

Environmental Services Division

CERTIFIED MAIL

October 25, 2011

NOV 15 2011

Mr. Mark Carrara
Deputy Permit Administrator
NYSDEC – Region 1
SUNY @ Stony Brook
50 Circle Road
Stony Brook, New York 11790-2356

**RE: CO 1-20040831-22 Progress Report – 3rd Qtr 2011
Chemical Pollution Control, LLC of New York (CPC)
120 South Fourth Street
Bay Shore, New York 11706**

Dear Mr. Carrara;

Enclosed is the Quarterly Progress Report for the third quarter of 2011, as required by the above referenced Consent Order.

If you have any questions, I may be reached at (631) 586-0333.

Sincerely,

Chemical Pollution Control, LLC of New York



Richard B. Camarda
Environmental, Health & Safety Manager

Attachment(s)

cc: Regional Solid & Hazardous Materials Engineer – NYSDEC Region 1
Director, Bureau of Hazardous Waste & Radiation Management – NYSDEC Albany NY
Chief, RCRA Programs Branch – USEPA Region II
Ms. Katy Murphy – NYSDEC Region 1

QUARTERLY PROGRESS REPORT

Third Quarter 2011

- 1. A list of contractors and/or consultants retained by the Respondent in connection with Respondent's compliance with the Order;**

No additional contractors or consultants have been retained during the third quarter of 2011. The current list remains as follows:

American Analytical Laboratories, Inc. (AAL)

American Environmental Assessment Corp. (AEAC)

Dvirka & Bartilucci Consulting Engineers (D&B)

- 2. A detailed description of all projects being undertaken pursuant to this Order by Respondent, its contractors and/or consultants, including:**

- 2(a) the work performed pursuant to this Order during the reporting period;**

The following work was completed with regard to facility reconstruction:

Facility Planning – Town of Islip (TOI)

CPC submitted a Building Permit Application to the TOI Building Department in early June 2011. The building exteriors were conditionally approved by the TOI, but the full application was rejected later that same month. CPC and D&B then met with Mr. Kahl, the TOI Commercial Plans Examiner, to discuss the Building Permit Application on July 11, 2011. During the meeting, it was determined that the plans complied with the applicable building codes; however Mr. Kahl requested additional modifications to the drawings, such as the inclusion of floor elevations on the architectural drawings and the addition of several building code cross-reference tables.

It was also determined that the TOI Building Department would not issue the final building permit until all structural drawings were submitted to the TOI for review. This includes the drawings and structural certifications for the pre-fabricated parts of the proposed building, such as the pre-cast structural walls and loading dock canopy, which are to be provided by subcontractors. However, the subcontractors will not provide the structural drawings for the pre-fabricated parts of the building until after the project is bid and the general contractor and subcontractors are retained. Therefore, in order to expedite the Building Permit Application review and avoid delay, CPC elected to make the changes to the plans requested by the TOI Commercial Plans Examiner and complete the information to the extent possible, with the exception of the pre-fabricated materials, and then proceed to bid the project prior to receiving the final building permit.

After making the requested modifications, CPC resubmitted the Building Permit Application to the TOI on August 18, 2011. D&B followed up with Mr. Kahl on August 31, 2011, who indicated that the plans were satisfactory, except for the information for the pre-fabricated building materials. Mr. Kahl declined to provide a written response to CPC's August 18, 2011 Building Permit Application resubmission, and also stated that a meeting with the TOI Fire Marshal would not be necessary at that time.

As a follow-up, D&B contacted Mr. Catalano, the TOI Fire Marshal, on September 12, 2011 to discuss the plans, but Mr. Catalano indicated that he had seen the plans, and confirmed that a meeting would not be necessary until CPC's fire suppression subcontractor applied for permits.

Facility Planning – NYSDEC

CPC previously agreed to hold monthly conference calls with NYSDEC in an effort to improve communication and mitigate future delays. The first such meeting was held in Albany in June 2011 and the parties agreed upon several action items. Subsequent conference calls were held on July 29, 2011 and September 20, 2011 and these meetings largely focused on the action items discussed during the June 2011 meeting. The following progress was made with respect to the June 2011 action items:

- As of September 30, 2011 the NYSDEC was continuing to evaluate the possible reclassification of the CPC site from Class 2 to Class A.
- CPC provided the NYSDEC with revised contract plans and design drawings for review on August 23, 2011. These documents were under review as of September 30, 2011.
- CPC submitted a minor permit modification to the NYSDEC to address the acceptance of used oil and other permit inconsistencies on September 19, 2011. These documents were under review as of September 30, 2011.
- CPC submitted a Corrective Measures Work Plan (CMWP) to the NYSDEC on August 12, 2011, and the NYSDEC responded with minor technical comments on September 19, 2011. As of September 30, 2011 the CMWP was being updated to incorporate the NYSDEC comments.
- As of September 30, 2011 CPC was negotiating lease terms for a temporary 10-day facility. Negotiations are expected to conclude in October 2011.

In addition to the above items, D&B conducted additional soil sampling at the CPC facility on August 11, 2011. The soil samples were analyzed for oxygen demand and capillary fringe VOC, and will be used to finalize the calculations for the corrective action groundwater injection program. CPC also submitted the April 2011 Groundwater Monitoring Report to the NYSDEC for review on August 12, 2011.

Facility Planning – Suffolk County Department of Health Services (SCDHS)

CPC submitted an Application for Sewage Disposal Facilities and Water Supply Systems to the SCDHS Office of Wastewater Management (OWM) in February 2011. CPC responded to requests for additional information in May 2011 and June 2011. D&B then contacted OWM on August 1, 2011 to follow up, but was informed at that time that the engineer reviewing CPC's application was no longer with SCDHS and the application had been transferred to another engineer with OWM.

However, in a letter dated September 13, 2011, CPC was notified that CPC's Application for Sewage Disposal Facilities and Water Supply Systems was conditionally approved pending abandonment of existing septic system.

Drywell Monitoring Plan

CPC has continued to complete sampling under the Dry Well Monitoring Plan during the third quarter of 2011.

Force Majeure(s)

CPC has made significant progress recently by obtaining approval of the Article 12 Permit to Construct Application from SCDHS, approval of the Site Plans from the TOI, and conditional approval of the Application for Sewage Disposal Facilities and Water Supply from the OWM. Also, the Building Permit Application has been reviewed and found to be satisfactory by the TOI Building Department, with the exception of the structural information to be submitted for the pre-fabricated building materials after the subcontractors have been retained under contract.

2(b) the status, by percentage, of completion of the project(s) which are the subject of the Quarterly Report, and

As of September 30, 2011, the project is in the planning and review stages and therefore no demolition or construction has begun (<10% completion).

2(c) all anticipated activities of the Respondent its contractors and/or consultants for the next three (3) month period. The parties agree that information provided in prior quarterly reports need not be reiterated in subsequent quarterly reports, except to the extent necessary to make adequate cross-reference to currently reported items.

CPC anticipates completing the following work during the fourth quarter of 2011:

- Remove and sample the existing sanitary system to complete the Application for Sewage Disposal Facilities and Water Supply Systems. The OWM has requested that sampling occur prior to building demolition. CPC will coordinate a sampling date with OWM.

- Complete the lease negotiations for the temporary 10-day facility, provide the NYSDEC with the location, and transfer operations to the temporary location.
- Solicit bids and begin the general contractor selection process.
- Provide NYSDEC with the required 45-day notice prior to beginning RCRA closure, cease acceptance of waste at the CPC facility, and begin aboveground closure of the facility.
- Submit a revised Corrective Measures Work Plan to NYSDEC for review and approval.
- Continue to meet with the NYSDEC on a monthly basis to review project status.

3. Information regarding any continuing delays encountered or any delay anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to address, minimize or eliminate those continuing delays or anticipated delays;

As discussed above, CPC will obtain the final building permit after the remaining structural drawings and certifications for the pre-fabricated building materials are submitted to the TOI Building Department by CPC's subcontractors. Thus, it will be necessary for CPC to bid the project prior to obtaining the final building permit. However, CPC does not anticipate any additional delays due to this sequence of events.

4. Any changes in project management;

There have been no changes in project management during the third quarter of 2011.

5. Any other issues with the potential to materially affect the projects to be undertaken pursuant to this Order;

CPC began negotiating lease terms for the temporary 10-day location in September 2011. However, although CPC anticipates completing lease negotiations by the end of October 2011, CPC cannot account for delays on the part of the property owners.

- 6. An executive summary that summarizes the information required in subsections 1-5 above. Respondent shall choose the format for the first executive summary, and shall modify the format in accordance with any subsequent reasonable requests by DEC.**

CPC submitted a Building Permit Application to the TOI Building Department in early June 2011. The building exteriors were conditionally approved by the TOI, but the full application was rejected later that same month. CPC then met with the TOI Commercial Plans Examiner to discuss the Building Permit Application in early July 2011. It was determined that much of the information the TOI Plan Examiner sought was already in the documents submitted, but other minor changes were requested as well. It was also determined that the Building Permit would not be issued until after the project was bid, because the structural drawings for the pre-fabricated parts of the building would not be submitted until the general contractor and subcontractors were retained under contract.

CPC held conference calls with the NYSDEC in July 2011 and September 2011 to discuss various aspects of the rebuild project, including upcoming closure and corrective action activities. CPC also completed several previously agreed upon action items, including the submission of revised design drawings and the Corrective Measures Work Plan in August 2011, and a minor permit modification request in September 2011. As of the end of the third quarter, the NYSDEC is reviewing the building design plans and minor permit modification request, and CPC is modifying the Corrective Measures Work Plan to incorporate comments received from NYSDEC.

CPC's Application for Sewage Disposal Facilities and Water Supply Systems was conditionally approved by the OWM in September 2011, pending abandonment of the existing septic system.

Lastly, CPC intends to complete lease negotiations for the temporary 10-day location, move operations to the temporary location, solicit bids, select a contractor, and begin above ground closure of the CPC facility during the fourth quarter of 2011.