

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Bureau of Hazardous Site Control

442024

ADDITIONS/CHANGES TO REGISTRY: SUMMARY OF APPROVALS

SITE NAME: Roxy Cleaners DEC I.D. NUMBER 442024

Current Classification 2 Volunteer Yes No       
Sign (7) below

Activity: ☐ Add as Class      ☒ Reclassify to 4 ☐ Delist Category      ☐ Modify     

Approvals:

1. Regional Hazardous Waste Engineer	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	_____
2. BEEI of NYSDOH	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	_____
3. DEE	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	_____
4. _____ Remediation Action Bureau Director [Class 2]	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	_____
5. BHSC - Investigation Section	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	_____
6. BHSC - O&M Section [Class 4]	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	_____
7. BPM - Brownfield & Voluntary Cleanup Section					<u>n/a</u> Date _____
8. Site Control Section					<u>RAL/Mperand</u> Date <u>2/2/98</u>
9. Director					<u>[Signature]</u> Date <u>2/10/98</u>

Completion Checklist for Registry Sites

OWNER NOTIFICATION LETTER? ☒

ADJACENT PROPERTY OWNER NOTIFICATION LETTER? ☒

ENB/LEGAL NOTICE SENT?  
(For Deletion Only) ☐

COMMENTS SUMMARIZED/PLACE IN REPOSITORY ☐

FINAL NOTIFICATION SENT TO OWNER?  
(For Deletion Only) ☐

Completed By:

Initials

Date

3/10/98

4/2/98



## REGISTRY SITE CLASSIFICATION DECISION

1. SITE NAME <b>Roxy Cleaners</b>		2. SITE NUMBER <b>4-42-024</b>	3. TOWN/CITY/VILLAGE <b>Town of North Greenbush</b>	4. COUNTY <b>Rensselaer</b>
5. REGION <b>4</b>	6. CLASSIFICATION <b>CURRENT 2 PROPOSED 4 MODIFY</b>			
7. LOCATION OF SITE (Attach U.S.G.S. Topographic Map showing site location) a. Quadrangle <b>Averill Park, Troy South</b> b. Site Latitude <b>42 ° 41 ' 39 "</b> Site Longitude <b>73 ° 38 ' 6 "</b> c. Tax Map Numbers <b>124.6 - 8 - 12</b> d. Site Street Address <b>195 Main Avenue (Route 66 @ Route 150), Wynantskill, New York, 12198</b>				
8. BRIEFLY DESCRIBE THE SITE (Attach site plan showing disposal/sampling locations) <b>Roxy Cleaners is one of two business tenants occupying the corner of Main Avenue and Orchard Terrace in the Hamlet of Wynantskill, New York.</b>  <b>This property was used as a dry cleaning business from 1959 until 1988. During this period of time the operation utilized commercial grade tetrachloroethylene. An unreported spill of 55 gallons of dry cleaning solvent allegedly occurred in 1984 with other undocumented events, through 1987, which may have contributed to the site contamination.</b>  <b>The groundwater and drinking water wells in this area have been contaminated with tetrachloroethylene, trichloroethylene and 1,2 dichloroethylene.</b>  a. Area <b>0.5</b> acres b. EPA ID Number <b>NYD980774558</b> c. Completed <input type="checkbox"/> Phase I <input type="checkbox"/> Phase II <input type="checkbox"/> PSA <input checked="" type="checkbox"/> RI/FS <input type="checkbox"/> PA/SI <input checked="" type="checkbox"/> Other <b>Remedial Action</b>				
9. Hazardous Waste Disposed (Include EPA Hazardous Waste Numbers) <b>Tetrachloroethylene (F002)</b>				
10. ANALYTICAL DATA AVAILABLE a. <input type="checkbox"/> Air <input checked="" type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> Sediment <input checked="" type="checkbox"/> Soil <input type="checkbox"/> Waste <input type="checkbox"/> Leachate <input type="checkbox"/> EPTox <input type="checkbox"/> TCLP b. Contravention of Standards or Guidance Values  <b>Remedial investigation groundwater sampling showed values exceeding groundwater standards for perchloroethylene (13,000 ppb), trichloroethylene (120ppb) and 1,2 dichloroethylene (150 ppb)</b>				
11. CONCLUSION <b>A soil vapor extraction system was utilized on the Roxy Cleaners site in 1992 which successfully removed 346 pounds of perchloroethylene from on-site soils. Granular activated carbon (GAC) treatment units were installed on all the affected wells until public water was available. A ventilation system was installed on an adjacent daycare center to reduce exposure to contaminated soil gas vapors.</b>  <b>Construction of a new municipal water supply system was completed in 1997 which provides potable water to all the affected properties. A new groundwater treatment system was constructed in 1997 which is now treating the contaminated groundwater in the area. The treatment system is fenced for controlled access.</b>				
12. SITE IMPACT DATA a. Nearest Surface Water: Distance <b>250</b> ft. Direction <b>Northwest</b> Classification <b>CT</b> b. Nearest Groundwater: Depth <b>10-12</b> ft. Flow Direction <b>Westerly</b> <input type="checkbox"/> Sole Source <input type="checkbox"/> Primary <input checked="" type="checkbox"/> Principal c. Nearest Water Supply: Distance <b>Public Water</b> ft. Direction <b>On-site</b> Active <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No d. Nearest Building: Distance <b>On-site</b> ft. Direction <b>South</b> Use <b>Dry Cleaning Customer Pick-Up Location</b> e. In State Economic Development Zone? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N i. Controlled Site Access? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N f. Crops or livestock on site? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N j. Exposed hazardous waste? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N g. Documented fish or wildlife mortality? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N k. HRS Score _____ h. Impact on special status fish or wildlife resource? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N l. For Class 2: Priority Category <b>1</b>				
13. SITE OWNER'S NAME <b>Joseph V. Mardigian, Mardigian Properties, Inc.</b>		14. ADDRESS <b>1730 Highland Avenue, Troy, New York 12180</b>		15. TELEPHONE NUMBER <b>272-5467</b>
16. PREPARER <b>John Durnin</b> Signature _____ Date <b>12-1-97</b> <b>JOHN DURNIN, ENVIRONMENTAL ENGINEER I, BCS, DER</b> Name, Title, Organization		17. APPROVED <b>Earl H. Barcomb</b> Signature _____ Date _____ <b>Earl H. Barcomb, Director, BHSC, DER</b> Name, Title, Organization		

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 DIVISION OF ENVIRONMENTAL REMEDIATION  
 INACTIVE HAZARDOUS WASTE DISPOSAL REPORT

3/2/98

CLASSIFICATION CODE: 4

REGION: 4

SITE CODE: 442024

EPA ID: NYD980774558

NAME OF SITE : Roxy Cleaners

STREET ADDRESS: Main Avenue, Route 66 at Route 150

TOWN/CITY:

COUNTY:

ZIP:

North Greenbush

Rensselaer

12198

SITE TYPE: Open Dump- Structure-X Lagoon- Landfill- Treatment Pond-  
 ESTIMATED SIZE: .5 Acres

SITE OWNER/OPERATOR INFORMATION:

CURRENT OWNER NAME....: Mardigian Properties, Inc.

CURRENT OWNER ADDRESS.: 1730 Highland Ave., Troy, NY

OWNER(S) DURING USE....: Mardigian Properties, Inc.

OPERATOR DURING USE....: Roxy United Cleaners, Inc.

OPERATOR ADDRESS.....: 242 Broadway, Menands, NY

PERIOD ASSOCIATED WITH HAZARDOUS WASTE: From 1959 To 1987-88

SITE DESCRIPTION:

This facility is a dry cleaning business located 250 feet from Wyantskill Creek.

Analytical data revealed that private and commercial wells were contaminated by solvents attributable to the past disposal practices at Roxy Cleaners.

Carbon filtration systems were originally installed on fourteen privately owned wells in June of 1989. After four months, all Interim Remedial Measures (IRMs) and site investigations were performed under State Superfund in order to expedite their implementation. At present, twenty commercial and residential wells are being maintained and monitored under the State Superfund program. The

vacuum extraction of soils highly contaminated with tetrachloroethylene was successfully completed under an IRM. A Remedial Investigation/Feasibility Study (RI/FS) has been completed and the remedies selected under the Record of

Decision (ROD) include: 1) extension of a public water supply line from the City of Troy to residents of Wynantskill impacted by groundwater contamination attributable to the site, and 2) the installation of a groundwater extraction/treatment system. The Town of North Greenbush has formed a water district and the design for the waterline extension is complete, as well as the remedial design of the groundwater extraction/treatment system.

Construction of the Groundwater Treatment System (GWTS) and the new Municipal Water System are complete as of mid 1997. The GWTS is currently operated and maintained by the NYSDEC and a Standby Contractor.

HAZARDOUS WASTE DISPOSED:

TYPE

QUANTITY (units)

Tetrachloroethylene (F002)-----

-----unknown-----

ANALYTICAL DATA AVAILABLE:

Air- Surface Water- Groundwater-X Soil- Sediment-

CONTRAVENTION OF STANDARDS:

Groundwater-X Drinking Water-X Surface Water- Air-

LEGAL ACTION:

TYPE.: Consent Order-REG State- X Federal-  
STATUS: Negotiation in Progress- Order Signed-

REMEDIAL ACTION:

Proposed- Under design-X In Progress-X Completed-X  
NATURE OF ACTION: Soil remediation, filter systems, water line.

GEOTECHNICAL INFORMATION:

SOIL TYPE: Sand and gravel.

GROUNDWATER DEPTH: 10 to 12 feet below the surface.

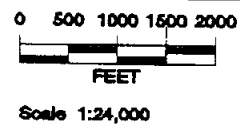
ASSESSMENT OF ENVIRONMENTAL PROBLEMS:

Tetrachloroethylene from this facility has contaminated the local ground water aquifer and has impacted several nearby residential drinking water supply wells. Remediation has been implemented.

ASSESSMENT OF HEALTH PROBLEMS:

Drinking water wells in the area have been contaminated. Currently 21 water supplies have been provided with carbon filters and 4 homeowner wells have contamination at levels below 5 ppb. DEC is monitoring and maintaining all filter systems. Remedial measures are in place in a building, adjacent to the site, which has confirmed indoor air impacts.

LATITUDE  
42° 41' 39" <sup>TH</sup>



- LEGEND**
- GROUNDWATER MONITORING WELL LOCATION
  - SPOT ELEVATION
  - EDGE OF WATER
  - LIGHT
  - FENCE
  - MANHOLE
  - CATCH BASIN
  - UTILITY POLE
  - ▲ 1" DIA. PIEZOMETER
  - RECOVERY WELL

BASE MAP SOURCE: METCALF & EDDY OR NEW YORK, INC. (1992)

SCALE IN FEET  
0 150 300



**MALCOLM  
PIRRIE**

RECOVERY WELL AND PIEZOMETER LOCATIONS

ROXY CLEANERS SITE (NYSDEC #442024)

RENSSELAER COUNTY, NEW YORK

FIGURE 5-1

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MALCOLM PIRRIE, INC.



Department of Environmental Conservation

Division of Hazardous Waste Remediation

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## **Roxy Cleaners Site**

Site Number 4-42-024

Town of North Greenbush  
Rensselaer County, New York

# **Record of Decision**

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March 1994



New York State Department of Environmental Conservation  
MARIO M. CUOMO, Governor      LANGDON MARSH, Acting Commissioner

ROXY CLEANERS SITE  
TOWN OF NORTH GREENBUSH, NEW YORK  
SITE NO.: 4-42-024

RECORD OF DECISION  
MARCH 1994

PREPARED BY:  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF HAZARDOUS WASTE REMEDIATION



## DECLARATION STATEMENT - RECORD OF DECISION

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Roxy Cleaners Inactive Hazardous Waste Site  
Town of North Greenbush, Rensselaer County, New York  
Site No. 442024

### Statement of Purpose and Basis

The Record of Decision (ROD) presents the selected remedial action for the Roxy Cleaners Inactive Hazardous Waste Disposal Site which was chosen in accordance with the New York State Environmental Conservation Law (ECL). The remedial program selected is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan of March 8, 1990 (40CFR300).

This decision is based upon the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the Roxy Cleaners Inactive Hazardous Waste Site and upon public input to the Proposed Remedial Action Plan (PRAP) presented by the NYSDEC. A bibliography of the documents included as a part of the Administrative Record is included in Appendix A of the ROD.

### Assessment of the Site

Actual or threatened release of hazardous waste constituents from this site, if not addressed by implementing the response action selected in this ROD, presents a current or potential threat to public health and the environment.

### Description of Selected Remedy

Based upon the results of the Remedial Investigation/Feasibility Study (RI/FS) for the Roxy Cleaners Site and the criteria identified for evaluation of alternatives, the NYSDEC has selected the following remedy for the Site:

#### Water Supply Alternative: PW-2

\*\* Extension of the public water supply line from Troy City to the area of Wynantskill impacted by groundwater contamination emanating from the Roxy Cleaners Site.

Prerequisites for the installation of the public water service part of the remedy are:

1. Formation of a water district by the local residents that includes the site-impacted properties.
2. Agreement by the City of Troy to sell water to the Water District.

**Groundwater Alternative: GW-3**

**\*\* Installation of a groundwater pump and treat system whereby contaminated groundwater will be collected from the on-site bedrock and overburden aquifers and off-site overburden aquifer via wells, treated by air stripping with vapor phase carbon adsorption and discharged to the Wynantskill Creek.**

The primary goals of the groundwater pump and treat portion of the remedy will be:

- (1) to reduce the mass and concentration of contaminants in the groundwater,
- (2) to control migration of the groundwater contamination, and
- (3) to reduce the generation of contaminated soil gas vapors near the site.

The final remedy will also include:

**\*\* A performance monitoring program for the groundwater treatment system;**

**\*\* Environmental monitoring of a comprehensive network of monitoring wells;**

**\*\* Maintenance and monitoring of Granular Activated Carbon (GAC) filters on the contaminated private wells until the public water service is operational for the affected properties; and**

**\*\* Reassessment of the implementability of the water supply portion of the remedy in three years if a water district has not been formed and an agreement with Troy to supply water has not been reached.**

\*\* Five year review of the Remedial Program for the site.

The total capitalized cost of the remedy is:

<u>Element</u>	<u>Cost</u>
Water Supply Alt. PW-2	\$ 643,500
Groundwater Alt. GW-3	\$ <u>1,300,000</u>
Total Cost =	\$ 1,943,500

**New York State Department of Health Acceptance**

The New York State Department of Health concurs with the remedy selected for this site as being 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. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the statutory preference for remedies that reduce toxicity, mobility, or volume as a principal element.

March 7, 1994  
Date

Ann Hill DeBarbieri  
Ann Hill DeBarbieri  
Deputy Commissioner

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
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In the Matter of the Development  
and Implementation of Interim  
Remedial Measures for an Inactive  
Hazardous Waste Disposal Site, Under  
Article 27, Title 13, of the  
Environmental Conservation Law of the  
State of New York by

INTERIM  
REMEDIAL  
MEASURES  
ORDER

INDEX #A4-0204-89-06

ROXY-UNITED CLEANERS, INC.,

Respondent.

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WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for the enforcement of Article 27, Title 13, of the Environmental Conservation Law of the State of New York (the "ECL"), entitled "Inactive Hazardous Waste Disposal Sites."

2. Roxy-United Cleaners, Inc. ("Respondent") operates a commercial dry cleaning facility located on Main Avenue in the Hamlet of Wynantskill, Town of North Greenbush, County of Rensselaer, State of New York (the "Site"). A map of the Site is attached hereto and incorporated into this Order as Appendix "A."

3. Respondent, in its dry cleaning activities at the Site, has received, maintained and used tetrachloroethene, also known as tetrachloroethylene or perchloroethylene.

4. Water samples taken by Respondent's consultant from certain private wells located at and in the vicinity of the

Site were found to contain tetrachloroethene in excess of the drinking water standard of 5 ppb established by the New York State Department of Health ("DOH"). Respondent voluntarily disclosed this data to the Department.

5. Analytical tests subsequently performed by the Department found tetrachloroethene in soils at the Site. Trichloroethene and cis-1,2-dichloroethene were also detected in the Site's soils.

6. Water samples subsequently taken by DOH from certain private wells located at and in the vicinity of the Site were found to contain in excess of 5 ppb tetrachloroethene. Certain of these well samples also contained cis-1,2-dichloroethene and/or trichloroethene.

7. The Site is an inactive hazardous waste disposal site, as defined by ECL Section 27-1301(2), and has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 442024. The Department has identified and classified the Site, pursuant to ECL Section 27-1305, under classification 2, a "significant threat to public health or the environment-action required."

8. The goals of this Order are for Respondent to install immediately and to maintain, for a period of four months, carbon filters on the water systems of the residences and businesses where water samples taken by Respondent's consultant or DOH were found to contain tetrachloroethene, cis-1,2-dichloroethene, or trichloroethene exceeding 5 ppb in

order to ensure that waters used by these residences and businesses contain less than 5 ppb of each of these chemicals. In addition, Respondent shall monitor, for a period of four months, the water going into and/or being treated by these carbon filters.

9. Pursuant to ECL Section 27-1313(3)(a), whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitutes 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."

10. Respondent, having waived its right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, without any admission or denial of liability, agrees to be bound by its terms.

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

I. Within 24 hours of notification to Respondent, through its attorney, that this Order has been executed by the Commissioner or his representative, Respondent shall provide

bottled water, for drinking and cooking purposes, to all residences and businesses set forth in paragraph II of this Order. Respondents shall continue to provide bottled water until Respondent has installed carbon filters at these residences and businesses pursuant to the provisions of this Order.

II. Within 20 days of notification to Respondent, through its attorney, that this Order has been executed by the Commissioner or his representative, Respondent shall complete installation of carbon filters on the water systems serving the following businesses and residences: Jack and Jill Day Care Center (Main Avenue), North Greenbush Square (OTB) (185 Main Avenue), The JoAnn Shoppe (Main Avenue), Floors by Suburban (Main Avenue), Beachcomber Pools (Dodge Street), Mulson's Garage (Main Avenue), Pizza Plus (Main Avenue), Dino's Restaurant (Main Avenue), Gutbrodt residence (Main Avenue), Derby residence (9 Ashcroft Street), Carter-Hamlin residence (7 Ashcroft Street), Madden residence (8 Dodge Street), and Stewart's (Main Avenue). Until such time as Respondent is notified that the business/residence known as Aurelius's is occupied, Respondent shall provide bottled drinking water to the premises. Upon notification that Aurelius's is occupied, Respondent shall install a carbon filter upon its water system within 72 hours of such notification.

III. The carbon filters installed pursuant to paragraph II shall meet all standards set forth in DOH's technical reference regarding "Individual Water Supplies - Activated Carbon Treatment Systems," designated as Technical Reference CSFP 530 (January 16, 1985) and shall be subject to the approval of the State.

IV. Respondent shall maintain these filter systems for a period of four months following the effective date of this Order. All maintenance shall be in accordance with DOH policies and subject to the approval of the State.

If Respondent disputes the appropriateness of the State's approval or disapproval of Respondent's maintenance plans, Respondent may request that the dispute be resolved pursuant to paragraph XVII. Respondent shall, however, maintain the systems in accord with the State's requirements until the Commissioner's final determination.

V. For a four month period, commencing in the first calendar month after execution of this Order by the Commissioner or his representative, Respondent shall monitor each filter system once each calendar month by analyzing samples obtained of water for tetrachloroethene, cis-1,2-dichloroethene and trichloroethene (1) before the water enters the filter system, (2) between the two filters on the system, and (3) after the water passes through the system. Each monitoring event shall include a water meter reading.



Immediately upon its receipt of monitoring data, Respondent shall provide all such data to the Department.

VI. Respondent shall maintain the carbon filter systems for a period of four months, commencing upon the effective date of this Order.

VII. Respondent shall provide bottled water for drinking, cooking, hand washing and all other sanitary uses at the premises it presently occupies so long as it occupies the premises. All use of water at these premises must comply with the OSHA provisions set forth in 29 CFR 1910.141(b)(1)(ii).

VIII. The Department or DOH shall have the right to obtain "split samples" or "duplicate samples", of all sampling undertaken pursuant to this Order. As used herein: "split samples" shall mean whole samples divided into aliquots; "duplicate samples" shall mean multiple samples, collected at the same time from exactly the same location, using the same sampling apparatus, collected into identical containers prepared identically, filled to the same volume, and thereafter identically handled and preserved. A copy of the Department's analysis shall be made available to Respondent.

IX. Respondent shall provide notice to the Department and DOH of any sampling undertaken pursuant to this Order at least five working days in advance of such sampling.

X. Respondent shall obtain whatever permits, easements, rights-of-way, rights-of-entry, approvals or authorizations are necessary in order to perform its

obligations under this Order. Respondent shall immediately notify the Department, in writing, of any inability of Respondent to obtain any such authorization. The Department shall assist the Respondent, if necessary, in obtaining such approvals and authorizations.

XI. Respondent shall retain professional consultants, contractors and laboratories, 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 for approval prior to the initiation of any activities for which they will be responsible.

XII. Respondent shall not suffer any penalty under this Order, or be subject to any proceeding or action, if it cannot comply with any requirements hereof because of an act of God, war, or riot. Respondent shall immediately notify the Department in writing when it obtains knowledge of any such condition and request an appropriate extension or modification of this Order.

XIII. The failure of Respondent to comply with any provision of this Order may be deemed by the Department to constitute a default and a failure to perform an obligation under this Order and under the ECL.

XIV. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting:

(1) the Department's right to bring any action or proceeding against anyone other than Respondent, its directors, officers, employees, servants, agents, successors and assigns; (2) the Department's right to enforce this Order against Respondent, its directors, officers, employees, servants, agents, successors and assigns in the event that Respondent fails to fulfill its obligations under the Order; (3) the Department's right to bring any action or proceeding against Respondent, its directors, officers, employees, servants, agents, successors and assigns with respect to areas or resources that may have been affected or contaminated as a result of the release or threatened release of hazardous wastes or constituents at or from the Site or areas in the vicinity of the Site; and (4) the Department's right to commence any action or proceeding to which it may be entitled with respect to hazardous wastes that are present at the Site or that have migrated from the Site.

XV. The terms of this Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers pursuant to Section 71-0301 of the ECL. The activities which Respondent commits to undertake under this Order are comparable to the initial activities the Commissioner would order Respondent to undertake if a Summary Abatement Order were issued. It is the Department's intention to refrain from issuing a Summary Abatement Order requiring the provision of

drinking water to the residences and businesses addressed by the Order for the time period when Respondent is providing such water under this Order.

XVI. 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, its directors, officers, employees, servants, agents, successors or assigns.

XVII. If there is a dispute between Respondent and the Department concerning the State's approval required by paragraph IV of this Order, upon Respondent's request, the Commissioner may appoint an Administrative Law Judge (ALJ) to settle the matter. If the ALJ deems it necessary to convene a hearing, the taking of evidence shall be concluded as soon as practicable after the ALJ's appointment. In all proceedings hereunder:

1. The parties shall be Respondent and the Department.
2. Notice shall be provided to the other party by the party requesting resolution of the dispute.
3. The burden of going forward shall be on the Respondent.
4. The ALJ shall have all powers conferred by the NYCRR Section 622.12.

5. All proceedings conducted hereunder shall be stenographically recorded. The Respondent shall arrange for an expedited stenographic transcript to be made within 10 working days after conclusion of the proceeding, and for the original and two copies of the transcript to be delivered to the ALJ at the expense of the Respondent.

6. The ALJ shall prepare, no later than 45 working days after receipt of the transcript of the proceeding, a written summary of the documentation and testimony received during the proceeding, and a recommended decision. The summary and recommendation shall be hand-delivered to the Department's representative and sent by certified mail, return receipt requested and another copy by express mail, to Respondent.

7. The ALJ's recommended decision shall become the final determination of the Commissioner unless, within 10 working days from receipt of the recommended decision, either Respondent or the Department objects in writing. Any objections shall be submitted in writing to the ALJ with a copy sent by express mail, telecopier or hand-delivery to the other party, and which shall serve and file in the same manner its response, if any, within 5 working days of receipt of the objections. Upon receipt of the objections and any response, the ALJ shall refer the matter to the Commissioner for final determination.

8. The final determination by the Commissioner shall be made as soon as practicable after receipt by him of the recommended decision by the ALJ.

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

XIX. If, for any reason, Respondent desires that any provision of this Order be changed, Respondent shall make timely written application therefor to the Commissioner, setting forth reasonable grounds for the relief sought.

XX. A. All communication required hereby to be made between the Department and Respondent shall be made in writing and transmitted by United States Postal Service return receipt requested or hand delivered to the addresses in paragraphs B and C hereinunder.

B. Communication to be made from Respondent to the Department shall be made as follows:

1. One copy to the Division of Hazardous Waste Remediation, Room 212, 50 Wolf Road, Albany, New York 12233. Attention: Michael J. O'Toole, Jr., P.E., Director.

2. One copy to the Division of Environmental Enforcement, Room 415, 50 Wolf Road, Albany, New York 12233. Attention: Dolores A. Tuohy, Esq.

3. One copy to the New York State Department of Environmental Conservation, 2176 Guilderland Avenue, Schenectady, New York 12306. Attention: Jane Magee, Regional Director.

4. One copy to the New York State Department of Health, Bureau of Environmental Exposure Investigations, 2 University Place, Room 205, Albany, New York 12203. Attention: Ronald Tramontano, Director.

C. Communication to be made from the Department to Respondent shall be made as follows:

1. One copy to Roxy-United Cleaners, 242 Broadway, Menands, New York 12202. Attention: John Seidhoff, President.

2. One copy to Susan P. Read, Esq., Bond, Schoeneck, and King, 111 Washington Avenue, Albany, New York.

D. The Department and Respondent respectively reserve the right to designate other or different addresses on notice to the other.

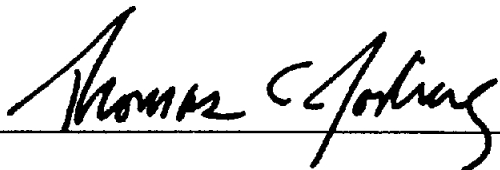
XXI. The provisions of this Order shall be deemed to bind Respondent, its agents, servants, employees, successors and assigns.

XXII. The provisions, terms and conditions of this Order and any activity or submittal under or by reason of the provisions, terms, and conditions of this Order shall not, in any action or proceeding or litigation whatsoever, whether or not brought by the Department, constitute or be construed as admissions by any party with respect to any issue, or be construed as, or operate as, an admission that Respondent has violated any law or regulation or otherwise committed a breach of duty at any time.

XXIII. The provisions hereof shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No terms, conditions, understandings or agreements purporting to modify or vary the terms hereof shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestions or comments by the Department regarding reports, proposals, plans, specifications, schedules or any other writing submitted by Respondent shall be construed as relieving Respondent of his obligations to obtain such formal approvals as may be required by this Order.

DATED: *Albany*, New York  
June 29, 1989

THOMAS C. JORLING  
Commissioner  
New York State Department of  
Environmental Conservation

  
\_\_\_\_\_

*note*



## CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained in this Order.

ROXY-UNITED CLEANERS, INC.

By: John Siedhoff

Title: President

Date: 6/29/89

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

On this 29th day of June, 1989,  
before me personally came John Siedhoff,  
to me known, who duly sworn, did depose and say that he  
resides in West Sand Lake, N.Y.;  
that he is the President of 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.

Carole H. Vander Veer  
Notary Public

(ROXY-IR.DAT)

CAROLE H. VAN DER VEER  
Notary Public in the State of New York  
Qualifies as Notary on 06/22/88  
My Commission Expires August 30, 1990

ORCHARD TERRACE

259'

STEWARTS

ROXY  
UNITED  
CLEANERS

240'

144'

135'

TO PUBLIC  
SEWER

MAIN ST.

(RT. 66)

# LEGEND

□ SOIL GAS PROBE  
LOCATION

--- MULTIPLE SOIL GAS  
PROBE LOCATIONS



**CLOUGH, HARBOUR  
& ASSOCIATES**

ENGINEERS & PLANNERS  
ALBANY, NEW YORK 12205  
518-458-7785

24 AVIATION RD  
PO 5269

**ROXY UNITED CLEANERS  
WYNANTSKILL, NEW YORK  
SITE MAP**

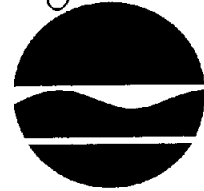
Appendix A

DATE JUNE, 1989	BY JDF	CHK MWL	SKETCH 1813.14	FILE
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BRUNING 40-21 66246

FORM 18 1A

A. Sylvester



John P. Cahill  
Commissioner

APR - 2 1998

This letter was sent to the people on the attached list.

Dear :

The Department of Environmental Conservation (DEC) maintains a Registry of sites where hazardous waste disposal has occurred. Property located at 195 Main Avenue in the Town of North Greenbush and County of Rensselaer and designated as Tax Map Number 124.6-8-12 was recently reclassified as a Class 4 in the Registry. The name and site I.D. number of this property as listed in the Registry is Roxy Cleaners, Site #442024.

The Classification Code 4 means that the site is properly closed -- requires continued management.

We are sending this letter to you and others who own property near the site listed above, as well as the county and town clerks. We are notifying you about these activities at this site because we believe it is important to keep you informed.

**If you currently are renting or leasing your property to someone else, please share this information with them. If you no longer own the property to which this letter was sent, please provide this information to the new owner and provide this office with the name and address of the new owner so that we can correct our records.**

The reason for this recent classification decision is as follows:

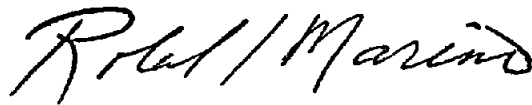
- A soil vapor extraction system was utilized on the Roxy Cleaners site in 1992 which successfully removed 346 pounds of perchloroethylene from on-site soils. Granular activated carbon (GAC) treatment units were installed on all the affected wells until public water was available. A ventilation system was installed on an adjacent day care center to reduce exposure to contaminated soil gas vapors.

Construction of a new municipal water supply system was completed in 1997 which provides potable water to all the affected properties. a new groundwater treatment system was constructed in 1997 which is now treating the contaminated groundwater in the area. The treatment system is fenced for controlled access.

If you would like additional information about this site or the inactive hazardous waste site remedial program, call:

DEC's Inactive Hazardous Waste Site Toll-Free Information Number 1-800-342-9296 or  
New York State Health Department's Health Liaison Program (HeLP) 1-800-458-1158,  
ext. 6402.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Marino". The signature is fluid and cursive, with the first name "Robert" and last name "Marino" clearly distinguishable.

Robert L. Marino  
Chief  
Site Control Section  
Bureau of Hazardous Site Control  
Division of Environmental Remediation

bcc: R. Marino  
J. Swartwout  
E. Hamilton, R/4  
D. Roosa, R/4  
A. Sylvester  
A. Carlson  
L. Ennist

AS/srh

*A. Sylvester*

New York State Department of Environmental Conservation  
50 Wolf Road, Albany, New York 12233-7010



John P. Cahill  
Commissioner

MAR 16 1998

Mr. Joseph V. Mardigian  
Mardigian Properties, Inc.  
1730 Highland Avenue  
Troy, NY 12180

Dear Mr. Mardigian:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (NYSDEC) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 442024  
Site Name: Roxy Cleaners  
Site Address: 195 Main Avenue (Route 66 at Route 150), North Greenbush, NY 12198

Classification change from 2 to 4

The reason for the change is as follows:

- A soil vapor extraction system was utilized on the Roxy Cleaners site in 1992 which successfully removed 346 pounds of perchloroethylene from on-site soils. Granular activated carbon (GAC) treatment units were installed on all the affected wells until public water was available. A ventilation system was installed on an adjacent day care center to reduce exposure to contaminated soil gas vapors.

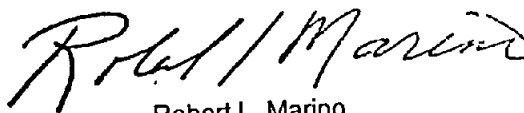
Construction of a new municipal water supply system was completed in 1997 which provides potable water to all the affected properties. a new groundwater treatment system was constructed in 1997 which is now treating the contaminated groundwater in the area. The treatment system is fenced for controlled access.

Enclosed is a copy of the New York State Department of Environmental Conservation, Division of Environmental Remediation, Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry and Annual Report, and an explanation of the site classifications. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of the New York State Department of Environmental Conservation for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition. Such petition may be addressed to:

John P. Cahill  
Commissioner  
New York State Department of Environmental Conservation  
50 Wolf Road  
Albany, New York 12233-0001

For additional information, please contact me at (518) 457-0747.

Sincerely,



Robert L. Marino  
Chief  
Site Control Section  
Bureau of Hazardous Site Control  
Division of Environmental Remediation

Enclosures

bcc: w/o Enc.  
E. Barcomb  
R. Marino  
J. Swartwout



w/Enc. (Copy of Site Report form only)  
A. Grant  
A. Carlson, DOH  
J. Sama  
S. Ervolina  
R. Ostrov, R/4  
E. Hamilton, R/4  
S. Hammond

AS/srh