



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code:	130193	Site Name:	Elks Plaza
City:	Freeport	Town:	Hempstead
Region:	1	County:	Nassau
Current Classification:	02	Proposed Classification:	04
Estimated Size (acres):	0.22	Disposal Area:	Structure
Significant Threat:	Previously	Site Type:	
Priority ranking Score:	240	Project Manager:	Melissa Sweet

Summary of Approvals

Originator/Supervisor: John Swartwout **11/20/2015**

RHWRE: Walter Parish:

BEEI of NYSDOH: **11/12/2015**

CO Bureau Director: James Harrington, Director, Remedial Bureau **11/30/2015**
A:

Assistant Division Director: Michael J. Ryan, P.E.: **12/04/2015**

Basis for Classification Change

Approval of the FER constitutes final approval of the Department's decision to reclassify the site to a class 4.

Site Description - Last Review: 01/19/2016

Location: The Elks Plaza site is located in a mixed commercial and residential area at 157-189 W. Merrick Road in Freeport, Nassau County approximately ¼ mile south of the Sunrise Highway. The property is bounded by Merrick Road to the north and commercial lots to the south, east, and west.

Site Features: This site is a tenant unit (approximately 0.22 acres) located in the southwest corner of an L-shaped, one-story concrete strip mall and the parking area to the south and west of that space. The main building is constructed with a partial basement (used for parking) which underlies only the southern portion of the structure. The building is surrounded by parking lot on all sides on the property.

Current Zoning/Use: The site is an active laundromat (no dry-cleaning) and is zoned commercial. The surrounding parcels are zoned commercial and residential. There is a residential apartment building immediately southwest of the site and a school located to the west.

Past Use of the Site: Review of the available historical records indicate the subject property was initially developed with residential dwellings and sheds from at least 1910 to 1925. From 1928 to 1980 the subject property maintained a structure utilized by the Elks Club. The site is a former dry cleaner built in 1984, that was operated from 1985 to 1996.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

The space is currently a laundromat (no dry-cleaning). Phase I and II Environmental Site Assessments (ESAs) were conducted in 2006 prompted by a financial transaction for the property. Results from the Phase II ESA indicated tetrachloroethene (PCE) in the groundwater on-site. A Preliminary Site Assessment (PSA) was completed in March 2010. A Supplemental Soil Vapor Study was completed in June 2010. The site was listed as Class 2 on the State's Registry of Inactive Hazardous Waste Disposal Sites in April 2011. Subsequently, an Order on Consent was negotiated between the Responsible Party and the Department. A Remedial Investigation both on-site and off-site was conducted between 2010 and 2012. A Soil Vapor Extraction system was installed in 2012 and later converted to a sub-slab depressurization system following a successful decrease in COC concentrations on-site.

Site Geology and Hydrogeology: The site is situated at an elevation of approximately 20-feet above mean sea level in the Village of Freeport, Town of Hempstead, Nassau County. The subsurface geology consists primarily of sand with some gravel and silt. The slope on-site is flat. Surface runoff is controlled by gently sloping pavement towards on-site storm drains. The regional topography slopes downward in a southern direction, toward Randall Bay. Groundwater flow is to the south by southeast at a depth of 12 ft below ground surface.

Contaminants of Concern (Including Materials Disposed)

Quantity Disposed

OU 01

tetrachloroethene (PCE)
trichloroethene (TCE)
1,1 dichloroethene

OU 01A

tetrachloroethene (PCE)

Analytical Data Available for: Air, Groundwater, Soil, Soil Vapor, Indoor Air

Applicable Standards Exceeded for: Groundwater, Soil Vapor

Site Environmental Assessment- Last Review: 01/19/2016

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were tetrachloroethene and its breakdown products in groundwater.

Remedial actions have successfully achieved soil cleanup objectives for residential use. Residual contamination in the soil and groundwater is being managed under a Site Management Plan. A sub-slab depressurization system is operating on-site which mitigates on-site and building-wide soil vapor intrusion.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

Site Health Assessment - Last Update: 01/30/2014

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. People are not coming into contact with the groundwater unless they dig below the ground 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 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. A sub-slab depressurization system has been installed in the on-site building to prevent the indoor air quality from being affected by the contamination in soil vapor underneath the building. Sampling at an off-site structure indicates there is currently no impact to indoor air quality, however monitoring for the potential for soil vapor intrusion to occur is ongoing. Off-site soil vapor intrusion concerns are limited to this one building.

	Start		End	
OU 00				
OGC Docket - Environmental Easement	4/10/14	ACT	5/6/15	ACT
Periodic Review	3/31/17	PLN	6/30/17	PLN
Site Management	12/7/15	ACT	2/28/20	PLN
OU 01				
Certificate of Completion	11/20/15	ACT	12/7/15	ACT
OGC Docket - SSF Order or Referral	4/23/08	ACT	8/27/08	ACT
Reclass Pkg.	1/26/11	ACT	4/6/11	ACT
Reclass Pkg.	12/7/15	ACT	12/7/15	ACT
Remedial Investigation	7/31/12	ACT	3/24/14	ANF
Site Characterization	3/18/09	ACT	3/16/10	ACT
OU 01A				
Remedial Action	5/28/12	ACT	9/24/12	ACT
Remedial Design	6/8/11	ACT	4/9/12	ACT

Remedy Description and Cost

Remedy Description for Operable Unit 01

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the Department is proposing No Further Action as the remedy for the site. This No Further Action remedy includes continued operation of the SSDS and the implementation of ICs/ECs as the proposed remedy for the site. 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 remedy consists of the elements of the IRM already completed and the institutional and engineering controls are listed below:

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



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);

- restricts the use of on-site groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;
- requires compliance with the Department approved Site Management Plan.

2. Site Management Plan

A Site Management Plan is required, 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/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed above.

Engineering Controls: Monitoring of indoor air and sub-slab soil vapor at the Woodward School and the continued operation of the sub-slab depressurization system on-site. This plan includes, but may not be limited to:

- 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 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 certification of the 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 on-site groundwater periodically to assess that concentration of contaminants are continuing to decrease;
- Soil sampling on-site to confirm unrestricted use.
- monitoring for vapor intrusion for any developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.
- Continued monitoring of sub slab vapor and indoor air at the nearby school.
- a schedule of monitoring and frequency of submittals to the Department;

Green remediation principals and techniques will be implemented to the extent feasible in the site management of the remedy as per DER-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;



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

- 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 materials which would otherwise be considered a waste.

Total Cost \$46,117



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

Remedy Description for Operable Unit 01A

A Soil Vapor Extraction System (SVE) was installed in June 2012 to ensure that the potential for soil vapor intrusion in the building on-site is being addressed and to remediate subsurface vapors. Four suction pits were installed around the location of the former dry-cleaning machine. These pits were initially piped to carbon treatment per the Department's Air Guide 1 requirements. Then piped to a blower to ensure there was enough vacuum through the carbon. The influent concentration decreased significantly over seven months to the point that carbon treatment was no longer required. The carbon treatment was removed in January 2013 and the blower was changed to an inline radon-style fan, typical for an sub-slab depressurization system (SSDS) for mitigating exposures related to soil vapor intrusion.

This system was installed and is operated by the PRP.

Total Cost

OU 00

Site Management Plan Approval: 12/07/2015

Status: ACT



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
1/20/2016

SITE DESCRIPTION

SITE NO. 130193

SITE NAME Elks Plaza

SITE ADDRESS: 189 W. Merrick Road ZIP CODE: 11520

CITY/TOWN: Freeport

COUNTY: Nassau

ALLOWABLE USE: Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan	YES
Monitoring Plan	
Operation and Maintenance (O&M) Plan	YES

Periodic Review Frequency: once a year	YES
--	-----

Periodic Review Report Submittal Date: 03/31/2017



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 1/19/2016

Site Code: 130193

Site Name: Elks Plaza

Description of Institutional Control

George Tsillogianis

28 Campbell Drive

189 W. Merrick Road

Environmental Easement

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S_B_L Image: 62-114-131

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

George Tsillogianis

28 Campbell Drive

189 W. Merrick Road

Environmental Easement - Institutional Control Instrument

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S_B_L Image: 62-114-131

Vapor Mitigation



FACT SHEET

State Superfund Program

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

Site Name: Elks Plaza

DEC Site #: 130193

Address: 189 W. Merrick Road
Freeport, NY 11520

Have questions?
See
"Who to Contact"
Below

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 Elks Plaza site ("site") located at 189 W. Merrick Road, Freeport, Nassau County under New York's State Superfund Program have been or will be met. Please see the map for the site location.

NYSDEC has approved a Final Engineering 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 location(s) identified below under "Where to Find Information."

The cleanup activities were performed by Elks Plaza LLC 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 reason(s):

1. Sub Slab Depressurization System (SSDS)

In an effort to mitigate the elevated levels of VOCs that exist in soil vapor beneath the floor slab of a tenant unit located in Elks Plaza, a SSDS was installed in 2012 and is currently operating. The proposed remedy for the site includes continued operations of the SSDS to mitigate the potential for soil vapor intrusion to impact the indoor air of a tenant unit and the other retail establishments in the building.

2. A Site Management Plan that includes:

- a. Institutional/Engineering Control Plan that identifies all use restrictions and engineering controls for the site ;
- b. Periodic sampling and evaluation of the on-site groundwater;
- c. Monitoring of the sub-slab vapor and indoor air of the basement of the building to the west; and
- d. Environmental Easement.

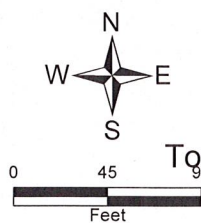
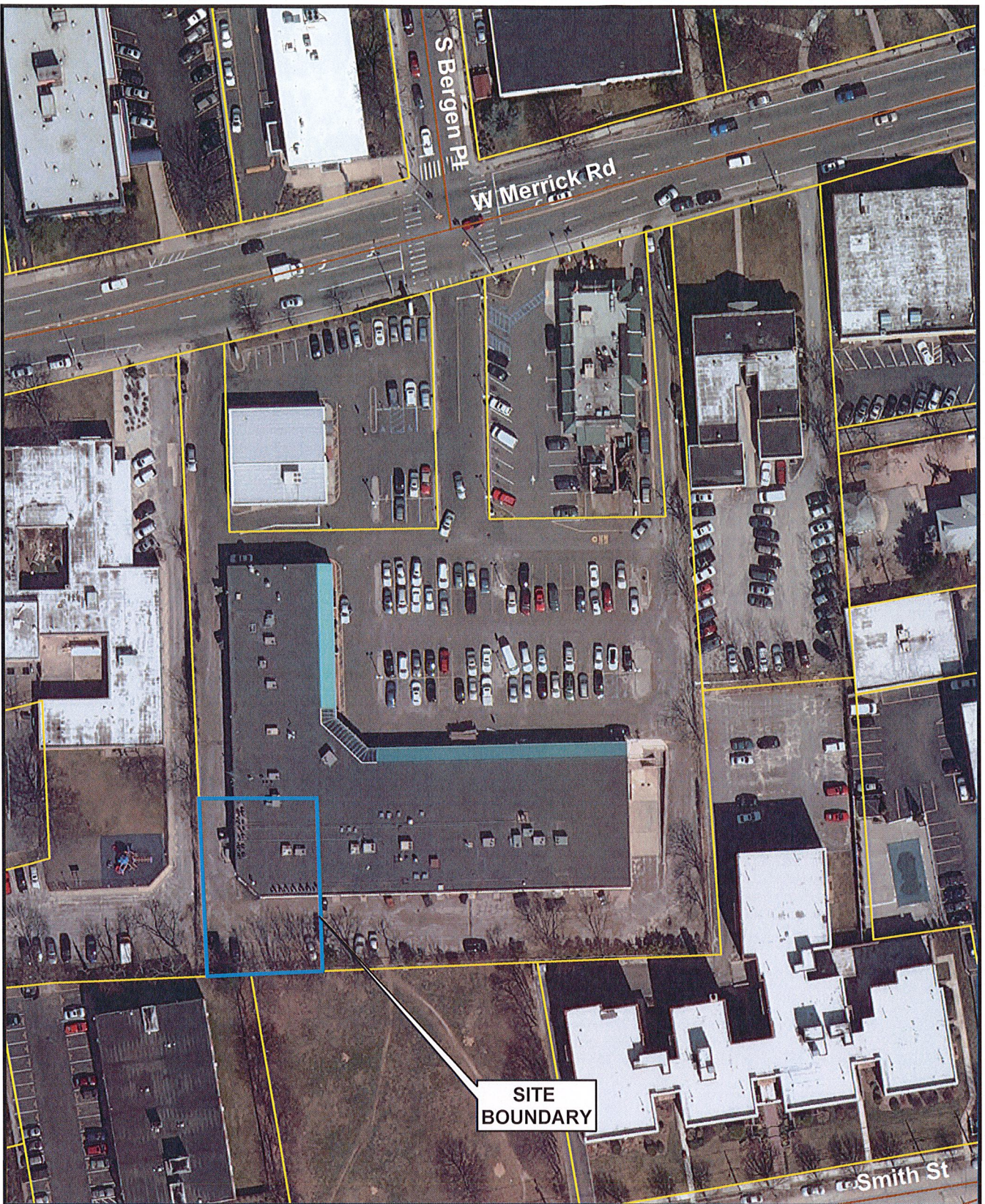


Figure 1

Site Location Map

Elks Plaza

Town of Hempstead, Nassau County
Site No. 130193



Final Engineering Report Approved

The NYSDEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

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 a deed restriction, 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.

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

- Environmental Easement
- Site Management Plan

The following engineering controls have been or will be put in place on the site:

- Vapor Mitigation

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 Elks Plaza site is located in a mixed commercial and residential area at 157-189 W. Merrick Road in Freeport, Nassau County approximately ¼ mile south of the Sunrise Highway. The property is bounded by Merrick Road to the north and commercial lots to the south, east, and west.

Site Features: This site is a tenant unit (approximately 0.22 acres) located in the southwest corner of an L-shaped, one-story concrete strip mall and the parking area to the south and west of that space. The main building is constructed with a partial basement (used for parking) which underlies only the southern portion of the structure. The building is surrounded by parking lot on all sides on the property.

Current Zoning/Use: The site is an active laundromat (no dry-cleaning) and is zoned commercial. The surrounding parcels are zoned commercial and residential. There is a residential apartment

building immediately southwest of the site and a school located to the west.

Past Use of the Site: Review of the available historical records indicate the subject property was initially developed with residential dwellings and sheds from at least 1910 to 1925. From 1928 to 1980 the subject property maintained a structure utilized by the Elks Club. The site is a former dry cleaner built in 1984, that was operated from 1985 to 1996.

The space is currently a laundromat (no dry-cleaning). Phase I and II Environmental Site Assessments (ESAs) were conducted in 2006 prompted by a financial transaction for the property. Results from the Phase II ESA indicated tetrachloroethene (PCE) in the groundwater on-site. A Preliminary Site Assessment (PSA) was completed in March 2010. A Supplemental Soil Vapor Study was completed in June 2010. The site was listed as Class 2 on the State's Registry of Inactive Hazardous Waste Disposal Sites in April 2011. Subsequently, an Order on Consent was negotiated between the Responsible Party and the Department. A Remedial Investigation both on-site and off-site was conducted between 2010 and 2012. A Soil Vapor Extraction system was installed in 2012 and later converted to a sub-slab depressurization system following a successful decrease in COC concentrations on-site.

Site Geology and Hydrogeology: The site is situated at an elevation of approximately 20-feet above mean sea level in the Village of Freeport, Town of Hempstead, Nassau County. The subsurface geology consists primarily of sand with some gravel and silt. The slope on-site is flat. Surface runoff is controlled by gently sloping pavement towards on-site storm drains. The regional topography slopes downward in a southern direction, toward Randall Bay. Groundwater flow is to the south by southeast at a depth of 12 ft below ground surface.

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

<http://www.dec.ny.gov/cfm/external/haz/details.cfm?pageid=3&progn=130193>

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 location(s) to help the public stay informed.

Freeport Memorial Library
Attn: Hope Schnee
144 W. Merrick Road
Freeport, NY 11520
phone: 516-379-3274
(hschnee@freeportlibrary.info)

Who to Contact

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

Project Related Questions

Melissa Sweet
Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7015
518-402-9620
melissa.sweet@dec.ny.gov

Site-Related Health Questions

Renata Ockerby
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza Corning Tower 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

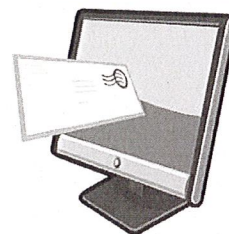
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

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 listserv 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.

Honorable Robert Kennedy
Mayor
Village of Freeport
46 N. Ocean Avenue
Freeport, NY 11520

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

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

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

Suzanne M. Avena
Garfunkel, Wild, & Travis, P.C.
111 Great Neck Road, Suite 503
Great Neck, NY 11021

Director
Hi-Hello Child Care Center
212 South Ocean Avenue
Freeport, NY 11520

Jade Garden Chinese Food
173 W. Merrick Rd.
Freeport, NY 11520

Carotenuto & Yanover Business Service
140 S. Long Beach Ave.
Freeport, NY 11520

Current Occupant
163 S. Long Beach Ave.
Freeport, NY 11520

Nassau Police Conference, Inc.
140 S. Long Beach Ave.
Freeport, NY 11520

Honorable Dorothy L. Goosby
Town Council
Town of Hempstead
Town Hall
1 Washington Street
Hempstead, NY 11550

Joseph DeFranco
Nassau County Department of Health
200 County Seat Drive
Mineola, NY 11501

Honorable Shila Shah-Gavnoudias, P.E.
Commissioner
Nassau Co. Department of Public Works
1194 Prospect Avenue
Westbury, NY 11590

Superintendent
Village of Freeport
Water Department
46 N. Ocean Avenue
Freeport, NY 11520

Director
Freeport Memorial Library
West Merrick Road and S. Ocean Ave.
Freeport, NY 11520

NY Elite Limousine
165 W. Merrick Rd.
Freeport, NY 11520

99c Super Discount Store
173 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
148 S. Long Beach Ave.
Freeport, NY 11520

Healthcare Automation Services
140 S. Long Beach Ave.
Freeport, NY 11520

Aai American Agency, Inc.
140 S. Ocean Ave.
Freeport, NY 11520

Honorable Anthony Santino
Supervisor
Town of Hempstead
Town Hall
1 Washington Street
Hempstead, NY 11550

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

Nassau County Director
Of Environmental Coordination
1550 Franklin Avenue
Mineola, NY 11501

- George Tsilogianis
Elks Plaza LLC
28 Campbell Drive
Dix Hills, NY 11746

Mr. Kishore Kuncham, Ed.D.
Superintendent of Schools
Freeport Public Schools
58 W. Seaman Avenue
Freeport, NY 11520

Bank of America
189 W. Merrick Rd.
Freeport, NY 11520

Blue Star Restorations, Inc.
172 S. Long Beach Ave.
Freeport, NY 11520

Current Occupant
171 S. Long Beach Ave.
Freeport, NY 11520

Current Occupant
160 S. Long Beach Ave.
Freeport, NY 11520

Current Occupant
161 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
131 S. Ocean Ave.
Freeport, NY 11520

Appelgate Ray D Agency, Inc.
140 S. Ocean Ave.
Freeport, NY 11520

Canale & Tellekamp Cpas
140 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
155 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
157 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
157 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
140 S. Ocean Ave.
Freeport, NY 11520

Superintendent
150 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
155 S. Ocean Ave.
Freeport, NY 11520

Current Occupant
185A W. Merrick Rd.
Freeport, NY 11520

Superintendent
190 W. Merrick Rd.
Freeport, NY 11520

Allstate Insurance Companies
149 W. Merrick Rd.
Freeport, NY 11520

Anywhere A Locksmith Service
187 W. Merrick Rd.
Freeport, NY 11520

Babu Wine and Liquor
169 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
155 W. Merrick Rd. Ste. 202
Freeport, NY 11520

Best Idea Incorporated
147 W. Merrick Rd.
Freeport, NY 11520

Casa Global Realty Corp.
126 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
151 W. Merrick Rd.
Freeport, NY 11520

Citibank
180 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
149 W. Merrick Rd.
Freeport, NY 11520

Ebony Beauty Supply
171 W. Merrick Rd.
Freeport, NY 11520

Eye World Optical, Inc.
185 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
181 W. Merrick Rd.
Freeport, NY 11520

First Residential Mortgage Service
126 W. Merrick Rd.
Freeport, NY 11520

Freeport Gulf Station
131 W. Merrick Rd.
Freeport, NY 11520

Freeport Memorial Library
144 W. Merrick Rd.
Freeport, NY 11520

Freeport Novelty Corp
183A W. Merrick Rd.
Freeport, NY 11520

Gina Lennon Associates Inc
190 W. Merrick Rd. Apt. 4R
Freeport, NY 11520

Joint Healthcare Professional S
201 W. Merrick Rd.
Freeport, NY 11520

Living Natural
177 W. Merrick Rd.
Freeport, NY 11520

Malone Tauber & Sohn P C
147 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
155 W. Merrick Rd. Ste. 204
Freeport, NY 11520

Current Occupant
155 W. Merrick Rd. Ste. 204
Freeport, NY 11520

McDonald's Restaurant
157 W. Merrick Rd.
Freeport, NY 11520

Morshe Bagles, Inc.
177 W. Merrick Rd.
Freeport, NY 11520

Nassau Jhren's Registry Agency
147 W. Merrick Rd.
Freeport, NY 11520

New York Physical Therapy PC
131 W. Merrick Rd.
Freeport, NY 11520

Northeast Atlantic Consulting
147 W. Merrick Rd.
Freeport, NY 11520

The One Food Court
177 W. Merrick Rd.
Freeport, NY 11520

John A. Ostuni, MD
155 W. Merrick Rd.
Freeport, NY 11520

Raimo's Pizza & Restaurant
187A W. Merrick Rd.
Freeport, NY 11520

Remax Action
147 W. Merrick Rd.
Freeport, NY 11520

Superintendent
200 W. Merrick Rd.
Freeport, NY 11520

South Nassau Internal Medicine Assocs
155 W. Merrick Rd. Ste. 101
Freeport, NY 11520

South Shore Medical & Rehabilitation
175 W. Merrick Rd.
Freeport, NY 11520

Summit Dental
147 W. Merrick Rd.
Freeport, NY 11520

Current Occupant
155 W. Merrick Rd. Ste. 202
Freeport, NY 11520

Woodward Mental Health Center
201 W. Merrick Rd.
Freeport, NY 11520

Xtc Salon, Inc.
179 W. Merrick Rd.
Freeport, NY 11520

Five Star Nail
183 W. Merrick Rd.
Freeport, NY 11520

Rob Weltner
Operation Splash
200 Woodcleft Ave.
Freeport, New York 11520

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

DEC 07 2015

Mr. George Tsillogianis
28 Campbell Drive,
Dix Hills, NY 11746

Re: Certificate of Completion and Registry Reclassification from 2 to 4
Site Name: Elks Plaza
Site No.: 130193
189 West Merrick Rd, Town of Freeport, Nassau County

Dear Mr. Tsillogianis:

Congratulations on having satisfactorily completed the remedial program at Elks Plaza. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. This also results in the reclassification of the site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") for 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 (or Counties) 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**.

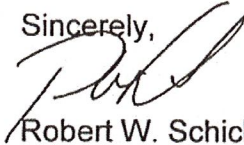


Department of
Environmental
Conservation

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 Melissa Sweet at (518) 402-9620.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

cc: Suzanne M. Avena- Garfunkel, Wild & Travis, P.C.
Krista Anders, DOH
Renata Ockerby, DOH
Michael Ryan, DEC
Jim Harrington, DEC
Melissa Sweet, DEC
John Swartwout, DEC
Walter Parish, DEC
Alali Tamuno, DEC

NYSDEC STATE SUPERFUND PROGRAM (SSF)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Elks Plaza LLC

Address

28 Campbell Drive, Dix Hills, NY 11746

SITE INFORMATION

Site No.: 130193 **Site Name:** Elks Plaza

Order on Consent: Index No. W1-1120-08-04 **Order Execution Date:** 08/27/08

Site Owner: Elks Plaza LLC

Street Address: 189 W. Merrick Road

Municipality: Freeport **County:** Nassau **DEC Region:** 1

Site Size: 0.220 Acres

Tax Map Identification Number(s): 62-114-131

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: Residential, Restricted-Residential, 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 with recording identifier RE 017516.

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

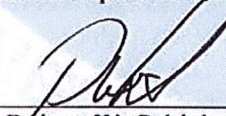
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §375-1.9(e)(2) upon a finding that:

- (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.

Basil Seggos
Acting Commissioner
New York State Department of Environmental Conservation

By:


Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date:

December 7, 2015

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

**Elks Plaza, Site ID No. 130193
189 West Merrick Rd, Freeport, NY, 11520
City of Freeport, Nassau, Tax Map Identification Number(s) 62-114-131**

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 Elks Plaza for a parcel approximately 0.220 acres located at 189 West Merrick Rd, Freeport, NY, 11520 in the Freeport, Nassau.

PLEASE TAKE NOTICE, the Certificate was 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 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):

- X Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- X Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- X Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- X 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 Control No. 420 Reference No. RE 017516.

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(s) 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 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 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.

Elks Plaza, 130193, 189 W. Merrick Rd, Freeport, NY 11520

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 holder's 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 DEC's Region 1 Office located at 625 Broadway, Albany, NY 12233, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

George Tsillogianis

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20____, before me, the undersigned, personally appeared _____, 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.

Signature and Office of individual
taking acknowledgment

Please record and return to:
George Tsillogianis
28 Campbell Drive
Dix Hills, NY 11746



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/20/2015



SITE DESCRIPTION

SITE NO. 130193

SITE NAME Elks Plaza

SITE ADDRESS: 189 W. Merrick Road **ZIP CODE:** 11520

CITY/TOWN: Freeport

COUNTY: Nassau

ALLOWABLE USE: Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan YES

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 03/31/2017

Description of Institutional Control

George Tsillogianis

189 W. Merrick Road

Environmental Easement

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S_B_L Image: 62-114-131

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

George Tsillogianis

189 W. Merrick Road

Environmental Easement

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S_B_L Image: 62-114-131

Vapor Mitigation

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Environmental Easement Description

For Elks Plaza Site

Site No. 130193

All that a certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, being a part of the parcel known as Nassau County Tax Map number 62-114-128,130 & 131, lying and being in the Village of Freeport, Town of Hempstead, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the new Southerly side of Merrick Road, distant 244.66 feet from the corner formed by the intersection of the new Southerly side of Merrick Road and the Westerly side of Ocean Avenue;

Following the following two courses and distances to the point or place of Beginning:

1) Running thence South 5 Degrees 38 Minutes 00 Seconds West, 471.36 Feet to a point;

2) Running thence North 83 Degrees 31 Minutes 30 Seconds West, 231.23 Feet to a point;

Running thence North 5 Degrees 38 Minutes 00 Seconds East, 143.04 Feet to a point;

Running thence South 83 Degrees 31 Minutes 30 Seconds East, 101.02 Feet to a point;

Running thence South 07 Degrees 13 Minutes 20 Seconds West, 143.25 Feet to a point;

Running thence South 83 Degrees 59 Minutes 00 Seconds East, 25.87 Feet to a point;

Running thence South 83 Degrees 31 Minutes 30 Seconds East, 79.12 Feet to the point or place of BEGINNING

Being .22 acres more or less.

Exhibit B

Site Survey

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
& FER RECLASS APPROVAL MEMO
CONFIDENTIAL/ATTORNEY WORK PRODUCT**

TO: Robert Schick, P.E., Director
Division of Environmental Remediation

FROM: Dolores Tuohy DAT 12/4/15
Remediation Bureau, OGC

Sign-offs:	Initials	Date
Melissa Sweet	MLS	11/20/15
*John Swartwout	JBS	11/20/15
*James Harrington	JBH	11/32/15
*Michael J .Ryan	MJR	12/4/15

* Above must be also sign off in UIS Class Change

SUBJECT: CoC Issuance/Final Engineering Report and
Site Reclassification to Class 4
Remedial Party: Elks Plaza Llc
Site Name: Elks Plaza
Site No.: 130193
Order on Consent Index No.: W1-1120-08-04

DATE: 12/4/2015

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 Remedial Work Plan. The Final Engineering 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 Final Engineering 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 Final Engineering Report.

Final Engineering Report: The Final Engineering Report (FER) has been reviewed by NYSDEC and NYSDOH technical staff and the FER checklist has been completed recommending approval of the FER. The FER is signed and sealed by a Professional Engineer licensed to practice in New York State.

Certifications of Report Contents: The FER 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 Final Engineering Report and site reclassification be approved, and that the attached Certificate of Completion be issued.

cc: Dolores Tuohy

Alali Tamuno

Melissa Sweet, Project Manager

John Swartwout, Section Chief

K. Lewandowski

DOH PM

Documents Attached:

- ☐ COC Issuance Request & Reclassification Approval Form
- ☐ COC Cover Letter
- ☐ Signature-ready Certificate of Completion
- ☐ Notice of Certificate of Completion
- ☐ Site Management Form

Supporting Documents in UIS:

- | | |
|--|---|
| <input type="checkbox"/> Order on Consent | <input type="checkbox"/> Site Management Plan |
| <input type="checkbox"/> Remedial Investigation Report | <input type="checkbox"/> Final Engineering Report |
| <input type="checkbox"/> Remedial Action Work Plan | <input type="checkbox"/> DOH Concurrence |
| <input type="checkbox"/> Remedial Design Documents | <input type="checkbox"/> Site Management Plan Checklist |
| <input type="checkbox"/> Environmental Easement | <input type="checkbox"/> Final Engineering Report Checklist |



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
CoC/Final Engineering Report & Reclassification Approval Form



Site Code 130193 Site Name Elks Plaza
Classification 02 New Classification 04
Address 189 W. Merrick Road
Region 1 City Freeport Zip 11520
Latitude 40.6517 Town Hempstead Project Manager Melissa Sweet
Longitude -73.5881 County Nassau
Site Type Structure Estimated Size 0.2200
Remedial Party: Elks Plaza Llc
Remedial Party 28 Campbell Drive
Contact Information: Dix Hills, NY 11746

Order on Consent Index No: W1-1120-08-04

Env. Easement County Recording No.: RE 017516

Allowable Use: Residential, Restricted-Residential, Commercial, and Industrial

Basis for Classification Change

Approval of the FER constitutes final approval of the Department's decision to reclassify the site to a class 4.

Site Description

Last Review: 06/02/2015

Location: The Elks Plaza site is located in a mixed commercial and residential area at 157-189 W. Merrick Road in Freeport, Nassau County approximately ¼ mile south of the Sunrise Highway. The property is bounded by Merrick Road to the north and commercial lots to the south, east, and west.

Site Features: This site is a tenant unit (approximately 0.22 acres) located in the southwest corner of an L-shaped, one-story concrete strip mall and the parking area to the south and west of that space. The main building is constructed with a partial basement (used for parking) which underlies only the southern portion of the structure. The building is surrounded by parking lot on all sides on the property.

Current Zoning/Use: The site is an active laundromat (no dry-cleaning) and is zoned commercial. The surrounding parcels are zoned commercial and residential. There is a residential apartment building immediately southwest of the site and a school located to the west.

Past Use of the Site: Review of the available historical records indicate the subject property was initially developed with residential dwellings and sheds from at least 1910 to 1925. From 1928 to 1980 the subject property maintained a structure utilized by the Elks Club. The site is a former dry cleaner built in 1984, that was operated from 1985 to 1996.

The space is currently a laundromat (no dry-cleaning). Phase I and II Environmental Site Assessments (ESAs) were conducted in 2006 prompted by a financial transaction for the property. Results from the

Phase II ESA indicated tetrachloroethene (PCE) in the groundwater on-site. A Preliminary Site Assessment (PSA) was completed in March 2010. A Supplemental Soil Vapor Study was completed in June 2010. The site was listed as Class 2 on the State's Registry of Inactive Hazardous Waste Disposal Sites in April 2011. Subsequently, an Order on Consent was negotiated between the Responsible Party and the Department.

Site Geology and Hydrogeology: The site is situated at an elevation of approximately 20-feet above mean sea level in the Village of Freeport, Town of Hempstead, Nassau County. The subsurface geology consists primarily of sand with some gravel and silt. The slope on-site is flat. Surface runoff is controlled by gently sloping pavement towards on-site storm drains. The regional topography slopes downward in a southern direction, toward Randall Bay. Groundwater flow is to the south by southeast at a depth of 12 ft below ground surface.

Analytical Data Available for : Air, Groundwater, Soil, Soil Vapor, Indoor Air

Applicable Standards Exceeded for: Groundwater

Site Environmental Assessment Last Review: 06/02/2015

Nature and Extent of Contamination:

On-site Area:

The primary contaminant of concern at the site is tetrachloroethene (PCE) and its degradation products. PCE was detected at 0.026 parts per million (ppm) in soil directly underneath the former dry cleaning equipment location on-site. No detections were found to be above the soil cleanup objective (PCE SCO for unrestricted use is 1.3 ppm) in soils during investigations of the site. PCE and its associated degradation products are found in the groundwater slightly exceeding the groundwater standard (5 parts per billion [ppb]), with a maximum of 17.7 ppb PCE

PCE was found in sub-slab soil vapor underneath the floor slab at the site at elevated levels (14,900 micrograms per cubic meter [ug/m³]) during the Site Characterization. A Sub-slab Depressurization System was installed as an Interim Remedial Measure for the building and is currently operating.

Off-site:

PCE was found at maximum concentration of 9.8 ppb off-site directly downgradient of the suspect source area in groundwater at a depth of 56-60 ft below ground surface (bgs). Samples were collected at three locations downgradient of the site with four depth intervals each of 11-15 ft bgs, 26-30 ft bgs, 41-43 ft bgs, and 56-60 ft bgs. All downgradient concentrations of PCE at the top of the water table (11-15 ft bgs) and the intermediate depth of 26-30 ft bgs were below the groundwater standard. The only samples found above the standard were located directly downgradient of the source area at depths of 41-45 ft bgs with 5.6 ppb of PCE and 56-60 ft bgs with 9.8 ppb of PCE.

In the school to the west, sub-slab soil vapor and indoor air indicated monitoring was warranted to confirm that actions to address the potential for exposure are not needed. Sub-slab soil vapor and indoor air have thus far been evaluated twice. The maximum concentration of PCE found in the sub-slab soil vapor underneath the basement maintenance room has been 163 ug/m³ and the corresponding indoor air concentration was 0.26 ug/m³. The concentrations of PCE detected in the indoor air ground level room samples ranged from non-detect to 0.27 ug/m³. This concentration of PCE is below NYSDOH's recently revised air guideline of 30 ug/m³ and falls within a typical range of background values in similar structures.

There is no potential for soil vapor intrusion further downgradient of the site since sampling indicated that off-site soil vapor intrusion is limited to one off-site building.

Site Health Assessment**Updated: 01/30/2014**

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. People are not coming into contact with the groundwater unless they dig below the ground 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 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. A sub-slab depressurization system has been installed in the on-site building to prevent the indoor air quality from being affected by the contamination in soil vapor underneath the building. Sampling at an off-site structure indicates there is currently no impact to indoor air quality, however monitoring for the potential for soil vapor intrusion to occur is ongoing. Off-site soil vapor intrusion concerns are limited to this one building.

	Start		End	
OU 00				
OGC Docket - Environmental Easement	4/10/14	ACT	5/6/15	ACT
Periodic Review	3/31/17	PLN	6/30/17	PLN
Site Management	5/1/15	ACT	2/28/20	PLN
OU 01				
Certificate of Completion	11/30/15	PLN	5/31/16	PLN
OGC Docket - SSF Order or Referral	4/23/08	ACT	8/27/08	ACT
Reclass Pkg.	1/26/11	ACT	4/6/11	ACT
Reclass Pkg.	11/30/15	PLN	12/31/15	PLN
Remedial Investigation	7/31/12	ACT	3/24/14	ANF
Site Characterization	3/18/09	ACT	3/16/10	ACT
OU 01A				
Remedial Action	5/28/12	ACT	9/24/12	ACT
Remedial Design	6/8/11	ACT	4/9/12	ACT

Remedy Description and Cost

Remedy Description for Operable Unit 01

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the Department is proposing No Further Action as the remedy for the site. This No Further Action remedy includes continued operation of the SSDS and the implementation of ICs/ECs as the proposed remedy for the site. 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 remedy consists of the elements of the IRM already completed and the institutional and engineering controls are listed below:

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);
- restricts the use of on-site groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;
- requires compliance with the Department approved Site Management Plan.

2. Site Management Plan

A Site Management Plan is required, 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/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed above.

Engineering Controls: Monitoring of indoor air and sub-slab soil vapor at the Woodward School and the continued operation of the sub-slab depressurization system on-site. This plan includes, but may not be limited to:

- 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 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 certification of the 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 on-site groundwater periodically to assess that concentration of contaminants are continuing to decrease;
- Soil sampling on-site to confirm unrestricted use.
- monitoring for vapor intrusion for any developed on the site, as may be required by the

Institutional and Engineering Control Plan discussed above.

- Continued monitoring of sub slab vapor and indoor air at the nearby school.
- a schedule of monitoring and frequency of submittals to the Department;

Green remediation principals and techniques will be implemented to the extent feasible in the site management of the remedy as per DER-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 materials which would otherwise be considered a waste.

Total Cost	\$46,117
Capital Cost	\$0
OM&M Cost	\$3,000

Issues / Recommendations

Soil, groundwater, and soil vapor were collected at the Elks Plaza Site as part of the Remedial Investigation, conducted between 2012 to 2014. Based upon this investigation and previous investigations, the primary contaminants of concern (COCs) are tetrachloroethene (PCE), trichloroethene (TCE), and cis-1,2-dichloroethene (DCE). This contamination is most likely attributable to leaking dry cleaning fluid from the former dry cleaning machine.

Soil samples exhibited very low levels of the COCs, below NYSDEC standards. Site related contaminants were found in the groundwater slightly exceeding the groundwater standards.

Off-site sub-slab soil vapor and indoor air samples were collected from the building to the west of the site. Based on an evaluation of the data, monitoring is recommended for the basement maintenance room to confirm that additional actions to address the potential for exposure are not needed. Additional soil vapor samples did not indicate the need for further monitoring around the site.

Remedy Description for Operable Unit 01A

A Soil Vapor Extraction System (SVE) was installed in June 2012 to ensure that the potential for soil vapor intrusion in the building on-site is being addressed and to remediate subsurface vapors. Four suction pits were installed around the location of the former dry-cleaning machine. These pits were initially piped to carbon treatment per the Department's Air Guide 1 requirements. Then piped to a blower to ensure there was enough vacuum through the carbon. The influent concentration decreased significantly over seven months to the point that carbon treatment was no longer required. The carbon treatment was removed in January 2013 and the blower was changed to an inline radon-style fan, typical for an sub-slab depressurization system (SSDS) for mitigating exposures related to soil vapor intrusion.

This system was installed and is operated by the PRP.

Total Cost

Capital Cost

OM&M Cost

Issues / Recommendations

A soil vapor investigation was conducted prior to the RI to determine the extent of intrusion by soil vapor into the indoor tenant spaces.

Sub-slab samples collected during the site characterization showed up to 54,000 ug/m³ of PCE and the corresponding indoor air of 2.71 ug/m³. These samples showed that mitigation was required for the former dry cleaner's space per DOH guidance.

In an effort to mitigate the elevated levels of Volatile Organic Compounds (VOCs) detected in soil vapor beneath the basement slab, which appears to be the result of residual vapors trapped beneath the basement slab, the property owner installed a Sub-Slab Depressurization System (SSDS) in 2012. The system is currently operating.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/20/2015



SITE DESCRIPTION

SITE NO. 130193

SITE NAME Elks Plaza

SITE ADDRESS: 189 W. Merrick Road ZIP CODE: 11520

CITY/TOWN: Freeport

COUNTY: Nassau

ALLOWABLE USE: Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan YES

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 03/31/2017

Description of Institutional Control

George Tsillogianis
189 W. Merrick Road
Environmental Easement
Block: 114
Lot: 131
Sublot:
Section: 62
Subsection:
S_B_L Image: 62-114-131
Ground Water Use Restriction
IC/EC Plan
Monitoring Plan
O&M Plan
Site Management Plan

Description of Engineering Control

George Tsillogianis

189 W. Merrick Road

Environmental Easement

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S_B_L Image: 62-114-131

Vapor Mitigation



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

November 12, 2015

James Harrington, Director
Remedial Bureau A
Division of Environmental Remediation
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Re: **Final Engineering Report and
Site Management Plan**
Elks Plaza
Site #130193
Freeport, Nassau County

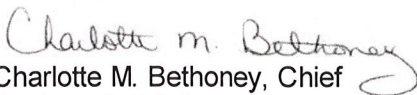
Dear Mr. Harrington:

Staff reviewed the November 2015 *Final Engineering Report* and the June 2014 *Site Management Plan* for the Elks Plaza site located in Freeport, Nassau County. Based on that review, I understand that the site was remediated in accordance to the remedy selected in the March 2014 *Record of Decision*. I understand the remedial elements implemented for the site include an Interim Remedial Measure of a sub-slab depressurization system installed beneath the on-site building and completion of a *Site Management Plan*.

The *Site Management Plan* includes Institutional and Engineering Controls necessary to address residual contamination that remains on-site and will provide proper management of the site to ensure the protection of public health. The engineering control for the site consists of an active sub-slab depressurization system. Institutional controls in the form of an Environmental Easement on the property will limit use and development of the site to commercial use; restrict the use of groundwater without necessary treatment for its intended use; will prohibit activities at the site that will disturb remaining contaminated material unless conducted in accordance with the *Site Management Plan*; annual monitoring of sub-slab vapor and indoor air at the adjacent Woodward School; and, the potential for soil vapor intrusion will be evaluated for any new on-site construction with actions taken to prevent exposures, if necessary. In addition, the property owner will provide periodic certification to the NYS Department of Environmental Conservation that the controls remain in place and continue to be effective.

Based on this information, I believe that remedial actions have been satisfactorily completed in accordance to the March 2014 *Record of Decision* and measures are in place to prevent human exposures to residual contamination. Should you have any questions, please contact me at (518) 402-7860.

Sincerely,


Charlotte M. Bethoney, Chief
Regions 1, 5 & 9
Bureau of Environmental Exposure Investigation

ec: K. Anders / R. Ockerby / e-File
C. Westerman – MARO
J. DeFranco - NCHD
J. Swartwout / M. Sweet - NYSDEC, Central Office
W. Parish - NYSDEC, Region 1

P:\Bureau\Sites\Region_1\NASSAU\130193\FER\draftDOHFERSMPLtr_11122015_130193.doc