



Department of  
Environmental  
Conservation

# **Brownfield Cleanup Program**

## **Citizen Participation Plan for Former Imperial Cleaners Site**

June 2019

BCP Site #C130225  
218 Lakeville Road  
Lake Success  
Nassau County, New York

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**Note:** The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Applicant: **218 Lakeville Acquisition LLC (“Applicant”)**  
Site Name: **Former Imperial Cleaners Site (“Site”)**  
Site Address: **218 Lakeville Road, Lake Success**  
Site County: **Nassau County**  
Site Number: **#C130225**

## **1. What is New York’s Brownfield Cleanup Program?**

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:  
<http://www.dec.ny.gov/chemical/8450.html>

## **2. Citizen Participation Activities**

### *Why NYSDEC Involves the Public and Why It Is Important*

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

#### *Project Contacts*

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

#### *Locations of Reports and Information*

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

#### *Site Contact List*

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of

upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

**Note:** The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html> .

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

### *CP Activities*

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

#### *Technical Assistance Grant*

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site has not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repositories</li> </ul>	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul>	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
<b>After Execution of Brownfield Site Cleanup Agreement (BCA):</b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation <b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
<b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
<b>After Applicant Completes Remedial Investigation:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b>Before NYSDEC Approves Remedial Work Plan (RWP):</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
<b>Before Applicant Starts Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b>After Applicant Completes Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul>	At the time the cleanup action has been completed. <b>Note:</b> The two fact sheets are combined when possible if there is not a delay in issuing the COC.

### **3. Major Issues of Public Concern**

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The Site is currently occupied by a commercial building with four tenant spaces and front and rear parking lots; only one of the tenant spaces is currently occupied. Contamination associated with solvent releases from former dry cleaning operations at the Site was previously addressed by partial removal of contaminated soils and sediments and installation/operation of a soil vapor extraction (SVE) system. After the Site was purchased by the current owner in July 2015, a soil vapor intrusion investigation was conducted in February 2016 in accordance with a NYSDEC approved work plan to evaluate the potential for vapor intrusion and indoor air quality impacts at the Site and adjoining off-site properties in the immediate vicinity of the Site. According to the New York State Department of Health, soil vapor intrusion "refers to the process by which volatile chemicals move from a subsurface source into the indoor air of overlying buildings".

The February 2016 sampling results indicated that soil vapor contamination associated with the former dry cleaning operations at the Site has the potential to impact indoor air quality at the Site and adjoining properties, and mitigation is recommended to address these potential impacts.

### **4. Site Information**

Appendix C contains a map identifying the location of the site.

#### *Site Description*

The Site is located at 218 Lakeville Road in the Village of Lake Success, Nassau County, New York. The property is approximately 14,280 square feet in area and is used as a commercial center with a one-story building occupying approximately 4,250 square feet of the lot. The area surrounding the Site is suburban. Residential land uses are located south and directly west of the Site, as well as across Lakeville Road to the east of the Site. A medical building and commercial store fronts are located to the north and northwest of the Site.

#### *History of Site Use, Investigation, and Cleanup*

Currently, the Site is occupied by a one-story commercial building which consists of four store fronts. Historically, the southern-most tenant space at the Site was used as a dry cleaner (the former Imperial Cleaners facility). Former occupants of the other tenant spaces included a delicatessen, bridal shop and a tobacco shop. At this time, one of

the tenant spaces is occupied by Tobacco Plaza (a cigar shop), and the other three are vacant.

Contamination associated with the dry cleaning operations was encountered at the Site in 1995. The contaminants were suspected to come from the floor drains, sanitary system, and a dry well that were associated with the former dry cleaners. An investigation and subsequent remediation followed the discovery of the release.

Contaminated sediments were removed from the dry well, interior floor drains, and sanitary system associated with the former Imperial Cleaners operations in 1996 and 2000. Sampling conducted following the removal actions showed that contaminants remained in the soil, however, no additional materials were removed because it was determined that further excavation would threaten the stability of the structures.

To address the contamination, a soil vapor extraction (SVE) system was installed and began operation in 2001 to remove contaminated vapors from the soil and to improve soil and groundwater quality. The SVE system's effectiveness was monitored under the New York State Voluntary Cleanup Program.

Closure sampling was conducted in November 2007 – January 2008 in accordance with a NYSDEC approved work plan. The closure sampling results indicated that the SVE system had successfully reduced contaminant concentrations to meet the NYSDEC soil cleanup objectives. The SVE system was subsequently shut down circa 2008.

The current Site owner purchased the property in July 2015. A soil vapor intrusion investigation was performed in February 2016 in accordance with a NYSDEC approved work plan to determine the potential for indoor air quality impacts at the Site and neighboring off-site properties due to soil vapor intrusion. The investigation found that soil vapor impacts exist beneath the Site and two adjoining properties.

## **5. Investigation and Cleanup Process**

### *Application*

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes. The Applicant intends to continue commercial use at the Site by seeking

additional commercial tenants to fill the vacant spaces and return the building to beneficial use while subsurface impacts are addressed by the remediation system to be installed per a NYSDEC approved Remedial Work Plan.

To achieve this goal, the Applicant will conduct cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

### *Remedy Selection*

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a "Certificate of Completion" (described below) to the Applicant.

**or**

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a "Remedial Work Plan". The Remedial Work Plan describes the Applicant's proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

### *Cleanup Action*

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

### *Certificate of Completion*

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

### *Site Management*

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

**Appendix A -  
Project Contacts and Locations of Reports and Information**

**Project Contacts**

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

**New York State Department of Environmental Conservation (NYSDEC):**

**Joseph Jones**

Project Manager  
NYSDEC  
Division of Environmental Remediation  
625 Broadway, 12th Floor  
Albany, NY 12233-7015  
Phone: 518-402-9613

**Bill Fonda**

Citizen Participation Specialist  
NYSDEC Region 1  
SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, NY 11790-3409  
Phone: 631-444-0350

**New York State Department of Health (NYSDOH):**

**Scarlett McLaughlin**

Project Manager  
NYSDOH  
Bureau of Environmental Exposure Investigation  
Empire State Plaza - Corning Tower Room 1787  
Albany, NY 12237  
Phone: 518-402-7860

## **Locations of Reports and Information**

The facilities identified below are being used to provide the public with convenient access to important project documents:

### **Station Library**

26 Great Neck Road  
Great Neck, NY 11021  
Attn: Kathleen Cotter  
Phone: 516-466-8055 ext. 233, 234, 235

#### Hours:

Monday & Thursday - 9:00 AM to 9:00 PM  
Tuesday - 10:00 AM to 9:00 PM  
Wednesday, Friday & Saturday - 10:00 AM to 6:00 PM  
Sunday - closed

### **Joseph Jones**

Project Manager  
NYSDEC  
Division of Environmental Remediation  
625 Broadway, 12th Floor  
Albany, NY 12233-7015  
Phone: 518-402-9613  
E-mail: [joseph.jones@dec.ny.gov](mailto:joseph.jones@dec.ny.gov)

#### Hours:

Monday to Friday - 8:30 AM to 4:30 PM (call for appointment)

### **Bill Fonda**

Citizen Participation Specialist  
NYSDEC Region 1  
SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, NY 11790-3409  
Phone: 631-444-0350

#### Hours:

Monday to Friday - 8:30 AM to 4:30 PM (call for appointment)

## Appendix B - Site Contact List

### Local Governmental Officers

#### ***Village of Lake Success***

Chief Executive Officer: Patrick E. Farrell, Village Administrator-Treasurer  
318 Lakeville Road  
Lake Success, NY 11020  
516-482-4411  
VLSadmin@Optonline.net

Village Planning Board  
Ira Levine, Chairperson  
318 Lakeville Road  
Lake Success, NY 11020  
516-482-4411

#### ***Town of North Hempstead***

Chief Executive Officer  
Supervisor Judi Bosworth  
220 Plandome Road  
Manhasset, NY 11030  
516-869-6311  
BosworthJ@northhempsteadny.gov

Planning Board Chairperson  
Michael A. Levine, AICP Commissioner  
220 Plandome Road  
Manhasset, NY 11030  
516-869-6311

#### ***Nassau County***

Chief Executive Officer  
Laura Curran, Nassau County Executive  
1550 Franklin Ave.  
Mineola, NY 11501  
516-571-3131

Planning Board Chairperson  
Jeffrey H. Greenfield  
1194 Prospect Avenue  
Westbury, NY 11590  
516-511-9600

**Resident/Owner/Occupant of Site and Adjacent Properties:**

Tobacco Plaza, Ltd.  
218 Lakeville Road  
Lake Success, NY 11020  
Attention: Mr. Marshall Holman  
516-829-7134

CCQ Contracting  
218 Lakeville Road  
Lake Success, NY 11020

Goodstein Family, L.P.  
220 Lakeville Road  
Lake Success, NY 11020  
516-482-8222

Rosen Law LLC  
216 Lakeville Road  
Lake Success, NY 11020  
516-437-3400

Property Owner  
2 University Place  
Lake Success, NY 11020

Property Owner  
4 University Place  
Lake Success, NY 11020

**Resident/Owner/Occupant of Other Neighboring Properties:**

Property Owner  
1 University Place  
Lake Success, NY 11020

Property Owner  
3 University Place  
Lake Success, NY 11020

Property Owner  
5 University Place  
Lake Success, NY 11020

Property Owner  
1 University Road  
Lake Success, NY 11020

Property Owner  
99 Briarfield Drive  
Lake Success, NY 11020

**Local News Media**

Great Neck Record  
132 E. 2nd St.  
Mineola, NY 11501  
516-403-5143

News 12 Long Island  
Planning Editor  
1 Media Crossways  
Woodbury, New York 11797

David M. Schwartz  
Environmental Reporter  
Newsday Long Island  
235 Pinelawn Road  
Melville, NY 11747

**Public Water Supplier**

Manhasset-Lakeville Water District  
Chairman Mark S. Sauvigne  
170 East Shore Road  
Great Neck, NY 11023  
516-466-4416

**School or Day Care Administrator on or Near Property**

Dr. Teresa Prendergast  
Superintendent of Schools  
Phipps Administration Building  
345 Lakeville Road  
Great Neck, NY 11020

Chabad Lake Success  
224 Lakeville Road  
Lake Success, NY 11020  
516-487-3343

**Document Repository**

Station Library  
26 Great Neck Road  
Great Neck, NY 11021  
516-466-8055 ext. 233, 234, 235

## **Appendix C - Site Location Map**



Notes: Aerial photos obtained from the USGS

Creation date: 1/29/2018	Print Date: 1/29/2018
Author: MCT	Job No: IMPL0115.5
PDF: Y:\IMPL0115.4\IMPL0115.5\Site Location Map.pdf	
Map: Y:\IMPL0115.4\IMPL0115.5\Site Location Map.mxd	


**WALDEN ENVIRONMENTAL ENGINEERING, PLLC**  
 16 SPRING STREET  
 OYSTER BAY, NEW YORK  
 P: (516) 624-7200 F: (516) 624-3219  
 WWW.WALDENASSOCIATES.COM

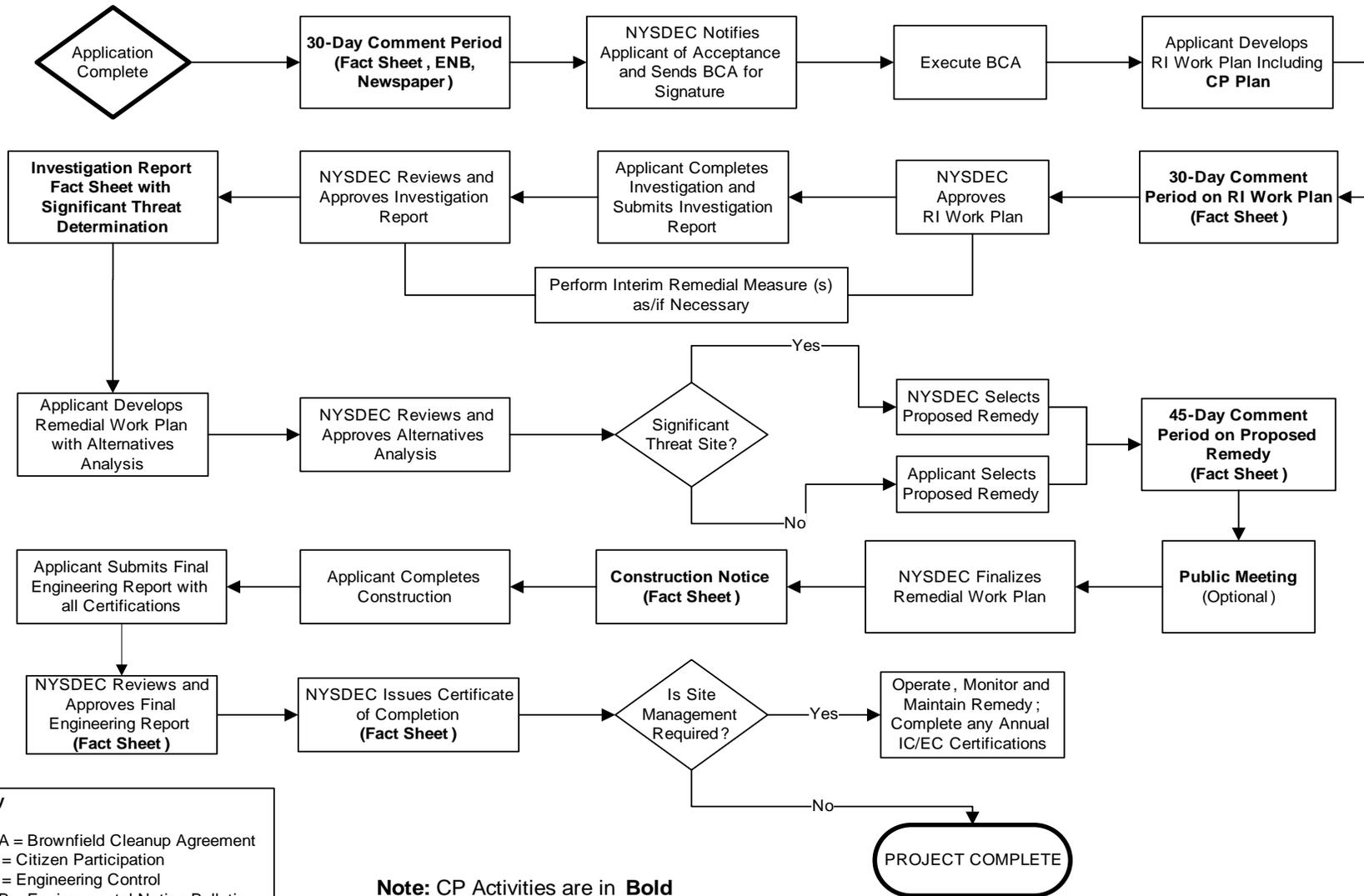
## Site Location Map

Former Imperial Cleaners Site  
Site No. C130225

218 Lakeville Road  
Lake Success, NY 11020



# Appendix D– Brownfield Cleanup Program Process



**Key**  
 BCA = Brownfield Cleanup Agreement  
 CP = Citizen Participation  
 EC = Engineering Control  
 ENB = Environmental Notice Bulletin  
 IC = Institutional Control  
 RI = Remedial Investigation

**Note:** CP Activities are in **Bold**