

Chemical Pollution Control, LLC of New York

Periodic Review Report  
(December 2021 - November 2022)

Bay Shore Facility  
(Site ID No. 152015)



December 2022



D&B ENGINEERS  
AND ARCHITECTS

**PERIODIC REVIEW REPORT (DECEMBER 2021 - NOVEMBER 2022)**  
**FOR**  
**CHEMICAL POLLUTION CONTROL, LLC OF NEW YORK**  
**BAY SHORE, NEW YORK**

**SITE NO. 152015**

*Prepared for:*

**CHEMICAL POLLUTION CONTROL, LLC OF NEW YORK**  
**BAY SHORE, NEW YORK**

*Prepared by:*

**D&B ENGINEERS AND ARCHITECTS**  
**WOODBURY, NEW YORK**

**DECEMBER 2022**

**PERIODIC REVIEW REPORT (DECEMBER 2021 - NOVEMBER 2022) FOR  
CHEMICAL POLLUTION CONTROL, LLC OF NEW YORK  
BAY SHORE, NEW YORK**

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## EXECUTIVE SUMMARY

The former Chemical Pollution Control, LLC of New York (CPC) Bay Shore facility (Site No. 152015) located at 120 South Fourth Street in Bay Shore, Suffolk County, New York (the “Site”), was remediated in accordance with the New York State Department of Environmental Conservation (NYSDEC) approved January 2012 Interim Corrective Measures (ICM) Work Plan in order to satisfy the corrective action requirements contained in its former 6 NYCRR Part 373 Permit and “delist” the Site from New York State’s Registry of Inactive Hazardous Waste Disposal Sites (Site No. 152015). Remediation was completed in July 2013 and included the demolition and removal of the on-site building and structures, excavation and off-site disposal of approximately 3,000 cubic yards of impacted soil, and injection of approximately 19,974 gallons of a 2% sodium permanganate solution at 80 locations at targeted horizons of 10 to 14 feet and 16 to 20 feet below grade. Following the remediation program, a limited amount of soil remained at the Site exceeding the Unrestricted Use Soil Cleanup Objectives (UUSCOs) but meeting the Restricted Residential Soil Cleanup Objectives (RRSCOs).

A Site Management Plan (SMP) was developed in November 2020 as required under the NYSDEC’s Inactive Hazardous Waste Disposal Site Remedial Program. The SMP documented procedures to be implemented in the monitoring and management of any residual contamination remaining at the Site. In accordance with the ICM Final Report, institutional controls were implemented at the Site as specified in the Site Management Plan (SMP). Also specified in the SMP were requirements for monitoring, performance of periodic inspections and submittal of an annual Periodic Review Report (PRR) in accordance with the NYSDEC’s DER-10 “Technical Guidance for Site Investigation and Remediation” requirements.

This Periodic Review Report summarizes and evaluates the performance, effectiveness and protectiveness of the Institutional Controls (ICs) established for the Site for the twelve month period of December 2021 through November 2022. The annual institutional and engineering control inspection was performed on November 17, 2022 in accordance with the

requirements outlined in the November 2020 SMP. Based upon the results of the inspection, all institutional controls appear to remain in-place as specified in the Site's November 2020 SMP.

In accordance with the November 2020 SMP, annual monitoring of the performance of the remedy is to be conducted for the first 5 years, unless a less frequent schedule is otherwise approved by the NYSDEC. The reporting period for this PRR covers the first of the required initial 5 years of monitoring. Since the Site recently changed ownership, D&B recommends that the current annual monitoring frequency be continued.

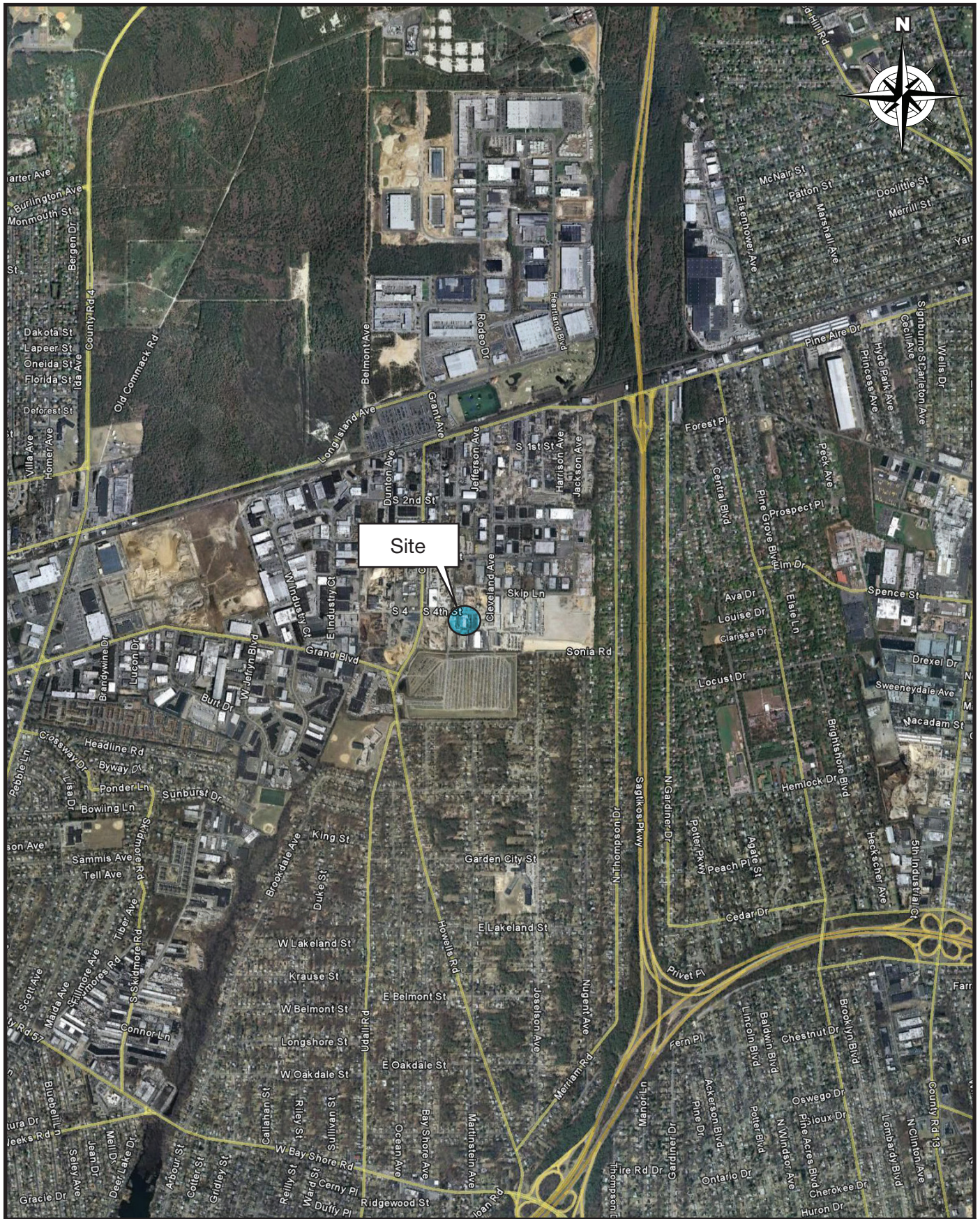
## 1.0 INTRODUCTION

The purpose of this Periodic Review Report (PRR) is to summarize and evaluate the remedies implemented at the Site relative to the requirements of the Site Management Plan (SMP) dated November 2020. The Site is located at 120 South Fourth Street in Bay Shore, Suffolk County, New York (see Figure 1-1). The information provided in this report covers the period from December 2021 through November 2022; however, portions of this report incorporate pertinent historical background information and monitoring data, as appropriate.

Chemical Pollution Control, LLC of New York (CPC) was responsible for the site operation, monitoring and maintenance throughout this reporting period, while all institutional and engineering controls inspection, reporting and engineering services were completed by D&B Engineers and Architects (D&B). The objectives of this PRR include:

- Presenting relevant background information;
- Presenting a description of the site remedy, residual contamination and any associated remedial components, including applicable Institutional and Engineering Controls;
- Identifying the remedial goals established for the Site, as identified in the November 2020 SMP;
- Identifying, reviewing and evaluating:
  - Site monitoring protocols, procedures and documentation;
  - Condition of the remedy;
  - Compliance with the SMP;
  - Current institutional and engineering controls;
  - Site management costs; and
  - Remedy performance, effectiveness and protectiveness.
- Supporting decisions/providing justification to modify or end site management activities or reclassify the Site;
- Determining the frequency and type of subsequent periodic reviews; and
- Providing an institutional control and engineering control (IC/EC) certification.





CHEMICAL POLLUTION CONTROL, LLC OF NEW YORK  
BAY SHORE, NEW YORK

**SITE LOCATION MAP**

FIGURE 1-1



## **2.0 SITE OVERVIEW**

### **2.1 Site Location**

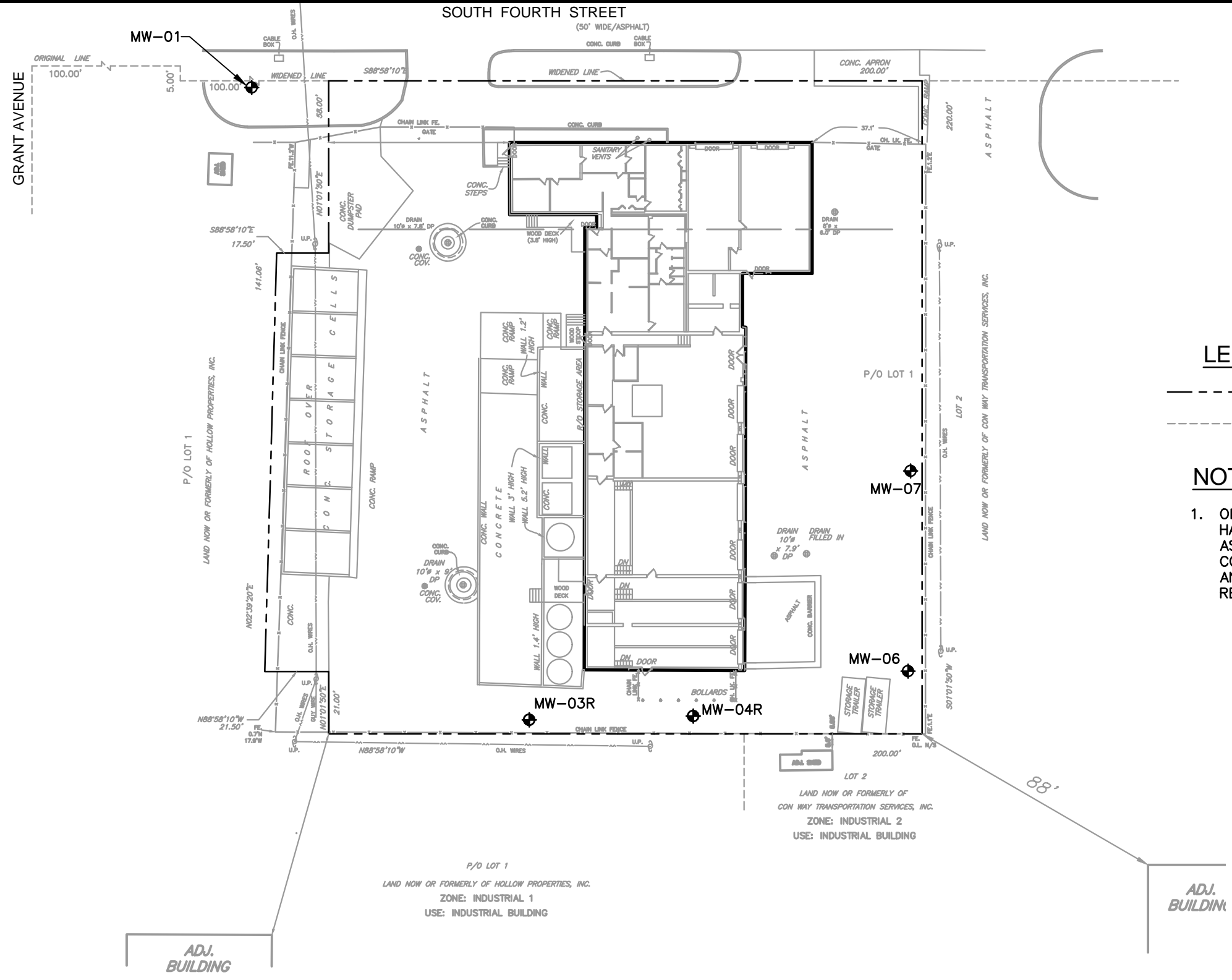
The CPC facility is located at 120 South Fourth Street in Bay Shore, New York in an urban portion of the Town of Islip, Suffolk County, New York, approximately 2,500 feet west of the Sagtikos State Parkway. The CPC facility occupies a parcel approximately 1 acre in size. Primary access to the Site is from South Fourth Street, which borders the north side of the facility. The areas adjoining and surrounding the CPC facility consist of developed industrial properties. The CPC facility is bound by South Fourth Street to the north and by industrial properties to the east, south and west. The property immediately south of the CPC facility was formerly used by the Town of Islip as a landfill (Sonia Road Landfill) in the late 1960's. The former landfill itself is approximately 500 feet to the south of the CPC facility. A site plan is provided as Figure 2-1.

The Site is currently classified as a Class 4 site, indicating that the NYSDEC has determined that the Site has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring.

### **2.2 Site Description and Remedial History**

The CPC facility was a commercial hazardous waste treatment, storage and transfer facility that formerly consisted of a one-story masonry building and an asphalt-paved exterior area. The storage and treatment of hazardous waste and nonhazardous waste began at the CPC facility in 1975 and continued through December 2011. The history of the property is as follows:

- Prior to 1940 - Agricultural (unconfirmed);
- 1940 to 1960 - Hubbard Sand and Gravel (quarry);
- 1960 to 1965 - Bus company;
- 1965 to 1970 - Milk bottling and distribution (dairy company);



**LEGEND:**

- — — — — PROPERTY LINE
- - - - - ADJACENT LOT LINES

**NOTES:**

1. ON-SITE BUILDING AND STRUCTURES HAVE BEEN DEMOLISHED AND REMOVED AS PART OF THE COMPLETED INTERIM CORRECTIVE MEASURES WORK PLAN, AND ARE ONLY SHOWN FOR REFERENCE.

F:\2786\2786-Q11\dwg\2786-Q11-C-PL01.dwg, FIG 2-1, 12/16/2022 8:57:07 AM, ferrell

- 1970 to 1975 - Truck service company (tire company);
- 1975 to 2011 - Hazardous waste transfer facility;
- 2012 to present - Vacant.

In December 2011, CPC ceased operations at the facility and initiated RCRA closure activities at the facility. CPC closed all of the hazardous waste storage areas formerly located at the Bay Shore facility in accordance with the requirements of 6 NYCRR Part 373 and its approved RCRA closure plan, and demolished and removed the facility building and support structures. In implementing the ICM Work Plan, CPC satisfied the corrective action requirements contained in its 6 NYCRR Part 373 Permit, including remediating impacted soil discovered on-site during the RFI and addressing residual groundwater contamination present beneath the facility. The overall goal of the remediation program for the facility was to satisfy the corrective action requirements presented in Module II of the facility's Part 373 Permit and allow the facility to be "delisted" from New York State's Registry of Inactive Hazardous Waste Disposal Sites (Site No. 152015).

The following environmental investigations were completed at the CPC facility:

- Phase II Environmental Site Assessment - 1987
- Monitoring Well Installation and Groundwater Sampling - 1994 through 1995
- Phase II Environmental Site Assessment - 1997
- Quarterly Groundwater Monitoring - 2002
- Soil and Groundwater Investigation - 2007
- RCRA Facility Investigation - 2010
- Pre-Design Investigation - 2011
- Groundwater Sampling Events - 2011 through 2020

The Site was remediated in accordance with the January 2012 NYSDEC-approved Interim Corrective Measures (ICM) Work Plan in 2012 and 2013. The remedial work was

documented in the Interim Corrective Measures Final Report dated December 2013 and included the following Remedial Actions performed at the Site:

- Soil excavation and removal from 16 operational areas exhibiting contaminant concentrations exceeding the Unrestricted Use Soil Cleanup Objectives with endpoint sampling to confirm sufficient removal.
- Soil excavation and removal from 7 dry wells and leaching pools exhibiting contaminant concentrations exceeding the Unrestricted Use Soil Cleanup Objectives with endpoint sampling to confirm sufficient removal. This work included closure of the dry wells and leaching pools under the Underground Injection Control (UIC) Program administered by the United States Environmental Protection Agency and the Suffolk County Department of Health Services.
- Closure and removal of three underground storage tanks, and excavation and removal of impacted soil located in the vicinity of the tanks with endpoint sampling to confirm sufficient removal.
- Soil excavation and removal within a 20-foot by 25-foot by 2-foot deep area of non-native material with endpoint sampling to confirm sufficient removal.
- Injection of approximately 20,000 gallons of a chemical oxidant (i.e., sodium permanganate) at two horizons at a total of 80 injection points within a 10,100-square-foot area.

Following the remediation activities, the Site was regraded with Site soils to fill the excavated areas and prevent the off-site migration of stormwater. Once the Site had been regraded, three inches of top soil was placed across the Site and the Site was seeded with a low-maintenance seed blend.

Remedial activities were conducted at the Site from November 2012 through September 2013.

As indicated above, following completion of the remedial activities, groundwater sampling was performed at the Site through 2020 to monitor the effectiveness of the chemical oxidant injection activities at treating volatile organic compounds present in the Site's groundwater. Since this sampling data demonstrated that asymptotic conditions had been met, it was determined that the Site could be transitioned into site management.



It should be noted that, following completion of the remedial work described in the December 2013 Interim Corrective Measures Final Report, a limited amount of soil contamination was left in the subsurface at the Site, which is hereafter referred to as “remaining contamination.” Provided below is a brief description of remaining contamination at the Site.

### 2.2.1 Remaining Soil Contamination

As presented in the NYSDEC-approved January 2012 ICM Work Plan, the Standards, Criteria and Guidance (SCGs) selected for Site soil are the NYSDEC’s Unrestricted Use Soil Cleanup Objectives (UUSCOs).

In general, the analytical results of the confirmation soil samples collected following the soil removal activities were below the UUSCOs. However, the samples collected from ten areas were found to exceed the UUSCOs but were below the Restricted Residential Soil Cleanup Objectives (RRSCOs). The following table summarizes all of the confirmation soil samples collected from the Site where the UUSCOs were exceeded. The table also presents a comparison of the confirmation soil sample results to some of the other soil cleanup objectives presented in Part 375 (i.e., the Residential, Restricted Residential and Commercial Use SCOs):

Sample ID	Parameter	Concentration (ppm)	UUSCO (ppm)	Residential SCO (ppm)	Restricted Residential SCO (ppm)	Commercial SCO (ppm)
Area E (remediated to approximately 2 feet below grade)						
CS-E1	Zinc	146	109	2,200	10,000	10,000
Area G (remediated to approximately 2 feet below grade)						
CS-G1	Chromium	58.4	30	36	180	1,500
Area H (remediated to approximately 4 feet below grade)						
CS-H2	Phenol	0.46	0.33	100	100	500
Area L (remediated to approximately 3 feet below grade)						
CS-L1	Chromium	32.5	30	36	180	1,500
	Silver	22.7	2	36	180	1,500

Sample ID	Parameter	Concentration (ppm)	UUSCO (ppm)	Residential SCO (ppm)	Restricted Residential SCO (ppm)	Commercial SCO (ppm)
Area M (remediated to approximately 6 feet below grade)						
CS-M-N	Silver	4.6	2	36	180	1,500
CS-M-W	Silver	4.1	2	36	180	1,500
Area N (remediated to approximately 6 feet below grade)						
CS-N-W	Chromium	132	30	36	180	1,500
	Silver	6.5	2	36	180	1,500
CS-N-E	Silver	143	2	36	180	1,500
CS-N-B	Silver	7.2	2	36	180	1,500
Area O (remediated to approximately 4 feet below grade)						
CS-O3	Silver	8.7	2	36	180	1,500
Area P (remediated to approximately 3.5 feet below grade)						
CS-P2	Silver	9	2	36	180	1,500
Area V (remediated to approximately 10 feet below grade)						
CS-V1	Lead	76.9	63	400	400	1,000
Area X (remediated to approximately 6 feet below grade)						
CS-X1	Dieldrin	0.0063	0.005	0.039	0.2	1.4

Note: Shaded values indicate an exceedance of the respective SCO.

The location of each area exhibiting residual contamination above the applicable SCOs, as discussed above, is provided on the site survey provided in Appendix A.

### 2.2.2 Remaining Groundwater Contamination

As presented in the NYSDEC-approved January 2012 ICM Work Plan, the SCGs selected for Site groundwater are the NYSDEC's Class GA Groundwater Standards and Guidance Values.

CPC continued to monitor groundwater quality at the Site following completion of the remedial activities through 2020.

The analytical results of the groundwater samples collected from the Site's monitoring wells in April 2020 demonstrated that the concentrations of site-related contaminants met the NYSDEC's Class GA Groundwater Standards and Guidance Values. In fact, the only constituents that exceeded the Class GA Groundwater Standards/Guidance Values were iron, manganese, sodium, and total iron and manganese. However, iron, manganese and sodium are naturally elevated in Long Island groundwater, have historically been observed in the facility's groundwater samples and are attributable to the natural conditions in the aquifer. As a result, remaining site-related contamination is not present in the groundwater at the Site at concentrations exceeding the Class GA Groundwater Standards and Guidance Values.

A Site Management Plan (SMP) was prepared and finalized in November 2020 that was subsequently approved by NYSDEC to manage remaining contamination at the Site in perpetuity or until extinguishment of the Deed Restriction in accordance with ECL Article 71, Title 36. The SMP includes provisions to protect human health and the environment from the remaining soil contamination present at the Site.

### **2.3 Remedial Goals and Site Closure Criteria**

The remedial activities completed at the Site were conducted in accordance with the NYSDEC-approved January 2012 ICM Work Plan. The remedial goals included attainment of UUSCOs for on-site soil and the Class GA Groundwater Standards and Guidance Values for groundwater. However, based on the results of the post-remediation confirmation soil samples, soil located in two areas of the Site that exceeded the UUSCOs, but not the RRSCOs, was left in-place.

### **2.4 Remedial System**

As the remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls, there are no remedial systems currently installed or operating at the Site. Therefore, this section is not applicable.

## **2.5 Current Remedy Status**

As the remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls, no modifications to the remedy were made during the current reporting period.



### **3.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) CERTIFICATION PLAN COMPLIANCE**

Since remaining contaminated soil exists at the Site, Institutional Controls (ICs) are required to protect human health and the environment; however, Engineering Controls (ECs) are not required to manage remaining soil contamination. The intent of this section is to provide a description of the ICs in-place for the Site, the objective and status of each IC, as well as to provide a mechanism used to monitor and enforce each IC.

The IC/EC Certification form completed for the Site for this reporting period was prepared in accordance with Section 6.3(c) of NYSDEC's DER-10 document and is provided in Appendix B.

#### **3.1 Institutional Controls**

By definition, an IC is any non-physical means for enforcing restriction on the use of real property that limits human health and environmental exposure, restricts the use of groundwater, provides notice to potential owners, operators or member of the public, or prevents action that would interfere with the effectiveness and/or integrity of operation, maintenance and monitoring activities at or pertaining to a remedial site.

A series of ICs is required to: (1) prevent future exposure to remaining contamination by controlling disturbances of the remaining subsurface contamination; and, (2) limit the use and development of the Site to restricted residential use only. Adherence to these ICs on the Site is required by the Environmental Easement and are implemented under the SMP. These ICs are:

- Compliance with the Environmental Easement and the SMP by the Grantor and the Grantor's successors and assigns; and
- Data and information pertinent to site management for the Site must be reported at the frequency and in a manner defined in the SMP.

ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement.

The Site has a series of ICs in the form of site restrictions. Adherence to these ICs is required by the Environmental Easement. Restrictions that apply to the Site are:

- The property may be used for restricted residential, commercial or industrial use;
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Suffolk County Department of Health Services to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the NYSDEC.
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in the SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.
- The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries noted on the survey provided in Appendix A (i.e., Areas A and B), and appropriate actions to address exposures must be implemented; and
- Vegetable gardens and farming on the Site are prohibited.

### **3.2 Engineering Controls**

By definition, an EC is any physical barrier or method employed to actively or passively contain, stabilize or monitor contamination, restrict the movement of contamination to ensure long-term effectiveness of a remedial program or eliminate potential exposure pathways to contamination.

As indicated in the November 2020 SMP, ECs are not required to manage remaining contaminated soil.

### **3.3 IC/EC Plan Evaluation**

The following Plans are applicable at the Site as outlined in the November 2020 SMP:

- Excavation Work Plan

The Site has been fully remediated for unrestricted use with the exception of two small portions of the Site identified as Areas A and B on the survey provided in Appendix A. Any future intrusive work that will penetrate, encounter or disturb the remaining contamination will be performed in compliance with the Excavation Work Plan (EWP) which was provided as an appendix to the November 2020 SMP. Intrusive construction work must also be conducted in accordance with a Health and Safety Plan (HASP) and a Community Air Monitoring Plan (CAMP) prepared for the Site, which shall be prepared by the contractor performing the excavation work in accordance with DER-10, 29 CFR 1910, 29 CFR 1926, and all other applicable Federal, State and local regulations.

No excavation occurred during the reporting period that required implementation or modification of the Excavation Work Plan.

- Soil Vapor Intrusion Evaluation

Prior to the construction of any new enclosed structures in Areas A or B of the Site property (see Site survey in Appendix A), a soil vapor intrusion (SVI) evaluation will be performed to determine whether any mitigation measures are necessary to eliminate potential exposure to vapors in the proposed structure. The requirements for the SVI evaluation are specified in the November 2020 SMP.

No construction of enclosed structures in Areas A or B of the Site were completed or planned for completion during the reporting period. As a result, a SVI evaluation was not required during the reporting period.

- Contingency Plan

The November 2020 SMP includes a Contingency Plan to respond to emergencies including injury to personnel, fire or explosion, environmental release, or serious weather conditions. In the event of any emergency, the procedures detailed in the Contingency Plan Section of the SMP will be followed.

No emergencies occurred during the reporting period that required implementation or modification of the Contingency Plan.

- Corrective Measures Plan

If any component of the remedy is found to be compromised, or if the periodic certification cannot be provided due to an issue with an institutional or engineering control, a Corrective Measures Plan will be submitted to the NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the Corrective Measures Plan until it is approved by the NYSDEC.

As no component of the remedy was found to be compromised during the reporting period, a Corrective Measures Plan was not required.

The Institutional and Engineering Control Certification Form is provided in Appendix C.

### **3.4 Change of Use Compliance**

Relative to areas of the Site covered by the SMP, notifications will be submitted by the property owner to the NYSDEC as needed for the following reasons:

- Sixty-day advance notice of any proposed changes in Site use that are required under 6 NYCRR Part 375 and/or Environmental Conservation Law.
- Seven-day advance notice of any proposed ground-intrusive activities pursuant to the Excavation Work Plan.

Any change in the ownership of the Site or the responsibility for implementing the November 2020 SMP will include the following notifications:

- At least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser has been provided with a copy of all approved work plans, reports and the SMP.
- Within 15 days after the transfer of all or part of the Site, the new owner's name, contact representative and contact information will be confirmed in writing.



CPC notified the NYSDEC of a change in ownership of the Site on September 9, 2022. The sale of the Site occurred on November 18, 2022. CPC provided the NYSDEC with the new owner's name, contact representative and contact information in writing on November 18, 2022.

## **4.0 MONITORING PLAN COMPLIANCE**

This section of the PRR provides a summary of the components of the monitoring plan specified in the November 2020 SMP and includes a statement regarding compliance with the components of the monitoring plan.

### **4.1 Monitoring Requirements**

The monitoring plan included in the November 2020 SMP requires a site-wide inspection to be performed on an annual basis to compile sufficient information to assess the following:

- Compliance with all ICs, including Site usage;
- General Site conditions at the time of the inspection;
- The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection; and
- Confirm that site records are up to date.

Annual monitoring of the performance of the remedy will be conducted for the first 5 years following approval of the SMP, unless a less frequent schedule is otherwise approved by the NYSDEC. After 5 years, the monitoring frequency will be reviewed with the NYSDEC to determine any change in frequency. The Monitoring Plan may only be revised with the approval of NYSDEC.

### **4.2 Monitoring Compliance Status**

D&B completed the required annual site-wide inspection on November 17, 2022. During the November 17, 2022 annual inspection, the Site was observed to be vacant and overgrown with vegetation. However, evidence of soil disturbance, excavations or groundwater usage was not observed at the time of inspection.

Based on the findings of the IC/EC inspection conducted on November 17, 2022, all institutional controls appear to remain in-place as specified in the November 2020 SMP for the Site. The Institution Control and Engineering Control (IC/EC) inspection form completed during this reporting period is provided in Appendix B.

## **5.0 OPERATION AND MAINTENANCE (O&M) PLAN COMPLIANCE**

As the remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls, remedial systems are not currently operating at the Site. Therefore, an O&M Plan has not been prepared for the Site and this section is not applicable.

## **6.0 GREEN REMEDIATION/CLIMATE CHANGE RESILIENCE**

The remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls. The Site is currently in the Site Management phase, during which the only activities completed at the Site related to the remedy involve inspections to verify compliance with the IC/ECs specified in the November 2020 SMP. As a result, there were no environmental impacts that could affect the “environmental footprint” of the Site during this reporting period. In addition, there are no planned remedial activities that could negatively impact the environment.

## 7.0 COST EVALUATION

As the remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls, routine on-going costs associated with implementation of the remedy include engineering support to complete the required site-wide annual inspection and preparation of this PRR. If the site-wide annual inspection determines that a component of the remedy has been compromised, or if CPC elects to make material changes to the facility that will affect the Deed Restriction or remaining contamination, costs beyond this engineering support will be incurred. Neither of these events occurred during the reporting period.

As a result, the total cost of site management for the reporting period, which included the above referenced engineering support, was approximately \$17,500.

## **8.0 SITE CLOSEOUT**

The remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls. In accordance with the November 2020 SMP, annual monitoring of the performance of the remedy is to be conducted for the first 5 years, unless a less frequent schedule is otherwise approved by the NYSDEC. The reporting period for this PRR covers the first of the required initial 5 years of monitoring. Since the Site recently changed ownership, D&B recommends that the current annual monitoring frequency be continued.



## **9.0 CONCLUSIONS AND RECOMMENDATIONS**

The remedy for this Site involved excavation and removal of contaminated soil, and in-situ treatment of groundwater by chemical oxidant injection, followed by the implementation of institutional controls. The Site is currently in the site management phase of the overall remedial process. Site management activities involve routine inspections to confirm that all institutional controls implemented for the Site remain in-place and are effective. Based on the evaluation of the performance, effectiveness and protectiveness of the remedy during the current reporting period, and as detailed in the preceding sections, all institutional controls appear to be in-place as specified in the Site's November 2020 Site Management Plan.

As discussed above, it is recommended that the frequency of future site monitoring be reviewed per the November 2020 Site Management Plan but that the current annual monitoring frequency be continued due to the recent change in ownership.

**10.0 CERTIFICATION**

For each institutional or engineering control identified for the Site, I certify that all of the following statements are true:

- a) The institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by DER;
- b) Nothing has occurred that would impair the ability of such control to protect public health and the environment;
- c) Nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan of this control; and
- d) Access to the Site will continue to be provided to DER to evaluate the remedy, including access to evaluate the continued maintenance of this control.

Independent Professional Engineer



Signature: Brian Veith  
Name: Brian M. Veith  
Title: Vice President  
Date: 12/19/2022

**APPENDIX A**

**SITE SURVEY**

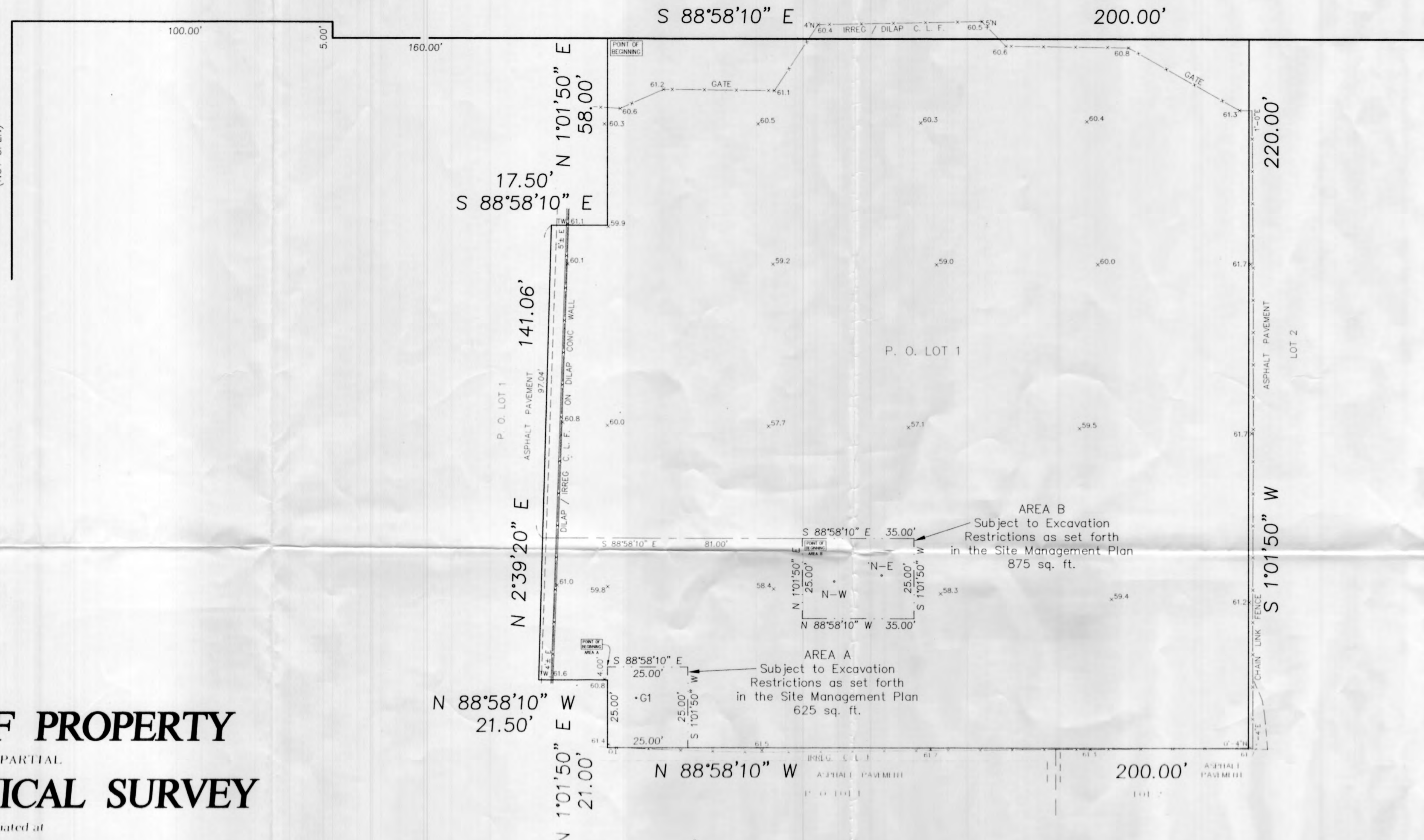


# S. FOURTH STREET

(FOURTH ST.)

120 South Fourth Street  
(as per Certificate of Occupancy provided to Surveyor)

GRANT AVENUE  
(NOT OPEN)



Legal Description - Overall Site  
SCTM #500-198-07-011.31

All that certain piece or parcel of land situate, lying and being at Brentwood (Bay Shore Post Office), Town of Islip, County of Suffolk, State of New York, known and designated as part of Lot 1 as shown on a certain map entitled "Minor Subdivision Map of Edgewood Trucking Terminal," and filed in the office of the Clerk of Suffolk County on December 9, 1991, as #9178, being more particularly bounded and described as follows:

- Beginning at a point on the southerly widening line of South Fourth Street (Fourth Street), distant the following three (3) courses and distances from the intersection of the southerly side of South Fourth Street and the easterly side of Grant Avenue (not open):
- 1) Easterly along the southerly side of South Fourth Street 100.00 feet;
  - 2) Southerly 5.00 feet to the southerly widening line of South Fourth Street;
  - 3) Easterly along the southerly widening line of South Fourth Street 160.00 feet;
- Running thence South 88°-58'-10" East along the southerly widening line of South Fourth Street 200.00 feet to Lot 2;
- Thence the following seven (7) courses and distances:
- 1) South 1°-01'-50" West a distance of 220.00 feet to a point;
  - 2) North 88°-58'-10" West a distance of 200.00 feet to a point;
  - 3) North 1°-01'-50" East a distance of 21.00 feet to a point;
  - 4) North 88°-58'-10" West a distance of 21.50 feet to a point;
  - 5) North 2°-39'-20" East a distance of 141.06 feet to a point;
  - 6) South 88°-58'-10" East a distance of 17.50 feet to a point;
  - 7) North 1°-01'-50" East a distance of 58.00 feet to the southerly widening line of South Fourth Street and the point or place of beginning.
- Containing 1.073 Acres

Legal Description - Area A subject to Excavation  
Restrictions as set forth in the Site Management Plan.  
Part of SCTM #500-198-07-011.31

All that certain piece or parcel of land situate, lying and being at Brentwood (Bay Shore Post Office), Town of Islip, County of Suffolk, State of New York, known and designated as part of Lot 1 as shown on a certain map entitled "Minor Subdivision Map of Edgewood Trucking Terminal," and filed in the office of the Clerk of Suffolk County on December 9, 1991, as #9178, being more particularly bounded and described as follows:

- Beginning at a point distant the following courses and distances from the intersection of the southerly side of South Fourth Street and the easterly side of Grant Avenue (not open):
- 1) Easterly along the southerly side of South Fourth Street 100.00 feet;
  - 2) Southerly 5.00 feet to the southerly widening line of South Fourth Street;
  - 3) Easterly along the southerly widening line of South Fourth Street 160.00 feet;
  - 4) South 1°-01'-50" West 58.00 feet;
  - 5) North 88°-58'-10" West a distance of 17.50 feet;
  - 6) South 2°-39'-20" West a distance of 141.06 feet;
  - 7) South 88°-58'-10" East a distance of 21.50 feet;
  - 8) North 1°-01'-50" East a distance of 4.00 feet;
- Running thence the following four (4) courses and distances:
- 1) South 88°-58'-10" East a distance of 25.00 feet;
  - 2) South 1°-01'-50" West a distance of 25.00 feet;
  - 3) North 88°-58'-10" West a distance of 25.00 feet;
  - 4) North 1°-01'-50" East a distance of 25.00 feet to the point or place of beginning.
- Containing 625 square feet

Legal Description - Area B subject to Excavation  
Restrictions as set forth in the Site Management Plan.  
Part of SCTM #500-198-07-011.31

All that certain piece or parcel of land situate, lying and being at Brentwood (Bay Shore Post Office), Town of Islip, County of Suffolk, State of New York, known and designated as part of Lot 1 as shown on a certain map entitled "Minor Subdivision Map of Edgewood Trucking Terminal," and filed in the office of the Clerk of Suffolk County on December 9, 1991, as #9178, being more particularly bounded and described as follows:

- Beginning at a point distant the following courses and distances from the intersection of the southerly side of South Fourth Street and the easterly side of Grant Avenue (not open):
- 1) Easterly along the southerly side of South Fourth Street 100.00 feet;
  - 2) Southerly 5.00 feet to the southerly widening line of South Fourth Street;
  - 3) Easterly along the southerly widening line of South Fourth Street 160.00 feet;
  - 4) South 1°-01'-50" West 58.00 feet;
  - 5) North 88°-58'-10" West a distance of 17.50 feet;
  - 6) South 2°-39'-20" West a distance of 141.06 feet;
  - 7) South 88°-58'-10" East a distance of 21.00 feet;
- Running thence the following four (4) courses and distances:
- 1) South 88°-58'-10" East a distance of 25.00 feet;
  - 2) South 1°-01'-50" West a distance of 25.00 feet;
  - 3) North 88°-58'-10" West a distance of 25.00 feet;
  - 4) North 1°-01'-50" East a distance of 25.00 feet to the point or place of beginning.
- Containing 875 square feet

## SURVEY OF PROPERTY AND PARTIAL TOPOGRAPHICAL SURVEY

Situated at  
**BRENTWOOD** (BAY SHORE P.O.)

TOWN OF ISLIP  
SUFFOLK COUNTY  
NEW YORK

DRAFTING REVISIONS MAY 31, 2015

I hereby certify that this survey was completed November 20, 2014, by me or under my direct supervision and is true and complete to the best of my knowledge and belief.



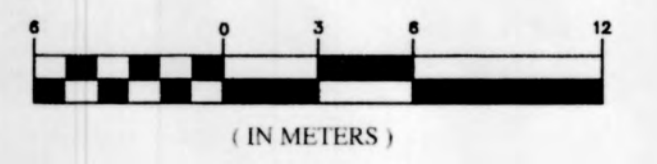
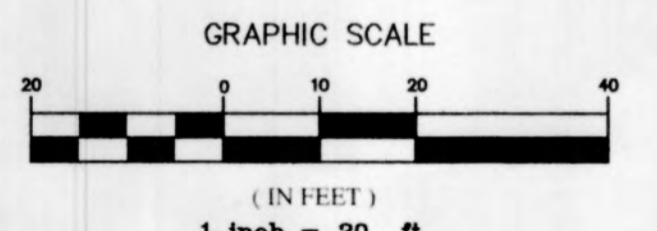
**Smith, Jung & Gillis**  
*Scott A. Gillis*

Scott A. Gillis  
Professional Land Surveyor #50399  
120 Medford Avenue  
Patchogue, NY 11772  
Phone: 631-475-3192

DATUM: NGVD 1929 (T.O.I. BM)  
AREA: 1.073 Ac

Lot numbers shown hereon refer to Minor Subdivision Map of Edgewood Trucking Terminal, filed December 9, 1991, as No. 9178.

G1, N-W & N-E SHOWN ARE REFERENCE POINTS SCALED FROM PRIOR SURVEY



### SYMBOL LEGEND

- CHAIN LINK FENCE (C.L.F.)
- X SPOT ELEVATION POINT
- TW TOP OF WALL
- DILAP DILAP/IRREGULAR
- IRREG IRREGULAR
- CONC CONCRETE
- CL ON LINE
- N NORTH
- S SOUTH
- E EAST
- W WEST
- P.O. PART OF (LOTS)

This property is subject to environmental easement(s) held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov).



## **APPENDIX B**

### **INSTITUTIONAL AND ENGINEERING CONTROL INSPECTION FORM**

# ENGINEERING AND INSTITUTIONAL CONTROL INSPECTION FORM

## I. Site Background Information

### A. Site Name and Location:

Site name as it appears on the Environmental Easement: Chemical Pollution Control

Name of the current property owner(s): Chemical Pollution Control, LLC of New York

Site Street Address: 120 South Fourth Street

Municipality (-ies): Bay Shore County (-ies): Suffolk

Blocks: 07.00

Lots: 011.031

Source information obtained from: Site Survey

### B. Person responsible for preparing Engineering and Institutional Control Evaluation Form:

Person's Name: Michael Hofgren

Person's Title: Senior Associate

Company Name: D&B Engineers and Architects

Relationship to the Site (check as appropriate): Owner  Operator

Lessee  Person Who Conducted the Cleanup

Other (describe) Environmental Consultant

Street Address: 330 Crossways Park Drive

City: Woodbury State: New York

Telephone Number: (516) 364- 9890

Fax Number: (516) 364- 9045

E-mail Address: mhofgren@db-eng.com

**C. Case Specific Information (Complete all that apply)**

- Site Name: Chemical Pollution Control, LLC of New York
- Site Registry Number: 152015
- Date of final Remediation Report and/or Certificate of Completion: December 2013
- Name and program of assigned Project Manager at issuance of Environmental Easement:  
George Momberger, P.E., Environmental Engineer, Division of Environmental Remediation

**D. Existing Site Conditions**

- Describe the physical characteristics of the site (features, topography, drainage, vegetation, access, etc.). If necessary, attach additional sheets.

Vacant lot with overgrown vegetation. Topography slopes down to former excavation area and is consistent with the Site survey. Site surrounded with a chain-link fence.

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- Describe the current site operations/use. If necessary, attach additional sheets.

Site is currently vacant. Conveyor and truck equipment stored on-site.

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- Describe visual integrity/condition engineering control. If necessary, attach additional sheets.

N/A - Engineering Controls not installed as part of remedy.

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**II. Protectiveness Evaluation**

**A. Environmental Easement and Engineering Control Information (Complete below)**

- Provide the following information for the recorded Environmental Easement:

Book Number: Liber D00012826

Page Number: 369

Date the date the Environmental Easement was filed in the office of the county recording officer: August 3, 2015

- Have any amendments and/or additional filings been recorded that may modify or supersede the Environmental Easement?



Yes \_\_\_\_ No X

If "Yes", provide an explanation. If necessary, attach additional sheets.

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**B. Evaluation of Engineering and Institutional Controls**

**1. Zoning or Land Use Changes (Complete below)**

a. Land use at the time the Environmental Easement was filed (check all that apply):

Non-Residential X Residential \_\_\_\_ Agricultural \_\_\_\_ Other \_\_\_\_

b. Current land use (check all that apply):

Non-Residential X Residential \_\_\_\_ Agricultural \_\_\_\_ Other \_\_\_\_

c. Has there been an actual or pending zoning or land-use change?

Yes \_\_\_\_ No X

**2. Inspections (Complete below)**

Have periodic inspections of the site identified any excavation or other disturbance activities that have taken place within the restricted areas?

Yes \_\_\_\_ No X

Date(s) of Disturbance: \_\_\_\_\_

Duration of Disturbance: Years \_\_\_\_ Months \_\_\_\_ Days \_\_\_\_

Date the NYSDEC was notified: \_\_\_\_\_

Date Work Plan Approved: \_\_\_\_\_

Description of the disturbance and methods to address the disturbance. If necessary, attach additional sheets.

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Name of Contact Person Relative to the Disturbance:

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Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**3. Changes to Laws and Regulations (Complete below)**

- a. Are there any subsequently promulgated or modified environmental laws or regulations, which apply to the site?

Yes \_\_\_ No X

- b. If "Yes", has the evaluation also determined that the Environmental Easement and engineering control, as applicable, meets the requirements of the new laws and regulations?

Yes \_\_\_ No \_\_\_

- c. The Environmental Easement and engineering control, as applicable that did not meet the requirements of the new laws and regulations has been addressed in the following manner to bring them into compliance. If necessary, attach additional sheets.

\_\_\_\_\_  
N/A  
\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX C**

**INSTITUTIONAL AND ENGINEERING CONTROL CERTIFICATION FORM**



**Enclosure 2**  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



	Site Details	Box 1
<b>Site No.</b> 152015		
<b>Site Name</b> Chemical Pollution Control		
Site Address: 120 South 4th Street	Zip Code: 11735	
City/Town: Bay Shore		
County: Suffolk		
Site Acreage: 1.000		
Reporting Period: December 21, 2021 to November 21, 2022	BAV 12/19/22 17	
		YES NO
1. Is the information above correct?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>		
5. Is the site currently undergoing development?		<input type="checkbox"/> <input checked="" type="checkbox"/>

	Box 2
	YES NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/> <input type="checkbox"/>
<b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b>	
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>	
 _____ Signature of Owner, Remedial Party or Designated Representative	_____ November 9, 2022 Date

SITE NO. 152015

Box 3

**Description of Institutional Controls**

Parcel

198000700011014

Owner

Chemical Pollution Control / Clean Earth

Institutional Control

Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction  
Site Management Plan

Environmental easement filed 8/30/2015. EE restricts use of GW, limits site to commercial use, and requires a Site Management Plan.

Box 4

**Description of Engineering Controls**

Parcel

198000700011014

Engineering Control

Fencing/Access Control

Fencing to limit access

*Per the SMP the site does not have any engineering controls.  
BTM 12/17/22*

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

  
\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

November 9, 2022  
\_\_\_\_\_  
Date

**IC CERTIFICATIONS  
SITE NO. 152015**

**Box 6**

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Greg Fink at 2337 North Penn Rd. Hatfield, PA 19440,  
print name print business address

am certifying as Designated Representative (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



\_\_\_\_\_  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

November 9, 2022  
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Brian Veith at D+B 330 Crossways Park Drive Woodbury, NY 11797  
print name print business address

am certifying as a Qualified Environmental Professional for the Chemical Pollution Control / Clean Earth  
(Owner or Remedial Party)

Brian Veith  
Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification



12/9/2022  
Date