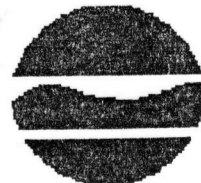


New York State Department Of Environmental Conservation
Division of Environmental Enforcement
200 White Plains Road - 5th Floor
Tarrytown, N.Y. 10591-5805
Telephone: (914) 332-1835



Langdon Marsh
Commissioner

WRITER'S DIRECT EXT.
321

November 14, 1994

Don Middleton
754 Deer Park Avenue
North Babylon, N.Y. 11703

Re: Minmilt Realty Corp.
Site # 1-52-147

file
for file

Dear Mr. Middleton:

Enclosed is a fully executed Order on Consent providing for a Remedial Investigation / Feasibility Study at the Minmilt Realty Corp. Site. The Order was signed by Deputy Commissioner Ann Hill DeBarbieri on November 7, 1994.

Please feel free to call me if you have any questions.

Very truly yours,


Louis P. Oliva, Esq.

Enclosure

cc: ✓ S. McCormick / B. O'Neill w/enc.

LO-MINMILT\RIFS.FEO/lo

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Investigation/Feasibility
Study for an Inactive Hazardous Waste
Disposal Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by
by

ORDER
ON
CONSENT
INDEX #W1-0669-93-11

Minmilt Realty Corp.
c/o Richard D. Cole, V.P.
40 Santa Barbara Drive
Plainview, N.Y. 11803
Respondent.

Site Code # 1-52-147

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is entered into pursuant to the Department's authority under inter alia ECL Article 27, Title 13 and ECL 3-0301.

2. Minmilt Realty Corp ("Respondent"), owns an industrial facility located at 540 Smith Street in the Town of Babylon, Suffolk County (the "Site"), at which the tenant, Hygrade Metal Moulding Manufacturing Corp. operated vapor degreasers containing PCEs. The Site consists of a one-story industrial building on a 2.28 acre parcel at which vapor degreasers were operated and PCE was incidentally discharged to leaching pools prior to 1983 (the "Site"). Attached hereto as Appendix "A" is a map depicting the Site.

3. The Site is an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2, and presents a significant threat to the public health or environment. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 1-52-147. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.

4. A. Pursuant to ECL 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the department, at

such site, and (ii) to implement such program within reasonable time limits specified in the order."

B. Any person under order pursuant to ECL 27-1313.3.a has a duty imposed by ECL Article 27, Title 13 to carry out the remedial program committed to under order. ECL Section 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

C. The Department also has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL 3-0301.1.i.

5. The Department and Respondent agree that the goals of this Order are for Respondent to (i) develop and implement a Focused Remedial Investigation/Feasibility Study ("RI/FS"); and (ii) reimburse the State's administrative costs.

6. Respondent, having waived Respondent's right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Within 15 days after the effective date of this Order, Respondent shall submit to the Department all data within Respondent's possession or control regarding environmental conditions on-Site and off-Site, and other information described below, unless the Department advises the Respondent that such data have previously been provided to the Department. The data and other information shall include:

A. A brief history and description of the Site, including the types, quantities, physical state, location, and dates of disposal of hazardous waste including methods of disposal and spillage of such wastes;

B. A concise summary of information held by Respondent and Respondent's attorneys and consultants with respect to all persons responsible for such disposal of hazardous wastes, including but not limited to names, addresses, dates of disposal and any proof linking each such person responsible with hazardous wastes identified pursuant to subparagraph I.A; and

C. A comprehensive list and copies of all existing relevant reports with titles, authors, and subject matter, as

well as a description of the results of all previous investigations of the Site and areas in the vicinity of the Site, including copies of all available topographic and property surveys, engineering studies and aerial photographs.

II. RI/FS Work Plan Contents and Submittals

A. Respondent has submitted to the Department a detailed work plan (the "RI/FS Work Plan") describing the methods and procedures to be implemented in performing an RI/FS for the Site. The RI/FS Work Plan, attached hereto as Appendix "C," has been found to be approvable by the Department and will be approved upon the Commissioner's execution of this Order.

B. The Department recognizes the existence of the following documents:

1. A Consent Order (the "Consent Order") with the Suffolk County Department of Health Services dated June 2, 1992;

2. A Health and Safety Plan dated September 1992, submitted to Suffolk County pursuant to the Consent Order;

3. An Investigative Work Plan (the "Investigative Work Plan") for Hygrade Metal Moulding corporation submitted to Suffolk County pursuant to the Consent Order;

4. A letter dated October 2, 1992 from Geralynn Fitzpatrick of Suffolk County to Donald Middleton providing the County's comments on the Investigative Work Plan;

5. A letter dated October 26, 1992 from Donald Middleton responding to the County's comments on the Investigative Work Plan.

Suffolk County's approvals of these documents are attached hereto as Appendix "B."

The Department will utilize this information in future investigations including the RI/FS conducted pursuant to this Order.

III. Performance and Reporting of Remedial Investigation

A. Within 15 days after the Department's execution of this Order, Respondent shall commence the Remedial Investigation.

B. Respondent shall perform the Remedial Investigation in accordance with the Department-approved RI/FS Work Plan.

C. During the performance of the Remedial Investigation, Respondent shall have on-Site a full-time representative who is qualified to supervise the work done.

D. Within the time frame set forth in the RI/FS Work Plan, Respondent shall prepare a Remedial Investigation Report that shall:

(1) include all data generated and all other information obtained during the Remedial Investigation:

(2) provide all of the assessments and evaluations set forth in CERCLA, the NCP, and the guidance documents identified in Subparagraph II.B(2);

(3) identify any additional data that must be collected; and

(4) include a certification by the individual or firm with primary responsibility for the day to day performance of the Remedial Investigation that all activities that comprised the Remedial Investigation were performed in full accordance with the Department-approved RI/FS Work Plan.

IV. Feasibility Study

A. Within 15 days after receipt of the Department's approval of the Remedial Investigation Report, Respondent shall submit to the Department a Feasibility Study evaluating on-Site and off-Site remedial actions to eliminate, to the maximum extent practicable, all health and environmental hazards and potential hazards attributable to hazardous waste disposal at the Site. The Feasibility Study shall be prepared by and have the signature and seal of a professional engineer who shall certify that the Feasibility Study was prepared in accordance with this Order.

B. Respondent shall perform and prepare the Feasibility Study in accordance with the Department-approved RI/FS Work Plan and in a manner consistent with CERCLA, the NCP, and the guidance documents identified in Subparagraph II.B(2).

C. Within 15 days after the Department's approval of the Feasibility Study, Respondent shall cooperate and assist the Department in soliciting public comment on the RI/FS and the proposed remedial action plan identified therein, in accordance with CERCLA, the NCP, the guidance documents

identified in Subparagraph II.B(2), and with any Department policy and guidance documents in effect at the time the public comment period is initiated. After the close of the public comment period, the Department shall select a final remedial alternative for the Site in a Record of Decision ("ROD"). The ROD shall be incorporated into and become an enforceable part of this Order.

V. Interim Remedial Measures

Respondent may propose interim remedial measures ("IRMs") for the Site on an as-needed basis. In proposing each IRM, Respondent shall submit to the Department a work plan which includes a chronological description of the anticipated IRM activities together with a schedule for the performance of those activities. Upon the Department's determination that the proposal is an appropriate interim remedial measure and upon the Department's approval of such work plan, the work plan shall be incorporated into and become an enforceable part of this Order; and Respondent shall submit to the Department for its review and (as appropriate) approval, in accordance with the schedule contained in the Department-approved work plan, detailed documents and specifications prepared, signed, and sealed by a professional engineer to implement the Department-approved IRM. Such documents shall include a health and safety plan, contingency plan, and (if the Department requires such) a citizen participation plan that incorporates appropriate activities outlined in the Department's publication, "New York State Inactive Hazardous Waste Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto. Respondent shall then carry out such IRM in accordance with the requirements of the approved work plan, detailed documents and specifications, and this Order. Within the schedule contained in the Department-approved work plan, Respondent shall submit to the Department a final engineering report prepared by a professional engineer that includes a certification by that individual that all activities that comprised the IRM were performed in full accordance with the Department-approved work plan, detailed documents and specifications, and this Order. Within the schedule contained in the Department-approved work plan, Respondent shall submit to the department a report or reports documenting the performance of the IRM. Respondent shall notify the Department of any significant difficulties that may be encountered in implementing the Department-approved work plan, detailed documents, or specifications and shall not modify any obligation unless first approved by the Department.

VI. Progress Reports

Respondent shall submit to the parties identified in subparagraph XIV.B in the numbers specified therein copies of written monthly progress reports that: (i) describe the actions

which have been taken toward achieving compliance with this Order during the previous month; (ii) include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent; (iii) identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month; (iv) describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site; (v) include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays; (vi) include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and (vii) describe all activities undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondent shall submit these progress reports to the Department by the tenth day of every month following the effective date of this Order.

Respondent also shall allow the Department to attend, and shall provide the Department at least seven days advance notice of, any of the following: prebid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.

VII. Review of Submittals

A. (1) The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal, except for the submittal discussed in Subparagraph II.B.(1)c. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

(2) (a) If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within 15 days after receiving written notice that Respondent's submittal has been disapproved, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

(b) After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order and the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. The Department may require Respondent to modify and/or amplify and expand a submittal if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary.

VIII. Penalties

A. (1) Respondent's failure to comply with any term of this Order constitutes a violation of this Order and the ECL.

(2) Respondent shall be liable for payment to the Department of the sums set forth below as stipulated penalties for each day or part thereof that Respondent is in violation of the terms of this Order. All penalties begin to accrue on the first day Respondent is in violation of the terms of this Order and continue to accrue through the final day of correction of any violation. Such sums shall be due and payable within 15 days after receipt of notification from the Department assessing the penalties. If such payment is not received within 15 days after Respondent receives such notification from the Department, interest shall be payable at the annual rate of nine per centum on the overdue amount from the day on which it was due through, and including, date of payment. Penalties shall be paid by certified check or money order, made payable to "New York State Department of Environmental Conservation" and shall be delivered personally or by certified mail, return receipt requested, to the Director, Division of Environmental Enforcement, N.Y.S.D.E.C., 50 Wolf Road, Albany, New York 12233-5500. Payment of the penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order. Stipulated penalties shall be due and payable under Subparagraph VIII.A.(2) pursuant to the following schedule:

<u>Period of Non-Compliance</u>	<u>Penalty Per Day</u>
First through 15th day	\$ 5,000
16th through 30th day	\$ 10,000
31st day and thereafter	\$ 15,000

B. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of war, riot, or an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence could not have prevented. Respondent shall, within five days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such five-day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order pursuant to Subparagraph VIII.B.

IX. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of the Respondent by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order.

X. Payment of State Costs

Within 15 days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for the State's expenses including, but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs, and contractor costs incurred by the State of New York for work performed at the Site to date, as well as for negotiating this Order, reviewing and revising submittals made pursuant to this Order, overseeing activities conducted pursuant to this Order, collecting and analyzing samples, and administrative costs associated with this Order. Such payment shall be made by certified check payable to the Department of Environmental Conservation. Payment shall be sent to the Bureau of Program Management, Division of Hazardous Waste Remediation, N.Y.S.D.E.C., 50 Wolf Road, Albany, NY 12233-7010. Itemization of the costs shall include an accounting of personal services indicating the employee name, title, biweekly salary, and time spent (in hours) on the project during the billing period, as identified by an assigned time and activity code. This information shall be documented by quarterly reports of Direct Personal Service. Approved agency fringe benefit and indirect cost rates shall be applied. Non-personal service costs shall be summarized by category of expense (e.g., supplies, materials, travel, contractual) and shall be documented by the New York State Office of the State Comptroller's quarterly

expenditure reports.

XI. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights including, but not limited to nor exemplified by, the following:

1. the Department's right to bring any action or proceeding against anyone other than Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;

2. the Department's right to enforce this Order against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns if Respondent fails to satisfy any of the terms of this Order;

3. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances or constituents at or from the Site or areas in the vicinity of the Site;

4. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to hazardous substances that are present at the Site or that have migrated from the Site;

5. the Department's right to bring any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;

6. the Department's right to require Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns to develop and implement IRMs for the Site; and

7. the Department's right to gather information and enter and inspect property and premises.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

XII. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent, and/or Respondent's directors, officers, employees, servants, agents, successors, and assigns.

XIII. Public Notice

A. Within 30 days after the effective date of this Order, Respondent shall file a Declaration of Covenants and Restrictions with the Suffolk County Clerk to give all parties who may acquire any interest in the Site notice of this Order.

B. If Respondent proposes to convey the whole or any part of Respondent's ownership interest in the Site, Respondent shall, not fewer than 60 days before the date of conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed date of the conveyance and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

XIV. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

Communication from Respondent shall be sent to:

1. Sue McCormick, P.E.,
Division of Hazardous Waste Remediation
New York State Department of Environmental
Conservation
50 Wolf Road
Albany, New York 12233-7010
2. Director, Bureau of Environmental
Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203
3. Ray Cowen, Regional Director
N.Y.S.D.E.C. - Region 1
S.U.N.Y. - Bldg. 40
Stony Brook, New York 11790-2356

4. Louis P. Oliva, Esq.
N.Y.S.D.E.C. - Eastern Field Unit
200 White Plains Road - Fifth Floor
Tarrytown, New York 10591-5805

B. Copies of work plans and reports shall be submitted as follows:

1. Four copies (one unbound) to:
Sue McCormick, P.E.,
Division of Hazardous Waste Remediation
New York State Department of Environmental
Conservation
50 Wolf Road
Albany, New York 12233-7010
2. Two copies to the Director, Bureau of
Environmental Exposure Investigation.
New York State Department of Health
2 University Place
Albany, New York 12203
3. Ray Cowen, Regional Director
N.Y.S.D.E.C. - Region 1
S.U.N.Y. - Bldg. 40
Stony Brook, New York 11790-2356
4. Louis P. Oliva, Esq.
N.Y.S.D.E.C. - Eastern Field Unit
200 White Plains Road - Fifth Floor
Tarrytown, New York 10591-5805

C. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit to Sue McCormick, P.E. a computer readable magnetic media copy of the approved report in American Standard Code for Information Interchange (ASCII) format.

D. Communication to be made from the Department to the Respondent shall be sent to:
Don Middleton
754 Deer Park Avenue
North Babylon, NY 11703

E. The Department and Respondent reserve the right to designate additional or different addressees for communication or written notice to the other.

XV. Miscellaneous

A. All activities and submittals required by this Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous waste at the Site.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel and data validators acceptable to the Department to perform the technical, engineering and analytical obligations required by this Order. The experience, capabilities and qualifications of the firms or individuals selected by Respondent shall be submitted to the Department within 15 days after the effective date of this Order. The Department's approval of these firms or individuals shall be obtained prior to initiation of any activities for which Respondent and such firms or individuals will be responsible.

C. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent, and the Department also shall have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be conducted pursuant to this Order.

E. Respondent shall obtain whatever permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations are necessary to perform Respondent's obligations under this Order.

F. Respondent and Respondent's officers, directors, agents, servants, employees, successors, and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order. Respondent's officers, directors, employees, servants, and agents shall be obliged to comply with the relevant provisions of this Order in the performance of their designated duties on behalf of Respondent.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into hereunder

upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work to be done under this Order in accordance with this Order.

H. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law.

I. All references to "days" in this Order are to calendar days unless otherwise specified.

J. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

K. (1) The terms of this Order shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.

(2) If Respondent desires that any provision of this Order be changed, Respondent shall make timely written application, signed by the Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to:

Louis P. Oliva, Esq. and Sue McCormick, P.E.

L. The effective date of this Order shall be the date it is signed by the Commissioner or his designee.

DATED: Albany, New York
November 7, 1994

Langdon Marsh
Commissioner
New York State Department of
Environmental Conservation

A handwritten signature in cursive script, reading "Ann Hill DeBarbieri", is written over a horizontal line.

BY: Ann Hill DeBarbieri
Deputy Commissioner

CONSENT BY RESPONDENT
MINMILT REALTY CORP.

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: *[Signature]*
RICHARD D. COLE, VICE PRESIDENT

Date: 1/14/94

STATE OF NEW YORK)
COUNTY OF SUFFOLK) s.s.:

On this 14th day of January, 1994, before me personally came RICHARD D. COLE, to me known, who being duly sworn, did depose and say that he resides in 40 SANTA BARBARA DR. PLAINVIEW NY 11803 that he is the VICE PRESIDENT of MINMILT REALTY CORP., the corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation and that he signed his name thereto by like order.

MICHAEL J. CIRIELLO
Notary Public, State of New York
No. 01C15012010
Qualified in Suffolk County 95
Commission Expires June 15, 1995

[Signature]
Notary Public

APPENDIX "A"



SMITH STREET

1 STORY MASONRY BUILDING
"HYGRADE METAL MOLDING, CORP."
540 SMITH STREET
EAST FARMINGDALE, NEW YORK

APPROX. LOCATION OF
ABANDONED TANKS

DRUM STORAGE
AREA

LEACHING
POOL

DRUMS STORAGE
AREA FOR PREVIOUS
DRILL CUTTINGS

LEGEND

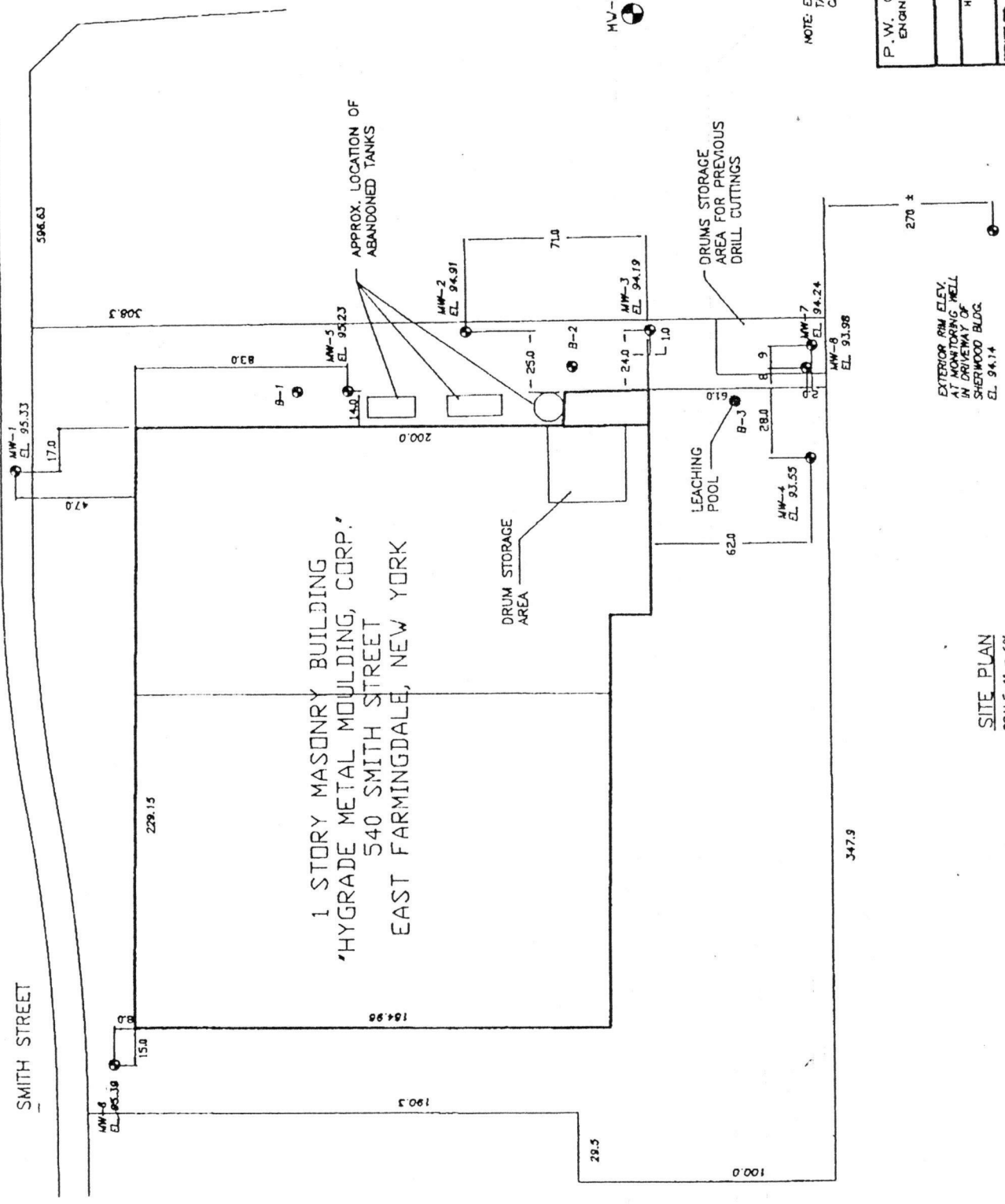
HV-5
EXISTING
MONITORING WELL
OR BORING

NOTE: ELEVATIONS OF MONITORING WELLS
TAKEN ON NORTH SIDE OF PVC WELL
CASING, EXCEPT AS NOTED

P.W. GROSSER CONSULTING ENGINEER & HYDROGEOLOGIST, P.C. Sayville, New York (516) 588-4383
SITE PLAN & LOCATION OF MONITORING WELLS & BORINGS HYGRADE METAL MOLDING MFG. CORP. 540 SMITH STREET EAST FARMINGDALE, N.Y.
PROJECT NO. 7800 MIDDLETON KONTOKOSTA N.Y.S.D.C.

EXTERIOR RIM ELEV.
AT MONITORING WELL
IN DRIVEWAY OF
SHERWOOD BLDG.
EL. 94.14

SITE PLAN
SCALE: 1" = 60'



APPENDIX "B"

COUNTY OF SUFFOLK

ROBERT J. GAFFNEY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

MARY E. HIBBERD, M.D., M.P.H.
COMMISSIONER

October 2, 1992

Mr. Donald J. Middleton
Middleton, Kontokosta Associates, Ltd.
754 Deer Park Ave.
North Babylon, N.Y. 11703

Re: Hygrade Metal Moulding
Order on Consent No. IW-91-0021

Dear Mr. Middleton:

This department has received and reviewed the report entitled, "Investigation Work Plan For Hygrade Metal Moulding Corp, 540 Smith Street, Farmingdale, New York 11735". We offer the following comments:

Figure 2. The location of the two leaching pools on the east side of the building and the drum storage area and the associated soil borings must be indicated on the figure 2.

Soil boring locations, page 6 and 7. The two soil borings adjacent to the two abandoned UST's are not necessary. Any discharge from the two tanks will manifest itself in monitoring wells #2 and #3. There should be a soil boring through the leaching pool located near the southeast corner of the building.

Please specify satisfactory results in reference to soil disposal (also referenced on page 9).

Design of monitoring wells and locations, page 8. Monitoring well #6 should be located near the northwest corner of the property. This will give you information regarding the quality of the water upgradient and off-site. Also, since chlorinated solvents are involved which have a tendency to sink in the saturated zone, a deep well, screened between 65 and 80 feet, should be installed. This well should be adjacent to proposed monitoring well #7.

In regards to well construction, this department recommends either Teflon casings with Teflon screens or steel casings with stainless steel screens.

Sampling protocol, page 11. Temperature should be included in the required parameters measured during well development and purging.

Sampling protocol, page 12. The word 'precleaned' should be replaced with 'decontaminated' when referring to the submersible pump. Sample collection should be performed using a Teflon bailer with a Teflon rope. Dedicated bailers are recommended. Sampling protocol as performed in the field must be documented, as indicated, and must include as a minimum:

1) water level measurements made prior to sampling, 2) the volume and rate at which water is removed from the well prior to sample collection (well purging), and 3) the actual sample collection including measurement of well purging parameters, sample preservation, sample handling and chain of custody. Note that a chain of custody must be maintained and preservation methods must be recorded. Also, one field blank must be taken per day for every 12 groundwater samples.

Soil contamination monitoring plan, page 13. The volatile organic analysis must be performed in accordance with EPA method 8260 for both the soil and the groundwater.

It is required that this department be notified at least 48 hours prior to any sampling at this property.

Please revise and resubmit the proposal as set forth in the terms and conditions of the above referenced Order on Consent. If you have any questions please don't hesitate to call.

Very truly yours,



Geralynn Fitzpatrick
Assistant Public Health Engineer

cc: J. Pim, SCDHS
R. Seyfarth, SCDHS
B. Wilson, SCDHS

COUNTY OF SUFFOLK



ROBERT J. GAFFNEY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

MARY E. HIBBERD, M.D., M.P.H.
COMMISSIONER

November 9, 1992

Donald J. Middleton Sr.
Middleton, Kontokosta Associates, LTD.
754 Deer Park Ave.
North Babylon, N.Y. 11703

Re: Hygrade Metal Moulding
Order on Consent No. IW-91-0021

Dear Mr. Middleton:

This department has received and reviewed your firms modifications to the proposed investigation work plan as detailed in your letter dated October 26, 1992.

The proposal with the modifications is approved with the exception of modification #3. The determination of the disposal location for the soils removed during the drilling operations will be determined at a later date and will be agreed upon by both your firm and the Health Department.

Please keep this department informed of all activities at this site. If you have any questions, don't hesitate to call.

Very truly yours,


Geraldyn Fitzpatrick
Assistant Public Health Engineer

cc: J. Meyers, SCDHS
R. Seyfarth, SCDHS
B. Wilson, SCDHS

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Investigation/Feasibility
Study for an Inactive Hazardous Waste
Disposal Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by
by

ORDER
ON
CONSENT
INDEX #W1-0669-93-11

Minmilt Realty Corp.
c/o Richard D. Cole, V.P.
40 Santa Barbara Drive
Plainview, N.Y. 11803
Respondent.

Site Code # 1-52-510
