

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 11th Floor, Albany, NY 12233-720

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www.dec.ny.gov

Standby Consultant/Contractor Reminder Notice: 1/4/2018
Site Management Periodic Review

Pat Benedetto
Project Manager
Environmental Assessment & Remediations
225 Atlantic Avenue
Patchogue, NY 11772

Site Name: Spectrum Finishing Corp.
Site No.: 152029
Site Address: 50 Dale Street
West Babylon, NY 11704

Dear Pat Benedetto:

This letter and attached certification have been mailed to you because you are the listed standby consultant/contractor for a state-funded State Superfund site that is currently in the site management (SM) phase of remediation. This letter is intended to serve as a reminder that sites in active Site Management undergo a periodic review to ensure that the selected remedy continues to be protective and that a report is due. This review and resulting report, referred to as the Periodic Review Report (PRR), will document the implementation and compliance with site specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (http://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf) provides guidance regarding the information that should be included in the PRR. A generic outline is attached as Enclosure 3 "Periodic Review Report (PRR) General Outline".

Please provide a PRR and sign and date the attached certification (Enclosure 1 "Engineering Controls - Standby Consultant/Contractor") by March 15, 2018. The PRR shall encompass the entire reporting period as indicated on the enclosed certification. If there has been a change in standby consultants/contractors during the reporting period, the certification you provide may rely on reports and documentation issued by previous consultants/contractors. In this instance, the DEC understands that data and material included in previous consultants/contractors' reports and documentation was not created by you, but that it has been reviewed and accepted as valid by you, to the best of your knowledge.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for the site was completed, SM may be governed by multiple individual documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan; etc.) or one comprehensive Site Management Plan.



A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional and/or engineering controls (“IC/EC Plan”); a plan for monitoring the performance and effectiveness of the selected remedy (“Monitoring Plan”); and/or a plan for the operation and maintenance of the selected remedy (“O&M Plan”).

Additionally, the technical requirements and objectives for SM are stated in the decision document (e.g., Record of Decision).

When you submit the PRR, include the enclosed form (Enclosure 1), signed, certifying that all SM requirements are being met. The Engineering Controls (ECs) portion of the form must be signed by a . If you cannot certify that all SM requirements are being met, a Corrective Measures Work Plan will be developed in conjunction with the DEC. This work plan shall include scheduling of activities as well as detailed cost information in a proposed budget. The work plan will be subject to final review and must be approved by the Department before any work included in the Work Plan shall commence. Instructions for completing the enclosed form are included as Enclosure 2 “Certification Instructions.”

The certification form and PRR shall be submitted in electronic format unless a hard copy is specified by the DEC project manager. All supporting documentation (e.g., data, reports, etc.) should be submitted in electronic format only. These documents and electronic submissions should be sent to Payson Long, Project Manager.

New York State Department of Environmental Conservation
Division of Environmental Remediation, BURE
625 Broadway
Albany, NY 12233-7017

Phone number: 518-402-9651. E-mail: payson.long@dec.ny.gov

Enclosures

cc: Payson Long, Project Manager



**Enclosure 1
Engineering Controls - Standby Consultant/Contractor Certification Form**



Site Details		Box 1	
Site No.	152029		
Site Name Spectrum Finishing Corp.			
Site Address: 50 Dale Street		Zip Code: 11704	
City/Town: West Babylon			
County: Suffolk			
Site Acreage: 0.9			
Reporting Period: February 13, 2015 to February 13, 2018			
		YES	NO
1.	Is the information above correct?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	To your knowledge 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 type="checkbox"/>
3.	To your knowledge has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input type="checkbox"/>
4.	To your knowledge 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 type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	To your knowledge is the site currently undergoing development?	<input type="checkbox"/>	<input type="checkbox"/>
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Industrial	<input type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs/ECs in place and functioning as designed?	<input type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and contact the DEC PM regarding the development of a Corrective Measures Work Plan to address these issues.			
_____ Signature of Standby Consultant/Contractor		_____ Date	

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
0100-074.00-02.00-007.000	Estate of Joseph Vazzana, Sr.	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

Filed with Suffolk County Clerks Office on 03/01/2011 under Liber D00012652 and page 617:

Unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. SMF shows the areas of the Property in which excavation is restricted.

The owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

The owner of the Property shall prohibit the Property from ever being used for purposes other than for Restricted Commercial or Industrial uses as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) use without the express written waiver of such prohibition by the Relevant Agency.

The owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency.

The owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

The owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP dated August 2010, which is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency.

The DCR is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Consent Decree requires to be recorded, and hereby covenant not to contest the authority of the Relevant Agency to seek enforcement.

Any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

0100-074.00-02.00-011.000 Estate of Joseph Vazzana, Sr.

Ground Water Use Restriction

Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

Filed with Suffolk County Clerks Office on 03/01/2011 under Liber D00012652 and page 617:

Unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. SMF shows the areas of the Property in which excavation is restricted.

The owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

The owner of the Property shall prohibit the Property from ever being used for purposes other than for Restricted Commercial or Industrial uses as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) use without the express written waiver of such prohibition by the Relevant Agency.

The owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency.

The owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

The owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP dated August 2010, which is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency.

The DCR is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Consent Decree requires to be recorded, and hereby covenant not to contest the authority of the Relevant Agency to seek enforcement.

Any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Box 4

Description of Engineering Controls

None Required

Not Applicable/No EC's

Box 5

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 certification, including data and material prepared by previous contractors for the current certifying period, if any;

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. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or 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) nothing has occurred that would constitute a failure to comply with the Site Management Plan, or equivalent if no Site Management Plan exists.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and contact the DEC PM regarding the development of a Corrective Measures Work Plan to address these issues.

Signature of Standby Consultant/Contractor

Date

IC/EC CERTIFICATIONS

Signature

I certify that all information in Boxes 2 through 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 _____ at _____
print name

_____,
(print business address)

am certifying as a .

Signature of

Stamp
(Required for PE)

Date

Enclosure 2

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the "YES/NO" questions in the Verification of Site Details Section. The Engineering Standby Contractor may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (Boxes 3, 4, and 5)

1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Engineering Standby Contractor should petition the Department separately to request approval to remove the control.
2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.
3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered. The DEC PM should be contacted to begin development of a plan of proposed corrective measures and an associated schedule for completing the corrective measures, including detailed cost information in a proposed budget. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule and budget, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a revised Periodic Review Report (with a signed IC/EC Certification) must be submitted which covers both the period for which a certification initially could not be provided and the ensuing time period until the correction measure was completed. This revised PRR should be submitted within 45 days after completion of the corrective measures to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6):

Where the site has Institutional and Engineering Controls, the certification statement in Box 6 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.

If you certified "YES" for each Institutional and Engineering Control, please complete and sign the IC/EC Certification page.

IV. Certification Form Modifications

Changes to the Certification Form shall be discussed with the Project Manager prior to submission. Any approved changes must be made on the Certification Form provided by Site Control and supporting documentation or reasoning shall be attached.

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
 1. progress made during the reporting period toward meeting the remedial objectives for the site
 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 1. recommend whether any changes to the SMP are needed
 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 3. recommend whether the requirements for discontinuing site management have been met.

- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.

- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.

- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 1. Describe each control, its objective, and how performance of the control is evaluated.
 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).

- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.

- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities,

frequencies, recordkeeping, etc.

- B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
- C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluate the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.
- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.