (PRAP) for the Citizens Development Company site was prepared by the New York State Department of Environmental Conservation (NYSDEC) in consultation with the New York State Department of Health (NYSDOH) and was issued to the document repositories on February 27, 2006. The PRAP outlined the remedial measures proposed for the contaminated soil and groundwater at the Citizens Development Company site.

The release of the PRAP was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedies.

A public meeting was held on March 14, 2006 which included a presentation of the Remedial Investigation as well as a discussion of the proposed remedies. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedies. These comments have become part of the Administrative Record for this site. The public comment period for the PRAP ended on March 27, 2006.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received, with the NYSDEC's responses:

COMMENT 1: How often and for how long will indoor air be monitored?
RESPONSE 1: Indoor air will continue to be sampled until such time as post remedial monitoring demonstrates that operation of the soil vapor extraction systems (SVE) are no longer necessary.

COMMENT 2: Does the sub slab SVE system only protect the CDC facility building?
RESPONSE 2: Indoor air sampling within the CDC building and the CLC has demonstrated that the combination of the sub slab SVE system and the exterior SVE system have been effective in mitigating soil vapor intrusion within both buildings.

COMMENT 3: Is the Upper Glacial aquifer contaminated? How deep was groundwater sampled and was it contaminated?
RESPONSE 3: The water table exists approximately 40 feet below grade. Tetrachloroethene (PCE) levels at the water table were found to be as high as 45.4 ppb in December 2005. The groundwater standard for PCE is 5 ppb. Deeper groundwater samples collected at depths of 25 feet, 50 feet and 90 feet below the water table, in December 2005, revealed PCE levels below the standard.

COMMENT 4: What work was accomplished at the site in 1994?
RESPONSE 4: No work was accomplished in 1994. However, in January 1995, the NYSDEC approved plans for the excavation of contaminated soil from a basement floor sump and for the installation of a sub slab SVE system.

COMMENT 5: What is the source of contamination?
RESPONSE 5: The storage of contaminated filter media outside the facility appears to have been the cause of exterior subsurface soil contamination. Discharges of contaminated condensate into a basement sump appears to have been the cause of subsurface contamination within the facility.

COMMENT 6: What was the first symptom that brought attention to the site?
RESPONSE 6: The Nassau County Department of Health (NCDH) conducted soil sampling at the site in November 1983 that revealed elevated levels of PCE.

COMMENT 7: How much soil has been removed from the site?
RESPONSE 7: Approximately 156 cubic yards of contaminated soil has been excavated and disposed of off-site at a permitted disposal facility.

COMMENT 8: Why wasn't all the contaminated soil removed by the NCDH?
RESPONSE 8: Two additional contaminant source areas were discovered and remediated after the NYSDEC took over the project as lead agency.

COMMENT 9: At what depths are sodium permanganate being injected?
RESPONSE 9: Sodium permanganate is being injected at depths of two to five feet and seven to twelve feet below grade. There is also an injection point 35 feet to 45 feet below grade for the purpose of injecting sodium permanganate directly into affected groundwater.

COMMENT 10: In 1999, groundwater at HP-2I revealed PCE at 740 ppb. Was this the only spike in PCE in deeper groundwater downgradient of the site?
RESPONSE 10: In 1999, PCE was detected at 100 ppb in HP-2S.

COMMENT 11: In December 2005, monitoring well MW-4 had 45 ppb of PCE. Are there any plans to further treat groundwater?
RESPONSE 11: At least one additional application of sodium permanganate is scheduled. An evaluation of groundwater quality after that application will dictate the need for future applications.

COMMENT 12: Are the spikes in groundwater quality the source of contaminants in indoor air?
RESPONSE 12: Residual subsurface soil contamination is the likely source of contaminants in indoor air.

COMMENT 13: Will sodium permanganate impact the Water Authority of Great Neck North's (WAGNN) wellfield?
RESPONSE 13: The radius of influence of the sodium permanganate is limited and is not expected to impact the wellfield.

COMMENT 14: How fast does groundwater travel?
RESPONSE 14: An average rate of groundwater flow is approximately one foot per day.

COMMENT 15: The cone of influence relative to the wellfield is approximately 0.5 miles. The WAGNN has expressed concern about chlorides, a degradation product of the in-situ groundwater treatment. Can chlorides be added to the analyte list for groundwater sampling?

RESPONSE 15: Chlorides will be added to the groundwater analyte list.

COMMENT 16: Who owns the site? Are they applying to the Brownfields Cleanup Program (BCP)?
RESPONSE 16: The site is owned by the Citizens Development Company. The NYSDEC is unaware of any plans to apply to the BCP. As a Class 2 site, the site will not be eligible for the BCP.

COMMENT 17: What is the periodic certification?
RESPONSE 17: The property owner is required to submit a periodic certification to the NYSDEC certifying that the engineering controls are still in place and that they continue to protect public health and the environment.

COMMENT 18: Is groundwater pump and treatment being utilized?
RESPONSE 18: There is no groundwater pump and treatment at the site.

COMMENT 19: How does the SVE system at CDC compare to the SVE system at Stanton Cleaners?
RESPONSE 19: They are both utilizing the same technology, however, the Stanton Cleaners system is constructed on a larger scale in order to deal with a larger source area.

COMMENT 20: How often is the CDC SVE system checked?
RESPONSE 20: The system is checked monthly to ensure that it is operating properly.

COMMENT 21: Can the WAGNN get copies of site related data.
RESPONSE 21: Yes, the WAGNN will be provided with copies of past and future site related data.

COMMENT 22: Is there an end date for the project?
RESPONSE 22: There is no projected end date for the completion of the project. The project will be completed when the remedial objectives, to the extent practicable, are met.

Part 2: The following comments were raised by Ms. Shirley Siegal on behalf of the Stanton Cleaners Area Community Group, Inc., in a letter dated March 20, 2006.

COMMENT 1: What kind of system will you use in your site management plan to receive information on malfunctions, vandalism, etc.?
RESPONSE 1: The site management plan will require periodic inspections and monitoring of the equipment to ensure that it is working properly.

COMMENT 2: Should monitoring wells be deeper at the CDC site?
RESPONSE 2: Three wells have been constructed at the site within the deeper aquifer. Samples collected from these wells in December 2005 revealed PCE levels below the groundwater standard of 5 ppb.

COMMENT 3: Has NYSDOH met with the people who work at the #47 and #55 Northern Boulevard regarding indoor air quality?
RESPONSE 3: In a letter dated December 30, 2002, the NYSDOH notified the occupants of both facilities of the indoor air quality.

APPENDIX B

Administrative Record

ADMINISTRATIVE RECORD

Citizens Development Company Site
Operable Unit No. 2
University Gardens, Nassau County, New York
Site No. 1-30-070

1. "Operable Unit 2 Remedial Investigation Report", December 2001, JR Kolmer + Assoc.
2. "Annual Groundwater Monitoring Report", March 2003, CA Rich Consultants, Inc.
3. "Interim Remedial Measures Work Plan", May 2004, CA Rich Consultants, Inc.
4. "Semiannual Groundwater Monitoring Report", July 2004, CA Rich Consultants, Inc.
5. "Interim Remedial Measures Supplemental Work Plan", August 2004, CA Rich Consultants, Inc.
6. "Interim Remedial Measures Report - Part A", January 2005, CA Rich Consultants, Inc.
7. "Semiannual Groundwater Monitoring Report", January 2005, CA Rich Consultants, Inc.
8. "Interim Remedial Measures Report - Part B", April 2005, CA Rich Consultants, Inc.
9. "Semiannual Groundwater Monitoring Report", July 2005, CA Rich Consultants, Inc.
10. "Annual Groundwater Monitoring Report", January 2006, CA Rich Consultants, Inc.
11. "Proposed Remedial Action Plan - Operable Unit No. 2", February 2006, NYSDEC

NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 01-22-2014
Recorded Time: 10:25:21 a

Liber Book: D 13038
Pages From: 219
To: 228

Control Number: 149
Ref #: RE 011861
Doc Type: D02 EASEMENT

Record and Return To:
ADVANTAGE TITLE AGENCY
201 OLD COUNTRY RD
STE 200
MELVILLE, NY 11747

Location:	Section	Block	Lot	Unit
N. HEMPSTEAD (2822)	0002	00051-00	00202	
N. HEMPSTEAD (2822)	0002	00051-00	00205	

Taxes Total	.00
Recording Totals	240.00
Total Payment	240.00

IJC001

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

201401220014 9

County: Nassau Site No: 1-30-070

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

THIS INDENTURE made this 26th day of November, 2013, between Owner Citizens Development Company, having an office at 111-15 Queens Blvd. P.O. Box 10, Forest Hills, NY 11375, County of Queens, 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 47 Northern Boulevard, Great Neck, New York 11021 in the Village of Great Neck, 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 2 Block 51 Lot(s) 202 and 205 being a portion of land conveyed to Grantor by deed dated September 13, 1965 and recorded in the Nassau County Clerk's Office in Liber 7429 Page 489, comprising approximately 0.264 +/- acres, and hereinafter more fully described in the Land Title Survey dated January 18, 2012 and revised May 9, 2012 prepared by Leonard J. Strandberg and Associates, Consulting Engineers and Land Surveyors, P.C., which will be attached to the Site Management Plan. The property description (the "Controlled Property") is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement 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

NOW THEREFORE, in consideration of the mutual covenants contained herein, 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 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. The controls and requirements 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 specified in the Site Management Plan (SMP);

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

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) 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;

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

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

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

(9) 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 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. 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 of the ECL, 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 annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, 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;
(2) the owner will continue to allow access to such real property;
(3) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls; and
(4) 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 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 right to give, sell, 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 by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:
Site Number: 1-30-070
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:
Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

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.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

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

Grantor: Citizens Development Company
By: Citizens Development Company General Partners LLC

By: _____

Print Name: Sal Panico

Title: Member Date: 11/12/2013

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF QUEENS)

On the 12th day of NOV., in the year 2013 before me, the undersigned, personally appeared SAL PANICO, 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.

Richard Charles Yeretzian
Notary Public - State of New York

RICHARD CHARLES YERETZIAN
NOTARY PUBLIC, State of New York
No. 02YE4785459
Qualified in Queens County
Commission Expires June 30th, 2015

County: Nassau Site No: 1-30-070

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: _____
Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 26th day of November, in the year 2013 before me, the undersigned, personally appeared Robert W. Schick, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

SCHEDULE "A" PROPERTY DESCRIPTION

Property Address: 47 Northern Boulevard, Great Neck, New York
Tax Map: 2-51-202 & 205

LEGAL & ENVIRONMENTAL EASEMENT AREA DESCRIPTION

All that certain plot, piece or parcel of land, situate, lying and being at Little Neck, Town of North Hempstead, County of Nassau, State of New York, bounded and described as follows:

BEGINNING: at the point on the present northwesterly side of **North Hempstead Turnpike** distant 254.13 feet northeasterly from the corner formed by the intersection of the northeasterly side of **Nassau Road** with the present northwesterly side of **North Hempstead Turnpike;**

RUNNING THENCE North 49 degree 15 minutes 45 seconds West 125.00 feet to a point;

THENCE North 43 degree 22 minutes 28 seconds East 92.00 feet to a point;

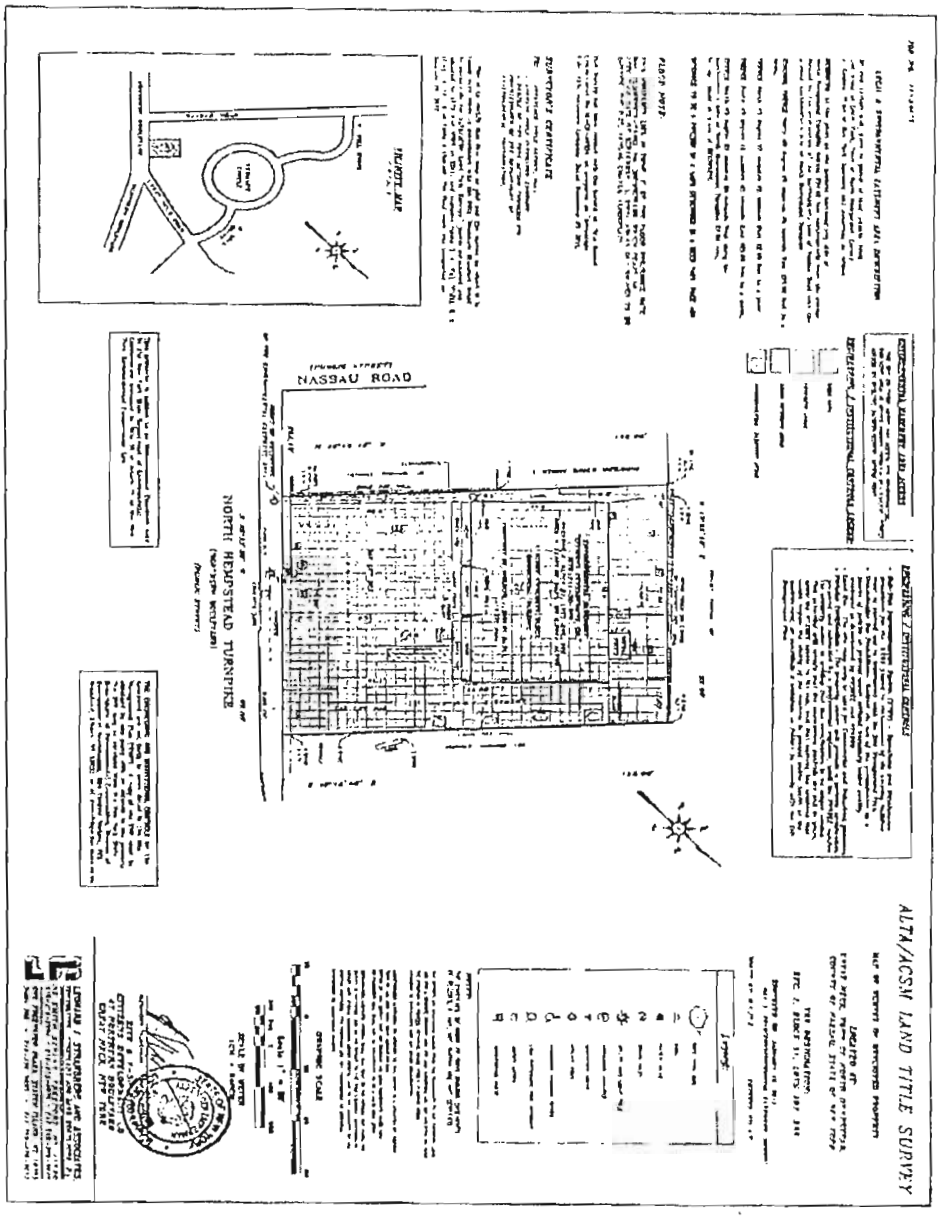
THENCE South 49 degree 15 minutes 45 seconds East 125.00 feet to a point;

THENCE South 43 degree 22 minutes 28 seconds West along the northwesterly side of **North Hempstead Turnpike** 92.00 feet, to the point or place of **BEGINNING.**

INTENDED TO BE A PORTION OF LAND DESCRIBED IN DEED LIBER 7429, PAGE 489

DER
Advantage Title Agency
201 Old Country Rd
Suite 200 Melville NY 11747

SURVEY


NASSAU ROAD
NORTH HEMPSTEAD TURNPIKE
ALTA/ACSM LAND TITLE SURVEY

STATE OF NEW YORK
COUNTY OF NASSAU
COUNTY CLERK'S OFFICE } SS: RE 011861

I, MAUREEN O'CONNELL, County Clerk of the County of Nassau and the Supreme and County Courts, Courts of Record thereof,

DO HEREBY CERTIFY, that I have compared the annexed with the original.

EASEMENT Bk-Pg D13038 Pg 219 to 228

Grantor: OWNER CITIZENS DEVELOPMENT CO Grantee: NYSDEC

FILED AND RECORDED in my office 1/22/2014

and that the same is a true transcript thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said County at Mineola, N.Y. this 22nd day of January, 2014.

Maureen O'Connell
Maureen O'Connell
County Clerk

(e) Site delisting.

(1) The Department will not delete any site from the Registry without providing, at least 60 days prior to the proposed delisting, written notice to:

(i) the owner or operator of the site;

(ii) the public by publication of a notice in the Environmental Notice Bulletin and newspaper of general circulation in the county in which the site is located; and

(iii) the site contact list. If a site contact list has not been developed, the Department will provide notice in accordance with subparagraph 375-2.7(b)(6)(ii).

(2) The Department shall provide an opportunity for submittal of written comments on the proposed delisting, of at least 30 days, and may provide an opportunity to provide oral comments at a public meeting.

(3) The Department shall make publically available a summary of any comments received.

(4) The Department may delist a site if:

(i) the site characterization or remedial investigation does not confirm that the requirements of paragraph 375-2.7(b)(2) above are satisfied;

(ii) a certificate of completion has been issued and:

(a) no environmental easement is required; or

(b) an environmental easement and site management plan are required; and such documents only require institutional controls, with periodic certification, in the form of land use or groundwater use restrictions.

(5) Sites which are delisted with institutional controls, as set forth in subparagraph (4)(ii) above, remain subject to the change of use provisions as set forth in subdivision 375-1.11(d).

(f) Petitions.

(1) The only person who has standing to make a petition is:

(i) a current owner; or

(ii) a responsible party by virtue of being the current operator, or former owner or operator of a site.

(2) Only the following relief may be sought by a petition:

(i) the deletion of a site from the Registry;

(ii) the reclassification of a site to a different class on the Registry; or

(iii) the modification of any information concerning a site on the Registry.

(3) The Department will act only upon a complete petition.

(i) To be complete, a petition must be submitted by a person identified in paragraph (f)(1) above and must seek only relief identified in paragraph (f)(2) above upon the basis of material factual allegations supported by proof that tends to establish the right to the relief sought.

(ii) If the relief being sought is identified in subparagraphs (f)(2)(i) or (ii) above, the proof must be in the form of an affidavit made by a person having direct knowledge of, or who is an expert with regard to, the subject of the matters covered by the petition.

(4) A petition is a written instrument that is filed with the Department.

(5) After receipt of a complete petition, the Department shall not later than:

(i) fifteen calendar days after receipt, publish notice thereof in the environmental notice bulletin, including a deadline not less than 15 nor more than 21 calendar days after the date of publication for submission of written comments on the petition including any request for an administrative hearing; and

(ii) forty-five calendar days after receipt of a complete petition, the Department shall either:

(a) determine to decide the petition summarily; in such case, the Department will proceed to decide the petition, and provide its decision to the petitioner not later than 30 calendar days after such determination; or

(b) if a significant degree of public interest exists, determine that the petition should not be decided summarily and that an administrative hearing should be convened on a date not more than 90 calendar days after receipt of a complete petition; in such case, not sooner than 30 calendar days before such hearing, the Department shall notify the petitioner and all other persons known by the Department to be proper petitioners of the Department's intent to convene such hearing, publish notice thereof in the environmental notice bulletin, and require the petitioner to publish notice thereof at the petitioner's expense in a newspaper of general circulation in the county in which the site is located. Such hearing shall be conducted on the petition and the response thereto by program staff, if any. The burden of proof in such hearing shall be on the petitioner. Upon the conclusion of such hearing, the designated appeal individual will decide the petition, and provide the decision to the petitioner not later than 30 calendar days after the conclusion. The decision of the designated appeal individual shall be the final agency action. The designated appeal individual to conduct such hearing is the assistant director of the division of environmental remediation, or such other individual as may be designated, with complete discretion to regulate the course of such hearing in any fair and impartial manner, including without limitation the discretion to determine the admissibility of evidence and to preclude or restrict oral argument.

(6) The Department shall comply with the provisions under subdivisions (b) or (c) above prior to changing the site classification or listing.

375-2.8 Remedial program.

(a) The goal of the remedial program for a specific site is to restore that site to pre-disposal conditions, to the extent feasible. At a minimum, the remedy selected shall eliminate or mitigate all significant threats to the public health and to the environment presented by contaminants disposed at the site through the proper application of scientific and engineering principles and in a manner not inconsistent with the national oil and hazardous substances pollution contingency plan as set forth in section 105 of CERCLA, as amended as by SARA.

(b) Application of the soil cleanup objectives.

(1) The remedial party must utilize soil cleanup objectives that eliminate or mitigate the significant threat and are protective of public health and the environment. The remedial party, subject to Department approval, may:

(i) utilize the soil cleanup objectives, as set forth in section 375-6.8;

(ii) develop or modify site specific soil cleanup objectives, as set forth at section 375-6.9; or

(iii) propose site-specific soil cleanup objectives which are protective of public health and the environment based upon other information.

(2) The soil component of the remedial program will consider the soil cleanup objectives for unrestricted use, as set forth in Table 375-6.8(a), as representative of pre-disposal conditions for remedial programs proceeding as set forth in subparagraphs (1)(i) or (1)(ii) above, unless an impact to ecological resources has been identified.

(3) Cleanup objectives for other media. The threat to public health and the environment resulting from contamination in all other environmental media shall be evaluated in the development of remedial alternatives in the feasibility study to ensure that the remedial program meets the requirements of this subdivision and section 375-1.8.

Biblow, Charlotte

From: Eric Weinstock <EWeinstock@carichinc.com>
Sent: Thursday, March 20, 2014 10:55 AM
To: 'Peter Galletta'
Cc: 'Sal Panico'; Biblow, Charlotte
Subject: RE: CDC
Attachments: part375.pdf

Jamie said the petition to reclassify must follow format of sections e and f on the attachment from Part 375.

Regards,

Eric A. Weinstock, CPG, LEED Green Assoc., Vice President
CA RICH Consultants, Inc.
17 Dupont Street
Plainview, NY 11803

Phone: (516) 576-8844 Ext. 209
Cell: (516) 946-3395

From: Eric Weinstock
Sent: Thursday, March 20, 2014 10:41 AM
To: 'Peter Galletta'
Cc: Sal Panico; 'Biblow, Charlotte'
Subject: CDC

I got a call from Jamie today. He said that the DEC cannot approve our Periodic Review Report because the indoor air at 55 Northern Blvd. exceeds 30 ug/m3. He suggested adding more fresh air to the HVAC system as we did at the AT&T store. He will be sending us a letter.

He said that now that the Deed Restriction has been filed, we can petition to reclassify the site. He said the process takes about 3 months.

Jamie also asked us to confirm that the tenant at 55 Northern Blvd. was notified of the test results.

Regards,

Eric A. Weinstock, CPG, LEED Green Assoc., Vice President
CA RICH Consultants, Inc.
17 Dupont Street
Plainview, NY 11803

Phone: (516) 576-8844 Ext. 209
Cell: (516) 946-3395
Fax: (516) 576-0093
email: eweinstock@carichinc.com
website: www.carichinc.com