RECORD OF DECISION

Levey Property
Operable Unit Number 02: Levey Property Off-Site
State Superfund Project
Copiague, Suffolk County
Site No. 152201
March 2013

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - RECORD OF DECISION

Levey Property
Operable Unit Number: 02
State Superfund Project
Copiague, Suffolk County
Site No. 152201
March 2013

Statement of Purpose and Basis

This document presents the remedy for Operable Unit Number: 02: Levey Property Off-Site of the Levey Property site, a Class 2 inactive hazardous waste disposal site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375, and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300), as amended.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for Operable Unit Number: 02 of the Levey Property site and the public's input to the proposed remedy presented by the Department. A listing of the documents included as a part of the Administrative Record is included in Appendix B of the ROD.

Description of Selected Remedy

Based on the results of the off-site investigation and the evaluation of the investigation results presented here, the Department has selected No Action with site management as the remedy for the site. The offsite area is served by public water and the source of this contamination will be addressed as part of the remedy for the site (OU-1).

New York State Department of Health Acceptance

The New York State Department of Health (NYSDOH) concurs that the remedy for this site is protective of human health.

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective.

March 28,2013
Date

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

RECORD OF DECISION

Levey Property
Copiague, Suffolk County
Site No. 152201
March 2013

SECTION 1: SUMMARY AND PURPOSE OF THE PROPOSED PLAN

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), is proposing a remedy for the above referenced site. Based on the findings of the investigation of the site the past disposal of hazardous wastes and hazardous material at the site does not pose a threat to public health and the environment. Therefore, the selected remedy is No Action.

The New York State Inactive Hazardous Waste Disposal Site Remedial Program (also known as the State Superfund Program) is an enforcement program, the mission of which is to identify and characterize suspected inactive hazardous waste disposal sites and to investigate and remediate those sites found to pose a significant threat to public health and environment.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

Copiague Memorial Public Library
50 Deauville Blvd
Copiague, NY 11726
Phone: (631) 691-1111

A public meeting was also conducted. At the meeting, the findings of the remedial investigation (RI) and the feasibility study (FS) were presented along with a summary of the proposed remedy. After the presentation, a question-and-answer period was held, during which verbal or written comments were accepted on the propsed remedy.

Comments on the remedy received during the comment period are summarized and addressed in

the responsiveness summary section of the ROD.

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The Levey Property Site is located in a suburban area. It is bounded by Chettic Avenue to the north and Victoria Avenue to the south. The site address is 1305 South Strong Avenue in Copiague, NY.

Site Features: The site consists of an approximately 45,000 square foot rectangular-shaped parcel of partially concrete-paved, partially unpaved and partially vegetated lot. It is developed with a two-story commercial building which formerly had a partial basement located in the northeastern portion of the on-site facility.

Current Zoning and Land Use: The site is currently vacant, and is zoned for industrial use. The surrounding parcels are currently used for a combination of commercial and residential uses. Residential homes are located south of and across the street from the Levey Property.

Past Use of the Site: Historically, this site was used as a small wallpaper production facility with three printing presses, and for motor vehicle parts storage. In 2001, this site operated as a car and boat repair business, along with storage and assembly of bronze sculptures. During a Suffolk County Department of Health Services (SCDHS) inspection in 2001, two unknown drums and fifty five-gallon pails of inks and paints were found to be stored indoors from previous operations. There is also a 275-gallon above-ground fuel oil tank and an unused indoor 275-gallon above-ground tank.

Operable Units: The site was divided into two operable units. An operable unit represents a portion of a remedial program for a site that for technical and administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. Operable Unit 1 (OU1) is the on-site source area. OU2 consists of the off-site groundwater and soil vapor contamination. A State-funded OU1 Remedial Investigation is currently in progress.

Site Geology and Hydrogeology: The on-site and off-site consists of mainly sandy soils.The groundwater table is shallow (9' below ground surface) and flows in a southerly direction. A confining layer exists at around 70 - 80 feet below ground surface.

Operable Unit (OU) Number 02 is the subject of this document.

A Record of Decision will be issued for OU 01 in the future.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative which allows for unrestricted use of the site was evaluated.

A comparison of the results of the investigation against unrestricted use standards, criteria and guidance values (SCGs) for the site contaminants is included in the Tables for the media being evaluated in Exhibit A.

SECTION 5: ENFORCEMENT STATUS

Potentially Responsible Parties (PRPs) are those who may be legally liable for contamination at a site. This may include past or present owners and operators, waste generators, and haulers.

The PRPs for the site, documented to date, include:

Estate of Irving Levey

Crescent Group Realty, LLC

In December 2006, Crescent Group Realty, LLC entered into an agreement with DEC under the Brownfield Cleanup Program for further on-site investigation and clean-up. However, the Agreement was terminated in August 2010 without the on-site investigation having been conducted.

The PRPs for the site declined to implement a remedial program when requested by the Department. After the remedy is selected, the PRPs will again be contacted to assume responsibility for the remedial program. If an agreement cannot be reached with the PRPs, the Department will evaluate the site for further action under the State Superfund. The PRPs are subject to legal actions by the State for recovery of all response costs the State has incurred.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A Remedial Investigation (RI) has been conducted. The purpose of the RI was to define the nature and extent of any contamination resulting from previous activities at the site. The field activities and findings of the investigation are described in the RI Report.

The following general activities are conducted during an RI:

- Research of historical information,
- Geophysical survey to determine the lateral extent of wastes,
- Test pits, soil borings, and monitoring well installations,
- Sampling of waste, surface and subsurface soils, groundwater, and soil vapor,
- Sampling of surface water and sediment,
- Ecological and Human Health Exposure Assessments.

The analytical data collected on this site includes data for:

- air
- groundwater
- indoor air
- sub-slab vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. The tables found in Exhibit A list the applicable SCG in the footnotes. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a hazardous waste that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized in Exhibit A. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified for this Operable Unit at this site is/are:

1,1,1-TRICHLOROETHANE
1,1,2-TRICHLORO-1,2,2-TRIFLOUROETHANE
1,1-DICHLOROETHANE

TRICHLOROETHENE (TCE)

Based on the investigation results, comparison to the SCGs, and an evaluation of potential public health and environmental exposure routes, no remediation is required for this site. More complete information can be found in the RI Report and Exhibit A.

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Record of Decision.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water.

Based upon the resources and pathways identified and the toxicity of the contaminants of ecological concern at this site, a Fish and Wildlife Resources Impact Analysis (FWRIA) was deemed not necessary for OU 02.

Nature and Extent of Contamination:
OU 1: On-Site Areas

Based on all investigations conducted to date, volatile organic compounds (VOCs) are the primary group of contaminant of concern at the site. On-site investigations indicate 1,1,1-trichloroethane (TCA) and 1,1-dichloroethane (DCA) exceeding standards, criteria and guidance (SCGs) in the groundwater. There is also some deeper upgradient groundwater contamination with tetrachloroethene (PCE), trichloroethene (TCE) and cis-1,2-dichloroethene (DCE) that was found to be migrating beneath the Levey site property. These deeper groundwater contaminants are not considered as site-related contaminants since they did not originate from the site. Recent soil samples taken during the remedial investigation indicate that the on-site soil is below the Part 375 Unrestricted Soil Cleanup Objective levels. A cesspool investigation recently conducted at the site found significant levels of 1,1,1-trichloroethane, 1,1-dichloroethane, Freon-113, and lesser levels of trichloroethene, 1,4-dichlorobenzene and ethylbenzene in soil in one of the eight cesspools that were sampled. Analysis of the standing water in two of the cesspools found moderate amounts of 1,1,1-trichloroethane and 1,1-dichloroethane, consistent with the concentrations of site-related groundwater contamination observed in the off-site portion. A remedy will be selected for the site (OU1) after the investigation has been completed.

OU 2: Off-site Areas

Soil sampling was not performed as part of the OU2 investigation because no source material was discharged off-site. Past discharges of site related contaminants occurred on the site and as

such, only the on-site soil was investigated. The off-site groundwater investigation has confirmed VOC impacts from the site migrating through the shallow groundwater table to the off-site areas. Specifically, TCA is present at a maximum concentration of 170 ppb at the groundwater table. However, the results of two rounds of soil vapor sampling support that no remedial actions are warranted.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure.*

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Since the site is fenced and the majority of the site is covered with buildings and pavement, people will not come into contact with site-related groundwater contamination unless they dig below the surface. Volatile organic compounds in the groundwater or soil may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Currently, there are no occupied buildings on the site. However, the potential exists for the inhalation of site contaminants in indoor air due to soil vapor intrusion in any future on-site redevelopment and occupancy. Environmental sampling indicates soil vapor intrusion is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

SECTION 7: SUMMARY OF SELECTED REMEDY

Based on the results of the off-site investigation and the evaluation of the investigation results presented here, the Department has selected No Action with site management as the remedy for the site. The offsite area is served by public water and the source of this contamination will be addressed as part of the remedy for the site (OU-1). This remedy is effective in protecting human health and the environment and complies with the New York State standards, criteria, and guidance.

An Interim Site Management Plan will be required to monitor the off-site groundwater to demonstrate a continued decreasing trend.

Exhibit A

Nature and Extent of Contamination

This section describes the findings of the Remedial Investigation for all environmental media that were evaluated. As described in Section 6.1, samples were collected from various environmental media to characterize the nature and extent of contamination.

For each medium for which contamination was identified, a table summarizes the findings of the investigation. The tables present the range of contamination found at the site in the media and compares the data with the applicable SCGs for the site. The contaminants are arranged into two categories; volatile organic compounds (VOCs), and inorganics (metals and cyanide). For comparison purposes, the SCGs are provided for each medium that allows for unrestricted use.

Groundwater

Prior to the installation of permanent monitoring wells, temporary groundwater monitoring wells were installed downgradient of the site to investigate the location and concentration of the groundwater plume emanating from the former Levey Property site. Results from the temporary wells were used to construct a basic groundwater plume map, and to select the locations and depths of the permanent groundwater monitoring wells. In general, the permanent wells were constructed at three approximate depths: shallow (10' to 20' bgs), intermediate (50' to 60' bgs) and deep (65' to 85' bgs). The sampling results of the permanent wells are shown in Tables 1A, 1B and 1C. The majority of the samples did not exceed the groundwater standards and the few that did were for the most part above the standards.

Table 1A - Shallow Groundwater Depth

Detected Constituents	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)	Frequency Exceeding SCG
VOCs			
1,1-Dichloroethane	ND – 51	5	3 out of 6
1,1,1-Trichloroethane	ND – 172	5	4 out of 6
Trichloroethene	ND – 37	5	2 out of 6
1,1-Dichloroethene	ND – 5.2	5	1 out of 6
cis-1,2-Dichloroethene	ND – 18	5	2 out of 6
Tetrachloroethene	ND – 5.4	5	1 out of 6
Freon-113	ND – 13.9	5	1 out of 6

Table 1B - Intermediate Groundwater Depth[d]

Detected Constituents	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)	Frequency Exceeding SCG
VOCs			
Trichloroethene	ND – 15.4	5	2 out of 3
cis-1,2-Dichloroethene	ND – 26.5	5	2 out of 3
Tetrachloroethene	ND – 10.6	5	2 out of 3

Table 1C - Deep Groundwater Depth

Detected Constituents	Concentration Range Detected (ppb)[a]	SCG[b] (ppb)	Frequency Exceeding SCG
VOCs			
Freon-113	ND – 9.9	5	2 out of 6
1,1-Dichloroethane	ND – 19	5	2 out of 6
1,1,1-Trichloroethane	ND – 13	5	1 out of 6
Trichloroethene	ND – 63.6	5	4 out of 6
1,1-Dichloroethene	ND – 8.2	5	2 out of 6
cis-1,2-Dichloroethene	ND – 124	5	4 out of 6
Tetrachloroethene	ND – 19	5	2 out of 6
Dichlorodiflouromethane	ND – 21.4	5	2 out of 6
Vinyl Chloride	ND – 6	2	2 out of 6

a - ppb: parts per billion, which is equivalent to micrograms per liter, ug/L, in water.
b- SCG: Standard Criteria or Guidance - Ambient Water Quality Standards and Guidance Values (TOGs 1.1.1), 6 NYCRR Part 703, Surface water and Groundwater Quality Standards, and Part 5 of the New York State Sanitary Code (10 NYCRR Part 5).
c- Inorganics were analyzed from unfiltered groundwater samples.
d- The intermediate groundwater depth results are from data collected in August 2010.

As shown in Figure 2, the primary groundwater contaminants are 1,1,1-Trichloroethane and the associated breakdown products. Historical uses of these chemicals in the wallpaper production facility at the site contributed to the shallow groundwater contamination.

Other volatile organic compounds (VOCs) are found in the shallow, intermediate and deep wells in the off-site portion as a result of an underlying plume which originated from the north of the site. These VOCs are detected at the site's upgradient and downgradient wells. As such, these compounds are not considered as site specific contaminants of concern.

Based on the findings of the RI, the past disposal of hazardous waste has resulted in minor contamination of offsite groundwater. The site contaminants that are considered to be the primary contaminants of concern are: 1,1,1-Trichloroethane and 1,1-Dichloroethane.

Soil Vapor

The evaluation of the potential for soil vapor intrusion resulting from the presence of site related soil or groundwater contamination was evaluated by the sampling of sub-slab soil vapor under structures, indoor air inside structures and outdoor air. Due to the presence of buildings in the impacted area, a full suite of samples were collected to evaluate whether soil vapor intrusion was occurring.

Based on the approximate shallow groundwater plume location, soil vapor samples were collected from the sub-slab and indoor air of the structures downgradient of the site. The first sampling round involved five structures and the second sampling round involved an additional eight structures. The samples were collected to assess the potential for soil vapor intrusion. Figure 3 shows the generalized area where selected residential homes were sampled for soil vapor intrusion.

Two rounds of soil vapor data indicate site-related contaminants (1,1,1-Trichloroethane and 1,1-Dichloroethane) are detected in the sub-slab and indoor air. Based on the concentration detected, and in comparison with the NYSDOH Soil Vapor Intrusion Guidance, no further action is necessary for the structures downgradient of the site.

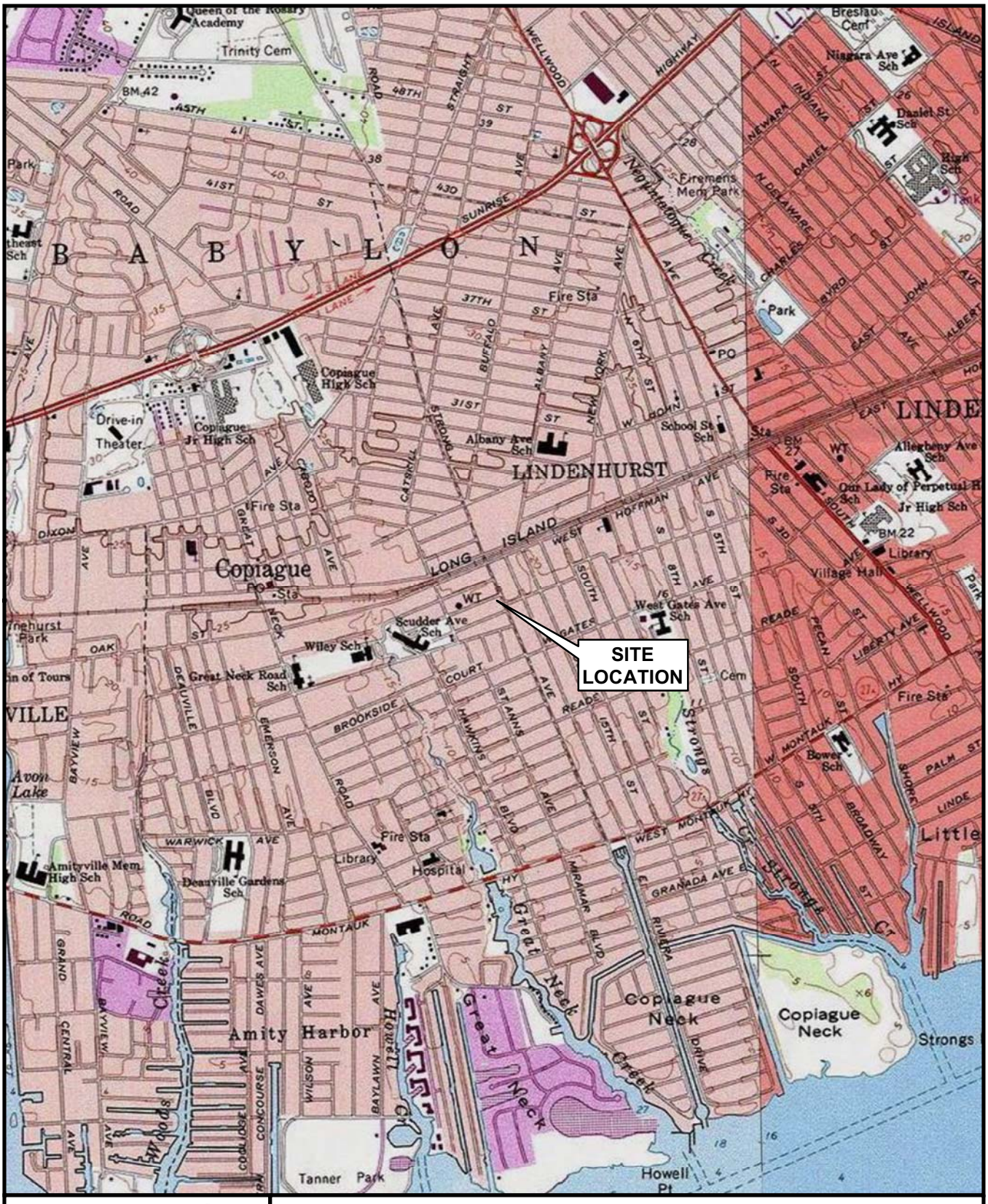


Figure 1

Site Location Map

Levey Property

Town of Copaigue, Suffolk County

Site No. 152201

DEPARTMENT OF ENVIRONMENTAL CONSERVATION • NEW YORK STATE •

DRAWING NUMBER 134685-07D12

APPROVED BY DCS

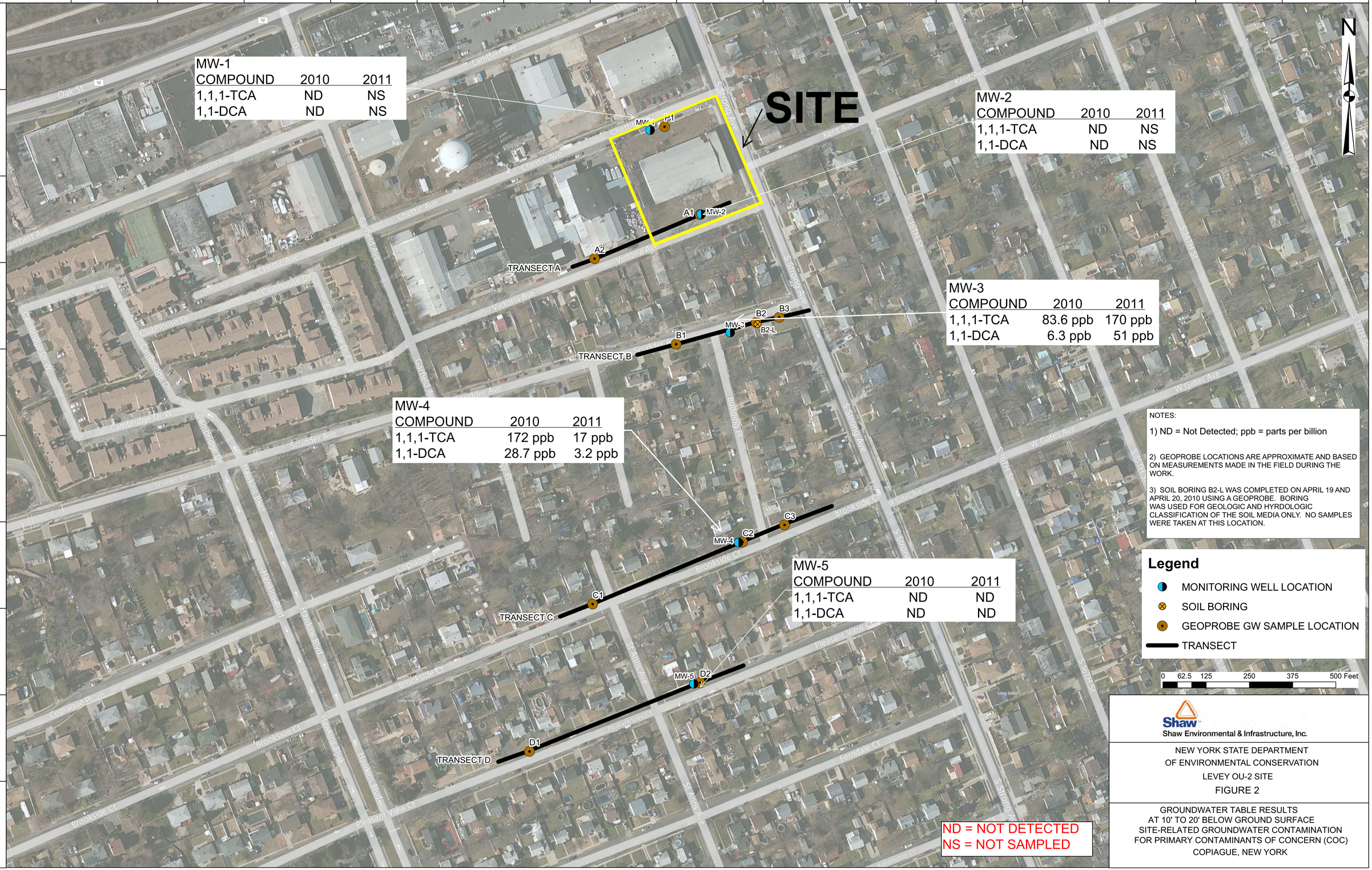
CHECKED BY SW

DRAWN BY MJS

DESIGNED BY MJS

DATE 02/13/12

OFFICE LATHAM, NY



NOTES:

1) ND = Not Detected; ppb = parts per billion

2) GEOPROBE LOCATIONS ARE APPROXIMATE AND BASED ON MEASUREMENTS MADE IN THE FIELD DURING THE WORK.

3) SOIL BORING B2-L WAS COMPLETED ON APRIL 19 AND APRIL 20, 2010 USING A GEOPROBE. BORING WAS USED FOR GEOLOGIC AND HYRDOLOGIC CLASSIFICATION OF THE SOIL MEDIA ONLY. NO SAMPLES WERE TAKEN AT THIS LOCATION.

Legend

- MONITORING WELL LOCATION
- SOIL BORING
- GEOPROBE GW SAMPLE LOCATION
- TRANSECT

0 62.5 125 250 375 500 Feet

ND = NOT DETECTED
NS = NOT SAMPLED

Shaw
Shaw Environmental & Infrastructure, Inc.

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
LEVEY OU-2 SITE
FIGURE 2

GROUNDWATER TABLE RESULTS
AT 10' TO 20' BELOW GROUND SURFACE
SITE-RELATED GROUNDWATER CONTAMINATION
FOR PRIMARY CONTAMINANTS OF CONCERN (COC)
COPIAGUE, NEW YORK

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DRAWING NUMBER: 134685-07D12

APPROVED BY: DCS

CHECKED BY: SW

DRAWN BY: MJS

DESIGNED BY: MJS

DATE: 02/13/12

OFFICE: LATHAM, NY

SITE

SOIL VAPOR SAMPLE COLLECTION AREA

TRANSECT A

TRANSECT B

TRANSECT C

TRANSECT D

MW-1 D1

A1 MW-2

A2

B1 MW-3 B2 B2-L B3

C1 MW-4 C2 C3

MW-5 D2

NOTES:

1) MONITORING WELL LOCATIONS WERE SURVEYED ON JANUARY 31, 2011 BY CT MALE ASSOCIATES.

2) GEOPROBE LOCATIONS ARE APPROXIMATE AND BASED ON MEASUREMENTS MADE IN THE FIELD DURING THE WORK.

3) SOIL BORING B2-L WAS COMPLETED ON APRIL 19 AND APRIL 20, 2010 USING A GEOPROBE. BORING WAS USED FOR GEOLOGIC AND HYRDOLOGIC CLASSIFICATION OF THE SOIL MEDIA ONLY. NO SAMPLES WERE TAKEN AT THIS LOCATION.

Legend

- MONITORING WELL LOCATION
- SOIL BORING
- GEOPROBE GW SAMPLE LOCATION
- TRANSECT

0 62.5 125 250 375 500 Feet

Shaw Environmental & Infrastructure, Inc.

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
LEVEY OU-2 SITE
FIGURE 3

SOIL VAPOR SAMPLE COLLECTION AREA

COPIAGUE, NEW YORK

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APPENDIX A

Responsiveness Summary

RESPONSIVENESS SUMMARY

Levey Property
Operable Unit No. 2: Levey Property Off-Site
State Superfund Project
Copiague, Suffolk County, New York
Site No. 152201

The Proposed Remedial Action Plan (PRAP) for the Levey Property Operable Unit 2 site was prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH) and was issued to the document repositories on February 25, 2013. The PRAP outlined the remedial measure proposed for the contaminated groundwater at the Levey Property Operable Unit 2 site.

The release of the PRAP was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A public meeting was held on March 13, 2013, which included a presentation of the remedial investigation for the Levey Property Off-Site as well as a discussion of the proposed remedy. The meeting provided an opportunity for citizens to discuss their concerns, ask questions and comment on the proposed remedy. These comments have become part of the Administrative Record for this site. The public comment period for the PRAP ended on March 27, 2013.

No comments were received regarding the Levey Property Operable Unit 2 either at the public meeting, or during the public comment period.

During the public meeting, however, an attendee raised some questions regarding the progress of Operable Unit 1 dealing with the Levey Property Site proper, where the remedial investigation is currently underway. The attendee was advised by the Department on the schedule and logistics in completing the on-site remedial program, which included a time frame for the issuance of the on-site Proposed Remedial Action Plan.

APPENDIX B

Administrative Record

Administrative Record

Levey Property
Operable Unit No. 2: Levey Property Off-Site
State Superfund Project
Copiague, Suffolk County, New York
Site No. 152201

1. Proposed Remedial Action Plan for the Levey Property site, Operable Unit No. 2, dated February 2013, prepared by the Department.

2. Referral Memorandum dated March 16, 2009 for implementation of a Remedial Investigation/Feasibility Study and Interim Remedial Measure.

3. "Phase I Environmental Site Assessment of 1305 South Strong Avenue", April 2004, prepared by GC Environmental, Inc.

4. "Site Investigation Work Plan – Levey Property Site", February 2006, prepared by Environmental Resources Management.

5. "Site Investigation Report – Levey Property Site", September 2006, prepared by Environmental Resources Management.

6. "Final Off-Site Remedial Investigation Report – Levey Offsite OU2", September 2012, prepared by Shaw Environmental and Infrastructure.