

FACT SHEET

State Superfund **Program**

Receive Site Fact Sheets by Email. See "For More Information" to Learn How.

Site Name:

Bartlett Tree Company

DEC Site #: 130074

Address:

345 Union Avenue

Westbury, NY 11590

Have questions? See "Who to Contact"

NYSDEC Announces Reclassification of Site on Superfund Registry; Certifies Cleanup Requirements Achieved at State Superfund Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the Bartlett Tree Company site ("site") located at 345 Union Avenue, Westbury, Nassau County under New York's State Superfund Program have been met. Please see the map for the site location.

NYSDEC has approved a Construction Completion Report and issued a Certificate of Completion regarding the site. A copy of the report and Notice of the Certificate of Completion are available at the locations identified below under "Where to Find Information."

The cleanup activities were performed by FA Bartlett Tree Expert Company with oversight provided by NYSDEC.

Completion of Project

Following site cleanup, NYSDEC reclassified the site from Class 2 (significant threat to public health or environment - action required) to Class 4 (site properly closed – requires continued management) for the following reasons:

Construction Completion Report Approved

The NYSDEC has approved the Construction Completion Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been achieved for the site.
- 3) Describes any institutional/engineering controls to be used.

Institutional and Engineering Controls

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. An institutional control is a non-physical restriction on use of the site, such as an environmental easement, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or

method to manage contamination such as a cap or vapor barrier. No engineering controls are needed.

The following institutional controls have been put in place on the site:

-Environmental Easement

A Site Management Plan has been approved by NYSDEC for continued groundwater monitoring.

Next Steps

With its receipt of a Certificate of Completion, the remedial party is eligible to redevelop the site. In addition, the remedial party has no liability to the State for contamination at or coming from the site, subject to certain conditions.

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Background

Location: The Bartlett Tree Company site is located at 345 Union Avenue in the Village of Westbury, Town of North Hempstead.

Site Features: The site is approximately 0.4 acres in size. A new facility building is expected to replace the old one. Two structures, an equipment garage/pesticide locker and a storage shed have been removed from the site.

Current Zoning/Use: The site is currently zoned for commercial use and is located in a commercial/industrial setting. The Bartlett Tree Company provides horticultural services to the surrounding communities. The Long Island Railroad's Westbury train station is located immediately south of the site. There is a residential neighborhood several blocks north of the site.

Past Use of the Site: The Bartlett Tree Company has occupied the site since the mid-1950s. Pesticides are stored on-site for use in the services they provide.

Site Geology/Hydrogeology: The water table is encountered approximately 29'-32' below ground surface, depending on seasonal variation. Overburden consists mainly of various size sands and gravels. The site specific groundwater flow direction is to the south/southwest.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

http://www.dec.nv.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=130074

State Superfund Program: New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring.

NYSDEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

For more information about the SSF, visit: http://www.dec.ny.gov/chemical/8439.html

FOR MORE INFORMATION

Where to Find Information

Project documents are available at the following locations to help the public stay informed.

Westbury Memorial Public Library

445 Jefferson Street Westbury, NY 11590 phone: 516-333-0176 NYSDEC – Region 1 Office

50 Circle Road

SUNY @ Stony Brook, NY 11790

phone: 631-444-0240

Who to Contact

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Jamie Ascher
Department of Environmental Conservation
Division of Environmental Remediation
SUNY @ Stony Brook 50 Circle Road
Stony Brook, NY 11790-3409
631-444-0240
jamie.ascher@dec.ny.gov

Site-Related Health Questions

Anthony Perretta
New York State Department of Health
Empire State Plaza Corning Tower Room 1787
Albany, NY 12237
(518) 402-7860
BEEI@health.ny.gov

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

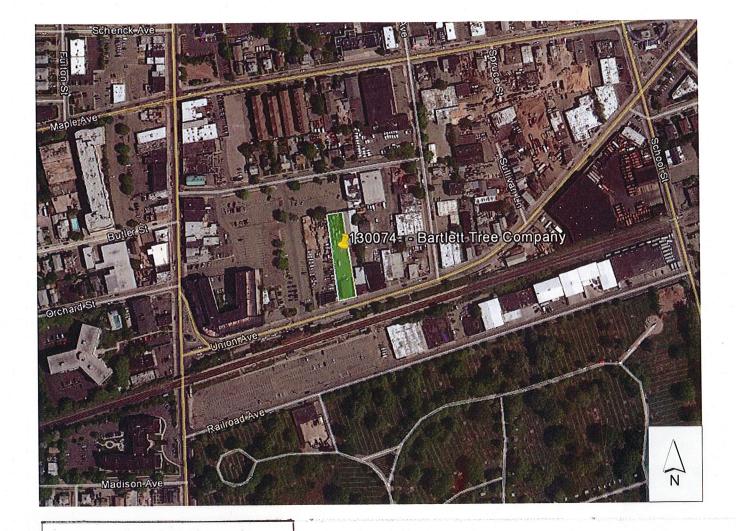
Receive Site Fact Sheets by Email

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: http://www.dec.ny.gov/chemical/61092.html. It's quick, it's free, and it will help keep you *better informed*.



As a listsery member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

Note: Please disregard if you already have signed up and received this fact sheet electronically.



SITE LOCATION

BARTLETT TREE COMPANY SITE WESTBURY, NASSAU COUNTY NEW YORK, 11590 Honorable Kirsten E. Gillibrand U.S. Senate 155 Pinelawn Road, Suite 250 North Melville, NY 11747

Honorable Jack M. Martins New York State Senate District 7 - Mineola 252 Mineola Boulevard Mineola, NY 11501

Honorable Laura Schaefer Nassau County Legislature - District 14 1550 Franklin Avenue Mineola, NY 11501

Shila Shah-Gavnoudias, P.E. Commissioner Nassau County Dept. of Public Works 1194 Prospect Avenue Westbury, NY 11590

John Lovejoy Office of Soil and Groundwater Remediation 200 County Seat Drive, North Entrance Mineola, NY 11501

Susan King Nassau County Department of Health 200 County Seat Drive, North Entrance Mineola, NY 11501

Honorable Peter Zuckerman North Hempstead Councilman Town Hall 220 Plandome Road Manhasset, NY 11030

Honorable Lee R. Seeman North Hempstead Councilman Town Hall 220 Plandome Road Manhasset, NY 11030

Collin Nash Public Affairs Town of North Hempstead Town Hall 220 Plandome Road Manhasset, NY 11030

Honorable Steven Corte, Trustee Village of Westbury
235 Lincoln Place
Westbury, NY 11590

Honorable Charles Schumer U.S. Senate 145 Pine Lawn Road, #300 Melville, NY 11747

Honorable Charles D. Lavine New York State Assembly District 13 - Glen Cove; N. OB; W. OB; E. North Hempstead 70 Glen St., Suite 100 Glen Cove, NY 11542

Honorable Siela A. Bynoe Nassau County Legislature - District 2 1550 Franklin Avenue Mineola, NY 11501

Ms. Maureen O'Connell Nassau County Clerk 240 Old Country Rd. Mineola, NY 11501

Michael Marraro
Office of Soil and Groundwater
Remediation
200 County Seat Drive, North Entrance
Mineola, NY 11501

Honorable Judi Bosworth North Hempstead Supervisor Town Hall 220 Plandome Road Manhasset, NY 11030

Honorable Angelo P. Ferrara North Hempstead Councilman Town Hall 220 Plandome Road Manhasset, NY 11030

Honorable Dina DeGiorgio North Hempstead Councilwoman Town Hall 220 Plandome Road Manhasset, NY 11030

Honorable Peter I. Cavallaro, Mayor Village of Westbury 235 Lincoln Place Westbury, NY 11590

Honorable Beaumont Jefferson, Trustee Village of Westbury 235 Lincoln Place Westbury, NY 11590 Honorable Kathleen M. Rice U.S. House of Representatives 300 Garden City Plaza, Suite 300 Garden City, NY 11530

Honorable Edward P. Mangano Nassau County Executive 1550 Franklin Avenue Mineola, NY 11501

Lawrence Eisenstein, M.D. Commissioner Nassau County Health Department 200 County Seat Drive, North Entrance Mineola, NY 11501

Mr. Joseph DeFranco, DirectorOffice of Soil and GroundwaterRemediation200 County Seat Drive, North EntranceMineola, NY 11501

Office of Community Affairs 200 County Seat Drive, North Entrance Mineola, NY 11501

Honorable Viviana Russell North Hempstead Councilwoman Town Hall 220 Plandome Road Manhasset, NY 11030

Honorable Anna Kaplan North Hempstead Councilwoman Town Hall 220 Plandome Road Manhasset, NY 11030

Wayne H. Wink, Jr.
North Hempstead Town Clerk
Town Hall
220 Plandome Road
Manhasset, NY 11030

Honorable Joan M. Boes, Trustee Village of Westbury 235 Lincoln Place Westbury, NY 11590

Honorable William Wise, Trustee Village of Westbury 235 Lincoln Place Westbury, NY 11590 Village Clerk Village of Westbury 235 Lincoln Place Westbury, NY 11590

Long Island Bureau New York Times 1235 Franklin Ave. Garden City, NY 11530

Mrs. Jennifer Barrios Newsday 235 Pinelawn Ave. Melville, NY 11747

Noticia Hispanoamericana 636 W. Seman Ave. Baldwin, NY 11772

Ms. Adrienne Esposito Citizen's Campaign for the Environment 225A Main Street Farmingdale, NY 11735

Ms. Demosthenes Maratos Membership Director Neighborhood Network 7180 Republic Airport East Farmingdale, NY 11735

Superintendent John R. Ingram Wesbury Water District 160 Drexel Avenue Westbury, NY 11590

Current Occupant 349 Union Avenue Westbury, NY 11590

Helena E. Williams, President Long Island Rail Road Jamaica Station Jamaica, NY 11435 Assignment Desk News 12 1 Media Crossways Woodbury, NY 11797

David Reich-Hale Long Island Business News 2150 Smithtown Ave. Ronkonkoma, NY 11779

Long Island Press Suite 210 575 Underhill Blvd. Syosett, NY 11791

Jorge Ramírez Enfoque Latino - Publisher/Director 231 Hilltop Drive Brentwood, NY 11717

Mr. Shawn Kilmurray Sierra Club - Long Island Group Chair P.O. Box 210 Syosset, NY 11791

Mr. Neal Lewis Long Island Sustainability Institute Molloy College 7180 Republic Airport East Farmingdale, NY 11735

Don-Mar Printing 361 Union Avenue Westbury, NY 11590

Current Occupant 353 Union Avenue Westbury, NY 11590 Editorial Desk Pennysaver 425 Smith Street Farmingdale, NY 11735

Long Island Desk Newsday 235 Pinelawn Ave. Melville, NY 11747

Long Island Pulse Magazine 83 East Main Street Patchogue, NY 11772

La-Tribuna Hispana - USA P.O. Box 186 Hempstead, NY 11550

Sustainable Long Island 45A Seaman Avenue Bethpage, NY 11714

Mr. Neal Lewis Long Island Sustainability Institute Molloy College 1000 Hempstead Avenue Rockville Centre, NY 11571

Current Occupant 333 Union Avenue Westbury, NY 11590

Current Occupant 371 Union Avenue Westbury, NY 11590

Electronic copies:

- R. Schick, Director, Division of Environmental Remediation
- A. English, Director, Bureau of Technical Support
- K. Lewandowski, Chief, Site Control Section
- J. Harrington, Director, Remedial Bureau A
- W. Parish, RHWRE, Region 1
- R. Evans, Regional Permit Administrator, Region 1
- B Fonda, Regional CPS, Region 1
- K. Anders, NYSDOH
- C. Bethoney, NYSDOH Regional Chief
- A. Perretta, NYSDOH Project Manager
- L. Ennist, DER, Bureau of Program Management
- J. Ascher, Project Manager
- S. Heigel, Site Control Section

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC 0 1 2015

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, New York 12233-7011 P: (518) 402-9706 | F: (518) 402-9020 www.dec.ny.gov

FA Bartlett Tree Expert Company Attn: Mr. David Marren, Esq. 13768 Hamilton Road Charlotte, NC 28278

Re:

Certificate of Completion and Registry Reclassification from 2 to 4

Site Name: Bartlett Tree Company

Site No.130074

Village of Westbury, Town of N. Hempstead

Nassau County

Dear Mr. Bartlett:

Congratulations on having satisfactorily completed the remedial program at the Bartlett Tree Company Site. Enclosed please find an original, signed Certificate of Completion. This also results in the New York State Department of Environmental Conservation's (DEC) reclassification of the above-referenced site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") from Class 2 to Class 4. The effective date of the classification change shall be 20 days from the date of this letter.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. You must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in March 2017.



DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site, and notifications relating to the reclassification or delisting of the site on the Registry.

If you have any questions regarding the reclassification or any of the above tasks, please contact the project manager for this site, Jamie Ascher, at (631) 444-0246 or by email at jamie.ascher@dec.ny.gov.

Sincerely,

Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Robert Bartlett, Jr. – The Bartlett Realty Company, Inc.

Krista Anders, DOH Anthony Perretta, DOH Jim Harrington, DEC Walter Parish, DEC Jamie Ascher, DEC

Rosalie K. Rusinko, DEC

NYSDEC STATE SUPERFUND PROGRAM (SSF) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Address

FA Bartlett Tree Expert Company

13768 Hamilton Rd., Charlotte, NC 28278

SITE INFORMATION

Site No.: 130074 Site Name: Bartlett Tree Company

Order on Consent: Index No. W1-1091-06-08 Order Execution Date: April 20, 2007

Site Owner:

The Bartlett Realty Company, Inc.

Street Address: 345 Union Avenue

Municipality: Westbury County: Nassau

DEC Region: 1

Site Size: 0.414 Acres

Tax Map Identification Numbers:

10-228-206, 10-228-786

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to 6 NYCRR §375-1.9.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Order on Consent as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

Allowable Uses under the SSF: Commercial and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Nassau County as Liber Book D, Pages 39-48.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in 6NYCRR §375-2.9. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in 6NYCRR §375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL §27-1321 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6NYCRR §375-1.9(f)-(g).

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §375-1.9(e)(2) upon a finding that:

- (1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;
 - (2) there has been a failure to comply with the terms and conditions of the order;
 - (3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;
- (4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;
 - (5) for good cause;
- (6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;
- (7) non-compliance with the terms of the order, the remedial work plan, site management plan, or the certificate of completion after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 375-1.9(e)(2);
 - (8) fraud related to the remedial program for the site committed by the certificate holder;
- (9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or
- (10) a change in the site's use subsequent to the Department's issuance of the certificate of completion, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Date: December 1, 2015

Basil Seggos

Acting Commissioner

New York State Department of Environmental Conservation

By:

Robert W. Schick, P.E., Director

Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION Inactive Hazardous Waste Disposal Site Program Pursuant to 6 NYCRR Part 375-1.9(d)

Bartlett Tree Company, Site ID No. 1-30-074
345 Union Ave., Village of Westbury, NY, 11590
Town of North Hempstead, Nassau County, Section 10, Block 228, Lots 206 & 786

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to FA Bartlett Tree Expert Company for a parcel approximately 0.414 acres located at the 345 Union Avenue in the Village of Westbury, Nassau County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the construction completion report and data submitted pursuant to the Order on Consent, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 13 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii. Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Nassau County as Liber Book D, Pages 39-48.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder shall be entitled to the liability limitation provided in 6 NYCRR Part 375-2.9. The liability limitation shall run with the land, extending to the Certificate holders successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holders successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer WILL bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the DEC's Region One office located at SUNY at Stony Brook, 50 Circle Road, Stony Brook, NY 11790 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

	FA Bartlett Tree Expert Company
	By:
	Title:
	Date:
STATE OF NEW YORK) SS: COUNTY OF)	
undersigned, personally appeared proved to me on the basis of satisfacto (are) subscribed to the within instrun executed the same in his/her/their capa	, in the year 20, before me, the, personally known to me or ry evidence to be the individual(s) whose name is nent and acknowledged to me that he/she/they acity(ies), and that by his/her/their signature(s) or ne person upon behalf of which the individual(s)
Signature and Office of individual taking acknowledgment	Please record and return to: FA Bartlett Tree Expert Company 13768 Hamilton Road Charlotte, NC 28278



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

11/4/2015



SITE DESCRIPTION

SITE NO.

130074

SITE NAME

Bartlett Tree Company

SITE ADDRESS: 345 Union Avenue

ZIP CODE: 11590

CITY/TOWN:

Westbury

COUNTY: Nassau

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan

YES

Monitoring Plan

YES

Operation and Maintenance (O&M) Plan

NO

Periodic Review Frequency:

1 year

Periodic Review Report Submittal Date:

03/01/2017

Description of Institutional Control

Robert A Bartlett, Jr.

345 Union Avenue

Environmental Easement

Block: 228

Lot: 786

Sublot:

Section: 10

Subsection:

S_B_L Image: 10-228-786

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Robert A. Bartlett, Jr.

345 Union Avenue

Environmental Easement

Block: 228

Lot: 206

Sublot:

Section: 10 Subsection:

S_B_L Image: 10-228-206
Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Description of Engineering Control

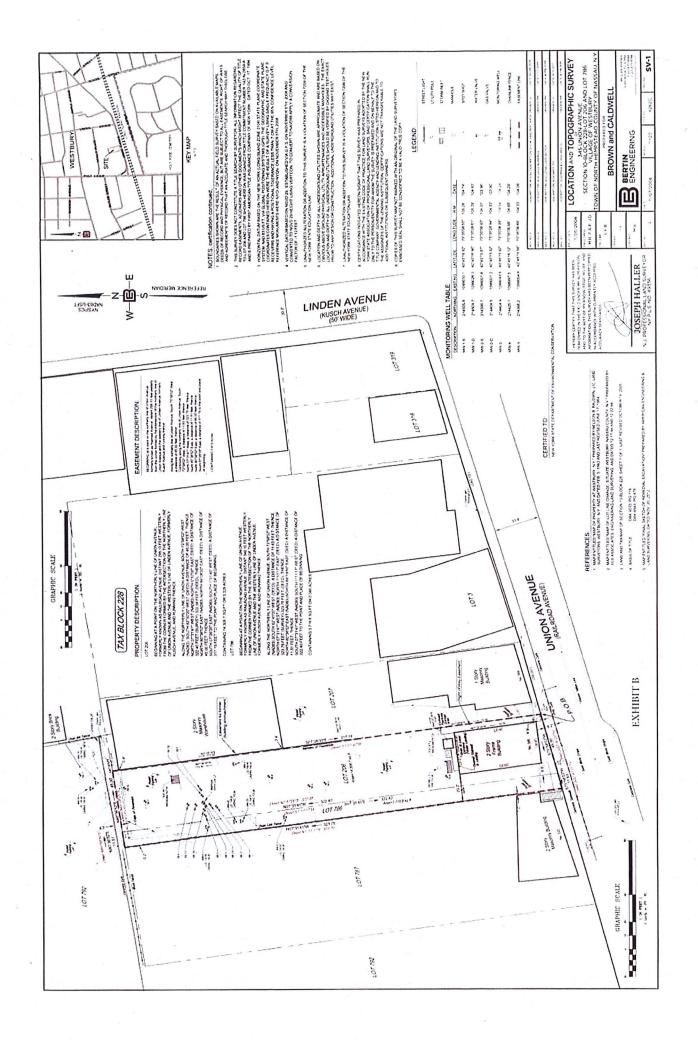
Not Applicable/No EC's

SCHEDULE "A" PROPERTY DESCRIPTION

BEGINNING AT A POINT ON THE NORTHERLY LINE OF UNION A VENUE, FORMERLY KNOWN AS RAILROAD AVENUE, DISTANT 295.10 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY LINE OF UNION AVENUE AND THE WESTERLY LINE OF LINDEN AVENUE, FORMERLY KUSCH AVENUE AND RUNNING THENCE;

ALONG THE NORTHERLY LINE OF UNION AVENUE, SOUTH 73°58'02" WEST A DISTANCE OF 45.00 FEET; THENCE ALONG THE NORTHERLY LINE OF UNION AVENUE, SOUTH 73°58'02" WEST A DISTANCE OF 11.63 FEET; THENCE NORTH 07°31'41" WEST, A DISTANCE OF 323.75 FEET; THENCE NORTH 80°36'52" EAST, A DISTANCE OF 11.51 FEET; THENCE NORTH 80°36'52" EAST, A DISTANCE OF 45.00 FEET; THENCE SOUTH 07°26'35" EAST, A DISTANCE OF 317.19 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 0.414 ACRES



New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

Phone: (518) 402-9706 - Fax: (518) 402-9020

Website: www.dec.state.ny.us

SSF CoC ISSUANCE REQUEST FORM & RECLASS APPROVAL MEMO CONFIDENTIAL/ATTORNEY WORK PRODUCT

TO:

Robert Schick, P.E., Director

Division of Environmental Remediation

FROM:

Dolores Tuohy

Remediation Bureau, OGC

Sign-offs:	Initials	Date	
Jamie Ascher	JA 11/5/2015		
*Walter Parish	WJP 11/6/2015		
*James Harrington	JBH 11/13/2015		
*Michael J. Ryan	my 11/		

Above must be also sign off in UIS Class Change

SUBJECT:

CoC Issuance and

Site Reclassification to Class 4

Remedial Party: FA Bartlett Tree Expert Co.

Site Name: Bartlett Tree Company

Site No.: 130074

Order on Consent Index No.: W1-1091-06-08

DATE:

11/30/15

We have reviewed the information contained in the attached Certificate of Completion Issuance Request and found same to be current and accurate as of the date of this memo.

Conclusions: The Remedial party has met all the requirements of the Interim Remedial Measures Work Plan. The Construction Completion Report and Site Management Plan have been reviewed and meet the guidelines in the PM checklists.

Health Department Concurrence: The NYSDOH has reviewed and accepted the Construction Completion Report and concurs with site reclassification.

Registry Status and Site Classification: The Site's registry classification has been reassessed pursuant to internal guidance and the Site can be reclassified to Class 4.

Upon issuance of the CoC, the site owner will be notified and the public notice requirements for reclassification of the site and issuance of the CoC will be performed simultaneously.

Remediation of the Site: The remedial program was conducted in accordance with the work plan and the results of the remedial action are documented in the Construction Completion Report.

Final Engineering Report: The Construction Completion Report (CCR) has been reviewed by NYSDEC and NYSDOH technical staff and is the equivalent of a Final Engineering Report. The CCR is signed and sealed by a Professional Engineer licensed to practice in New York State and was approved by the RHWRE on July 30, 2013.

Certifications of Report Contents: The CCR includes all applicable certifications pursuant to DER-10.

UIS Updates: All project-related documents have been stored in the EDMS.

Recommendation: We have reviewed the documentation for the completion of this project and recommend that the site reclassification be approved, and that the attached Certificate of Completion be issued.

ec: Dolores Tuohy, OGC Rosalie Rusinko, OGC Jamie Ascher, Project Manager Walter Parish, RHWRE, Region 1 K. Lewandowski, Chief, SCS A. Perretta, NYSDOH

Documents Attached:

COC Cover Letter Signature-ready Certificate of Completion Notice of Certificate of Completion

Supporting Documents in UIS:

Order on Consent Remedial Investigation Report IRM Work Plan CCR NFA/PRAP NFA/ROD Environmental Easement Site Management Plan



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF ENVIRONMENTAL REMEDIATION CoC & Reclassification Approval Form



Site Code

130074

Site Name

Bartlett Tree Company

Classification 02

Address

345 Union Avenue

Region

City

New Classification 04

Westbury

Zip 11590

Estimated Size 0.414

Latitude

40.7543

Town County North Hempstead

Project Manager Jamie Ascher

Longitude

-73.5857

Nassau

Site Type

Structure FA Bartlett Tree Expert Company

Remedial Party: Remedial Party

13768 Hamilton Rd.

Contact Information:

Charlotte, NC 28278

Order on Consent Index No:

W1-1091-06-08

Env. Easement County Recording No.: 2015021002020

Allowable Use: Commercial and Industrial

Basis for Classification Change

An interim remedial measure in the form of soil excavation was completed in the contaminant source area. Pesticide contaminated soils were taken off-site and disposed of at two permitted disposal facilities. A construction completion report summarizes the remediation of the site and a Record of Decision was issued by the Department. An environmental easement has been filed and a site management plan has been approved.

Site Description

Last Review: 04/29/2015

Location: The Bartlett Tree Company site is located at 345 Union Avenue in the Village of Westbury, Town of North Hempstead.

Site Features: The site is approximately 0.414 acres in size. The facility office building is a two-story brick and masonry structure, located at the south end of the site. Two structures, an equipment garage/pesticide locker and a storage shed have been removed from the site.

Current Zoning/Use: The site is currently zoned for commercial use and is located in a commercial/industrial setting. The Bartlett Tree Company provides horticultural services to the surrounding communities. The Long Island Railroad's Westbury train station is located immediately south of the site. There is a residential neighborhood several blocks north of the site.

Past Use of the Site: The Bartlett Tree Company has occupied the site since the mid-1950s. Pesticides are stored on-site for use in the services they provide. Disposal of pesticides into an on-site leaching pool has been documented.

Site Geology/Hydrogeology: The water table is encountered approximately 29'-32' below ground

surface, depending on seasonal variation. Overburden consists mainly of various size sands and gravels. The site specific groundwater flow direction is to the south/southwest.

Analytical Data Available for: Groundwater, Soil, Indoor Air

Applicable Standards Exceeded for: Groundwater

Site Environmental Assessment Last Review: 04/29/2015

Nature and Extent of Contamination: A RI was conducted to delineate the nature and extent of soil and groundwater contamination on-site. Based upon this investigation, the primary contaminants of concern are the pesticides aldrin, alpha BHC, chlordane, DDD, DDE, DDT, dieldrin and lindane.

Prior to Remediation:

Shallow Surface Soil - Surface soil was characterized site-wide by collecting soil samples from zero to two feet below surface in a number of locations including from the following areas of concern: former pesticide storage locker, former open shed, test pit-1, test pit-2, stairway floor drain and mechanic's pit. Levels of pesticides in all soil samples collected from this depth interval were below the commercial use SCOs. All samples were below the protection of groundwater SCOs and the majority were below the residential SCOs.

Subsurface Soil - Pesticides were detected in subsurface soil beneath Drywell-1 at levels which exceeded the Commercial use and Protection of Groundwater SCOs. The contaminants were detected in the drywell's bottom samples (approximately 7' below grade) and to a depth of approximately 32' below grade.

Groundwater - Pesticides were detected in groundwater at levels which exceeded SCGs. Groundwater is encountered approximately 31 feet below grade, depending on seasonal variation. Contaminant levels are expected to diminish as a result of interim remedial measure source removal (soil excavation) which was conducted and completed in November 2012. Volatile organic compounds (trichloroethene and cis-1,2-dichloroethene) were detected at levels exceeding SCGs in groundwater upgradient of the site. Levels of VOCs in on-site groundwater are generally non-detect with one detection marginally exceeding the SCG, and is not considered site related.

Post-Remediation:

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were pesticides in soil and groundwater. Remediation in the form of source removal (soil excavation) has reduced contaminant levels in subsurface soil to levels meeting either the Commercial use or Protection of Groundwater SCOs. Approximately 438 tons of contaminated soil was excavated and disposed of off-site at permitted disposal facilities.

While pesticides in groundwater were found to exceed SCGs, detections were extremely low (parts per trillion) and are expected to diminish to levels meeting SCGs as a result of source removal. A Record of Decision was issued on March 31, 2014 which requires continued monitoring of on-site groundwater and soil vapor intrusion. An Environmental Easement has been placed on the property and a Site Management Plan has been approved.

Site Health Assessment

Since the site is fenced and covered by buildings, asphalt, or concrete, people will not come into contact with residual site-related soil and groundwater contamination unless they dig below the

Updated: 02/24/2014

surface. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Although sampling has indicated that impacts to indoor air are not a current concern, the potential exists to inhale contaminants in indoor air due to soil vapor intrusion in on-site building development and occupancy. Insufficient environmental information exists to evaluate the potential for soil vapor intrusion to occur in off-site areas.

Start		End	
12/31/15	PLN	12/30/41	PLN
10/28/15	ACT	1/21/16	PLN
4/25/14	ACT	2/10/15	ACT
3/28/05	ACT	4/20/07	ACT
12/28/15	PLN	1/31/16	PLN
3/19/08	ACT	3/31/14	ANF
9/1/95	ACT	3/1/98	ACT
9/11/12	ACT	7/30/13	ACT
6/14/12	ACT.	6/14/12	ACT
	3/1/17 12/31/15 10/28/15 4/25/14 3/28/05 12/28/15 3/19/08 9/1/95	3/1/17 PLN 12/31/15 PLN 10/28/15 ACT 4/25/14 ACT 3/28/05 ACT 12/28/15 PLN 3/19/08 ACT 9/11/12 ACT	3/1/17 PLN 4/14/17 12/31/15 PLN 12/30/41 10/28/15 ACT 1/31/16 4/25/14 ACT 2/10/15 3/28/05 ACT 4/20/07 12/28/15 PLN 1/31/16 3/19/08 ACT 3/31/14 9/1/95 ACT 3/1/98 9/11/12 ACT 7/30/13

Remedy Description and Cost

Remedy Description for Operable Unit 01

Based upon the results of the investigations at the site, the IRMs that have been performed, and the evaluation presented here, the Department chose No Further Action as the remedy for the site. This No Further Action remedy includes continued operation of the implementation of ICs/ECs which include: green remediation principles and techniques, maintaining a site cover system, restriction of groundwater use, compliance with redevelopment as a commercial use property, and a site management plan for monitoring and future development. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.

The elements of the remedy are as follows:

- 1. Institutional Control. Imposition of an institutional control in the form of an environmental easement for the controlled property that:
- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3).
- allows the use and development of the controlled property for commercial use as defined by Part 375-1.8(g), although the land use is subject to local zoning laws.
- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH: and
- requires compliance with the NYSDEC approved Site Management Plan.
- 2. Site Management Plan. A Site Management Plan is in place which includes the following:
 a) an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:
- Institutional Controls: An Environmental Easement was recorded which addresses the requirements and restrictions outlined in Paragraph 1 above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any additional buildings developed on the site including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certifications of the institutional and engineering controls:
- b) a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- monitoring of soil gas, indoor air and groundwater to assess performance and effectiveness of the remedy;

- an evaluation of on-site groundwater quality to determine the need for an off-site groundwater monitoring well downgradient of the site;
- a schedule of monitoring and frequency of submittals to the Department; and
- monitoring for vapor intrusion for any building occupied or developed on the site.

Green Remediation

Green Remediation principals and techniques will be implemented to the extent feasible in the site management of the remedy as per DR-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gas and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of material which would otherwise be considered a waste.

Total Cost	\$0
Capital Cost	\$0
OM&M Cost	\$0

Issues / Recommendations

Nature and Extent of Contamination: A remedial investigation was conducted to delineate the nature and extent of soil and groundwater contamination on-site. Based upon this investigation, the primary contaminants of concern are pesticides.

Remedy Description for Operable Unit 01A

An interim remedial measure (IRM) was implemented to address subsurface soil which was contaminated with pesticides and herbicides. The IRM work plan was approved by DEC on June 14, 2012. An addendum to the work plan was approved on August 21, 2012 which modified the method of shoring the excavation and segregating the excavated soils.

Soil borings conducted in 2010 during the remedial investigation were supplemented with additional soil borings in April 2011 to further delineate the vertical and horizontal extent of contamination in subsurface soil within and around Drywell-1. Elevated levels of DDD, DDT, chlordane, dieldrin, lindane and were discovered in subsurface soils beneath the drywell.

Field work associated with the IRM began on September 5, 2012. Sheet piling was driven at the outer limits of the excavation to keep the excavation open while contaminated soil was removed from within. Excavated soil was stored on-site and was sampled and analyzed for off-site disposal at a permitted disposal facility.

Excavation activities were completed on November 12, 2012. The final depth of excavation was approximately 32 feet below grade. Groundwater was encountered at approximately 31 feet below grade. Two post excavation soil samples were taken from the bottom of the excavation before the area was backfilled. Post excavation soil samples and previous soil characterization

borings confirmed that residual soil contamination meets the Protection of Groundwater use soil cleanup objectives.

Excavated soil was disposed of off-site at two permitted disposal facilities. 97.46 tons of non-hazardous soil was disposed at Cumberland Landfill in Newburg, Pennsylvania and 340.94 tons of hazardous soil was disposed at the Bennett Environmental Facility in Quebec, Canada.

The excavation was backfilled with 239.4 tons of certified clean fill material (sandy soil) provided by 110 Sand Company in Melville, New York and 320.2 tons of coarse aggregate from Clinton Point Quarry, Clinton Point, New York. All backfill materials met the requirements and criteria specified in 6 NYCRR Part 375-6.7(d) and DER-10 Technical Guidance for Site Investigation and Remediation.

The IRM activities are summarized in a Construction Completion Report (CCR) dated July 2013 which was prepared by a New York State licensed Professional Engineer. The CCR was approved by NYSDEC on July 30, 2013.

Drywell-3

Leaching pool Drywell-3 (DW-3) received the facility's sanitary wastewater. Analysis of the wastewater did not indicate that there had been disposal of hazardous wastes into DW-3. During the RI, 6.1 tons of liquid, solids and sediment were removed from the pool and disposed of off-site at a permitted disposal facility. Soil samples were collected from the bottom of DW-3 and from a depth of 18 to 24 inches below the bottom. No contaminants of concern were detected above the protection of groundwater SCOs or the commercial use SCOs. DW-3 was then backfilled to grade utilizing a 50 psiflowable fill material (lightweight concrete mixture) which harden in place. The closure activities are summarized in a Remedial Action Report dated November 2009. In a letter dated June 6, 2012, the Nassau County Department of Health (NCDH) granted their concurrence with the investigation and closure of DW-3. With the assistance of NCDH and the Nassau County Department of Public Works, the facility was connected to the sanitary sewer system.

Mechanic's Pit

A small pit exists within the facility's garage. The pit was filled with stone ballast and was found to have a solid concrete base approximately two feet thick. Once the ballast was removed, soil that had accumulated on the concrete bottom was containerized and disposed of off-site at a permitted disposal facility. A soil boring was performed through the concrete base of the pit and a soil sample was collected and analyzed. There were no contaminants of concern which exceeded the protection of groundwater or commercial use SCOs, therefore, the pit was backfilled with stone ballast and its cover was replaced and anchored into place. The closure activities are summarized in a Remedial Action Report dated November 2009. In a letter dated June 5, 2012, NCDH granted their concurrence with the investigation and closure of the mechanic's pit.

Total Cost
Capital Cost
OM&M Cost

Issues / Recommendations



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form 11/4/2015



SITE DESCRIPTION

SITE NO.

130074

SITE NAME Bartlett Tree Company

SITE ADDRESS: 345 Union Avenue

ZIP CODE: 11590

CITY/TOWN:

Westbury

COUNTY: Nassau

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan

YES

Monitoring Plan

YES

Operation and Maintenance (O&M) Plan

NO

Periodic Review Frequency:

Periodic Review Report Submittal Date:

03/01/2017

Description of Institutional Control

Robert A Bartlett, Jr.

345 Union Avenue

Environmental Easement

Block: 228

Lot: 786

Sublot:

Section: 10

Subsection:

S_B_L Image: 10-228-786

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Robert A. Bartlett, Jr.

345 Union Avenue

Environmental Easement

Block: 228

Lot: 206

Sublot:
Section: 10
Subsection:
S_B_L Image: 10-228-206
Ground Water Use Restriction

Landuse Restriction

Monitoring Plan

Site Management Plan

Description of Engineering Control

Not Applicable/No EC's