

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Remediation

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

[www.dec.ny.gov](http://www.dec.ny.gov)

DEC 31 2019

Ronnie Shemesh  
Alex II West, LLC  
159 Alexander Street  
Yonkers, NY 10701  
[rshemesh@excelsiorpkg.com](mailto:rshemesh@excelsiorpkg.com)

Barry White  
Avalon Yonkers Sun Sites, LLC  
1499 Post Road, 2<sup>nd</sup> Floor  
Fairfield, CT 06824  
[Barry\\_white@avalonbay.com](mailto:Barry_white@avalonbay.com)

Re: Certificate of Completion  
Polychrome R&D Lab Site  
City of Yonkers, Westchester County  
Site No.: C360099

Dear Mr. Shemesh and Mr. White,

Congratulations on having satisfactorily completed the remedial program at the Polychrome R&D Lab Site (aka Polychrome West). Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:



Department of  
Environmental  
Conservation



Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2021.

If you have any questions regarding any of these items, please contact Project Manager, Mr. Matthew Hubicki, at (518) 402-9605.

Sincerely,



Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

ec w/ enclosure:

William M. Seuch, Esq, [wseuch@goulstonstorrs.com](mailto:wseuch@goulstonstorrs.com)  
Linda R. Shaw, Esq, [lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)  
Patrick McHugh, [pmchugh@akrf.com](mailto:pmchugh@akrf.com)  
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Christine Vooris, NYSDOH  
Maureen Schuck, NYSDOH  
Sarita Wagh, NYSDOH  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

M. Hubicki

K. Carpenter

J. Brown

J. Andalaro

A. Guglielmi

K. Lewandowski



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Avalon Yonkers Sun Sites, LLC  
Alex II West, LLC

**Address**

1499 Post Rd, Second Floor, Fairfield, CT 06824  
159 Alexander Street, Yonkers, NY 10701

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/27/12  
**Agreement Index No.:** C360099-07-12

**Agreement Execution:** 9/19/12

**Application Approval Amendment:** 4/13/16

**Agreement Execution Amendment:** 4/13/16

**SITE INFORMATION:**

**Site No.:** C360099 **Site Name:** Polychrome R&D Lab Site

**Site Owner:** Avalon Yonkers Sun Sites, LLC

**Street Address:** 137-145 Alexander Street

**Municipality:** Yonkers **County:** Westchester **DEC Region:** 3

**Site Size:** 3.088 Acres

**Tax Map Identification Number(s):** 2-2615-1 (portion of), 2-2615-23 (portion of), 2-2615-29

**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial  
**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.  
Tangible Property Credit Component Rate is 20 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.  
Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 592523209.

#### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

#### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

#### **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By: George W. Hesterman Date: 12/31/19

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation



**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

Polychrome R&D Lab Site, Site ID No. C360099  
137-145 Alexander Street, Yonkers, NY 10701  
City of Yonkers, Westchester County, Tax Map Identification Numbers:  
2-2615-1, 2-2615-23, and 2-2615-29

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Alex II West, LLC and Avalon Yonkers Sun Sites, LLC for portions of three parcels totaling 3.088 acres located at 137-145 Alexander Street in the City of Yonkers and Westchester County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i.
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Westchester County as 592523209.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability

Polychrome R&D Lab Site, Site No. C360099, 137-145 Alexander Street, Yonkers, NY 10701

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 3 Office located at 21 South Putt corners Rd, New Paltz, NY 12564, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Avalon Yonkers Sun Sites, LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
Avalon Yonkers Sun Sites, LLC  
1499 Post Road, 2<sup>nd</sup> Floor  
Fairfield, CT 06824

**Exhibit A**  
**Site Description**



**SCHEDULE "A" PROPERTY DESCRIPTION**

BEGINNING AT A POINT, SAID POINT BEING THE INTERSECTION FORMED BY THE WESTERLY RIGHT-OF-WAY OF ALEXANDER STREET (50 FOOT RIGHT-OF-WAY) WITH THE CENTERLINE OF ASHBURTON AVENUE (50 FOOT RIGHT-OF-WAY), AND RUNNING THENCE:

ALONG THE NORTHERLY LINE OF LOTS 48 & 14 BLOCK 2610, NORTH 81°47'39" WEST A DISTANCE OF 362.80 FEET TO A POINT, THENCE, THE FOLLOWING NINE (9) COURSES ALONG THE MEAN HIGH WATER LINE;

NORTH 08°12'21" EAST A DISTANCE OF 24.95 FEET TO A POINT, THENCE;

NORTH 12°07'33" WEST A DISTANCE OF 22.39 FEET TO A POINT, THENCE:

NORTH 42°41'58" WEST A DISTANCE OF 36.43 FEET TO A POINT, THENCE;

NORTH 51°34'27" WEST A DISTANCE OF 44.40 FEET TO A POINT, THENCE;

NORTH 31°48'35" WEST A DISTANCE OF 32.29 FEET TO A POINT, THENCE;

NORTH 07°17'43" WEST A DISTANCE OF 32.29 FEET TO A POINT, THENCE;

NORTH 03°03'11" WEST A DISTANCE OF 67.37 FEET TO A POINT, THENCE;

NORTH 05°17'51" EAST A DISTANCE OF 68.67 FEET TO A POINT, THENCE;

NORTH 08°36'53" WEST A DISTANCE OF 21.12 FEET TO A POINT, THENCE;

SOUTH 81°47'39" EAST A DISTANCE OF 489.36 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF ALEXANDER STREET, THENCE;

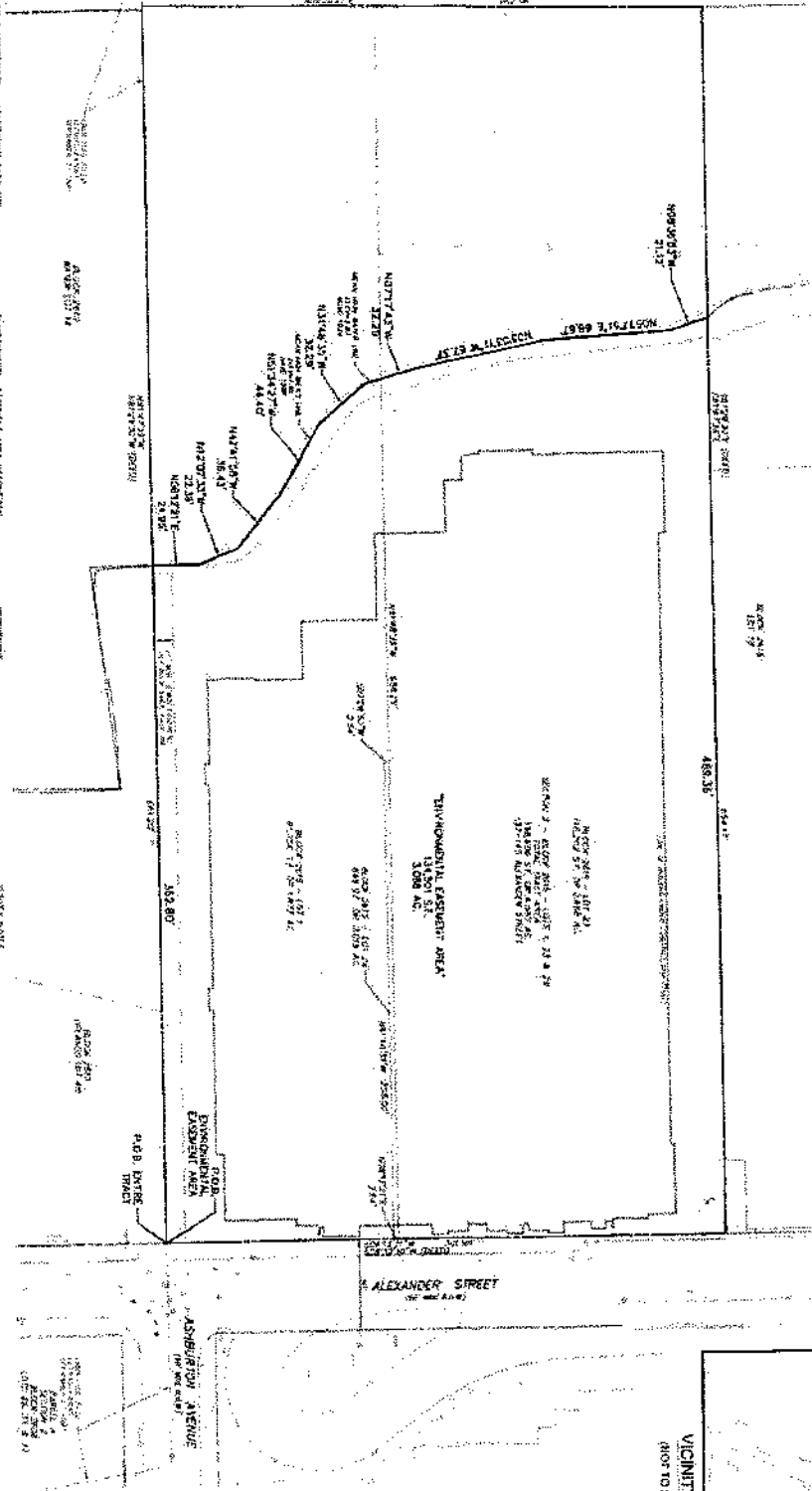
ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 08°12'21" WEST A DISTANCE OF 301.98 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 134,501 SQUARE FEET OR 3.088 ACRES MORE OR LESS.

## **Exhibit B**

### **Site Survey**

ENTERED AND FILED IN THE CLERK'S OFFICE OF THE CITY OF NEW YORK ON THE 14TH DAY OF APRIL 1900



**VICINITY MAP**  
(NOT TO SCALE)

POE

[illegible][illegible]

1. 1940年10月1日，国民党政府成立，开始了对全国的统治。
 2. 1941年12月7日，珍珠港事件爆发，美国正式对日本宣战。
 3. 1942年1月1日，中、美、英、苏四国在华盛顿签署《联合国家宣言》，标志着世界反法西斯同盟的正式形成。
 4. 1943年12月，开罗会议和德黑兰会议相继举行，进一步协调了盟军的战略。
 5. 1945年4月，雅尔塔会议召开，确定了战后世界格局。
 6. 1945年8月，苏联对日本宣战，中国抗日战争进入最后阶段。
 7. 1945年9月2日，日本正式签署投降书，第二次世界大战结束。
 8. 1946年1月，国共两党在重庆签署《双十协定》，宣布和平建国。
 9. 1946年6月，国民党政府单方面撕毁《双十协定》，内战爆发。
 10. 1949年10月1日，中华人民共和国成立，标志着中国历史的新纪元。

[illegible]

ing, currently is subject to an Environmental Assessment Study by the New York State Department of Environmental Conservation pursuant to title 35 of Article 31 of the New York Environmental Conservation Law. The engineering and hydrological aspects of the Assessment and its findings will be made available to the State Department of Environmental Conservation. The State may be involved in the Assessment, the study may be developed from the NYS Department of Environmental Conservation, State Criminal Justice Developmental Research Unit, Site Critical Review, or New Brunswick, New Jersey, DE 1233 or at development of the

[illegible]

**ASSOCIATA SONDIER**  
VIA CANTÙ 10 - 00187 ROMA  
TEL. 06 / 493531

[illegible]

姓名	性别	年龄	籍贯	职业	住址	备注
王德胜	男	45	山东	工人	天津	
李德胜	男	35	河北	农民	保定	
张德胜	男	55	河南	商人	郑州	
赵德胜	男	25	山西	学生	太原	
刘德胜	男	65	陕西	退休	西安	
陈德胜	男	30	四川	医生	成都	
周德胜	男	40	湖北	教师	武汉	
吴德胜	男	50	湖南	工程师	长沙	
郑德胜	男	20	广东	职员	广州	
冯德胜	男	60	广西	农民	南宁	
马德胜	男	30	云南	商人	昆明	
朱德胜	男	40	贵州	工人	贵阳	
孙德胜	男	50	福建	教师	福州	
周德胜	男	60	浙江	商人	杭州	
吴德胜	男	20	江西	学生	南昌	
郑德胜	男	30	安徽	工人	合肥	
冯德胜	男	40	江苏	商人	南京	
马德胜	男	50	山东	农民	济南	
朱德胜	男	60	河南	工人	郑州	
孙德胜	男	20	河北	学生	保定	
周德胜	男	30	山西	商人	太原	
吴德胜	男	40	陕西	工人	西安	
郑德胜	男	50	四川	教师	成都	
冯德胜	男	60	湖北	商人	武汉	
马德胜	男	20	湖南	学生	长沙	
朱德胜	男	30	广东	工人	广州	
孙德胜	男	40	广西	商人	南宁	
周德胜	男	50	云南	农民	昆明	
吴德胜	男	60	贵州	工人	贵阳	
郑德胜	男	20	福建	学生	福州	
冯德胜	男	30	浙江	商人	杭州	
马德胜	男	40	江西	工人	南昌	
朱德胜	男	50	安徽	商人	合肥	
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马德胜	男	40	安徽	商人	合肥	
朱德胜	男	50	江苏	农民	南京	
孙德胜	男	60	山东	工人	济南	
周德胜	男	20	河南	商人	郑州	
吴德胜	男	30	河北			



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/30/2019



**SITE DESCRIPTION**

**SITE NO.** C360099

**SITE NAME** Polychrome R&D Lab Site

**SITE ADDRESS:** 137-145 Alexander Street **ZIP CODE:** 10701

**CITY/TOWN:** Yonkers

**COUNTY:** Westchester

**ALLOWABLE USE:** Restricted-Residential, Commercial, and Industrial

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

**Description of Institutional Control**

**Avalon Yonkers Sun Sites, LLC**

1499 Post Road, 2nd Floor

**137 Alexander Street**

Environmental Easement

Block: 2615

Lot: 29

Sublot:

Section: 2

Subsection:

S\_B\_L Image: 2-2615-29

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan



**145 Alexander Street**

Environmental Easement

Block: 2615

Lot: 23

Sublot:

Section: 2

Subsection:

S\_B\_L Image: 2-2615-23

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**35 Water Grant Street**

Environmental Easement

Block: 2615

Lot: 1

Sublot:

Section: 2

Subsection:

S\_B\_L Image: 2-2615-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Avalon Yonkers Sun Sites, LLC**

1499 Post Road, 2nd Floor

**137 Alexander Street**

Environmental Easement

Block: 2615

Lot: 29

Sublot:

Section: 2

Subsection:

S\_B\_L Image: 2-2615-29

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation

**145 Alexander Street**

Environmental Easement

Block: 2615

Lot: 23

Sublot:

Section: 2

Subsection:

S\_B\_L Image: 2-2615-23

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation

**35 Water Grant Street**

Environmental Easement

Block: 2615

Lot: 1

Sublot:

Section: 2

Subsection:

S\_B\_L Image: 2-2615-1

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation