

**STERLING**  
Sterling Environmental Engineering, P.C.

September 23, 2008

Ms. Kelly Lewandowski  
Chief, Site Control Section  
NYS Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, New York 12233-7020

Subject: Brownfield Application  
441 and 442 Waverly Avenue  
Village of Mamaroneck, Westchester County, New York  
STERLING File #28012

Dear Ms. Lewandowski,

Enclosed please find one (1) hard copy and one (1) electronic copy of the Brownfield Application for the above referenced properties. The properties are the former M. Argueso and Co., Inc. site, which manufactured wax products until the Spring of 2005 and is currently owned by New Waverly Avenue Associates, LLC. Phase I and Phase II Environmental Site Assessments (ESAs) were conducted for both properties in 2005 and results are summarized in the Brownfield Application. Copies of the Phase I and Phase II reports are included on a Compact Disc provided as Appendix B.

Please contact me should you have any questions or comments.

Very truly yours,

STERLING ENVIRONMENTAL ENGINEERING, P.C.

*Mark P. Millspaugh*

(bc)

Mark P. Millspaugh, P.E.  
President  
[mark@sterlingenvironmental.com](mailto:mark@sterlingenvironmental.com)

MPM/bc  
Email/First Class Mail  
Enclosures

cc: TJ Milo, New Waverly Avenue Associates, LLC (Hard Copy Only)  
Kevin Young, Esq., Young, Sommer LLC (Hard Copy Only)  
Ed Moore, NYSDEC Region 3(Hard Copy Only)

28012/Brownfield Application/Brownfield Application Cover\_ltr.doc

**STERLING**  
Sterling Environmental Engineering, P.C.

October 30, 2008

Ms. Mary O. Barrie  
Environmental Program Specialist  
Site Control, Division of Environmental Remediation  
NYS Department of Environmental Conservation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7011

Subject: C360108 Former M. Argueso and Co., Inc.  
Brownfield Application  
Village of Mamaroneck, Westchester County, New York  
STERLING File #28012

Dear Ms. Barrie,

Based on the review comments by the New York State Department of Environmental Conservation (NYSDEC) provided in an email message on October 23, 2008 to Sterling Environmental Engineering, P.C. (STERLING), the revised pages for the subject Brownfield Application are attached.

Please replace Pages 1 and 2 of the Brownfield Application with the attached revised pages. A Site Location Map and Tax Parcel Map with the outlined parcel boundaries for the subject property were sent to you electronically on October 27, 2008.

As discussed, STERLING will provide paper copies of the 2005 Phase I and Phase II reports for the Village of Mamaroneck repository, following approval from the NYSDEC.

Please contact me should you have any questions or comments.

Very truly yours,

STERLING ENVIRONMENTAL ENGINEERING, P.C.



Elizabeth M. Davis  
Hydrogeologist  
[liz@sterlingenvironmental.com](mailto:liz@sterlingenvironmental.com)

EMD/bc  
Email/First Class Mail  
Attachment

cc: TJ Milo, New Waverly Avenue Associates, LLC  
Kevin Young, Esq., Young, Sommer LLC  
Ed Moore, NYSDEC Region 3

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**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)**

ECL ARTICLE 27 / TITLE 14

07/07

DEPARTMENT USE ONLY  
BCP SITE #: \_\_\_\_\_

Section I. Requestor Information			
NAME <b>New Waverly Avenue Associates, LLC</b>			
ADDRESS <b>566 Westchester Avenue</b>			
CITY/TOWN <b>Rye Brook, NY</b>		ZIP CODE <b>10573</b>	
PHONE <b>(914) 935-3950</b>	FAX <b>(914) 935-1180</b>	E-MAIL	
NAME OF REQUESTOR'S REPRESENTATIVE <b>Mr. T.J. Milo</b>			
ADDRESS <b>566 Westchester Avenue</b>			
CITY/TOWN <b>Rye Brook, NY</b>		ZIP CODE <b>10573</b>	
PHONE <b>(914) 935-3950</b>	FAX <b>(914) 935-1180</b>	E-MAIL <b>tj@306fayetteaverealty.com</b>	
NAME OF REQUESTOR'S CONSULTANT <b>Mark P. Millspaugh, P.E./ Sterling Environmental Engineering, P.C.</b>			
ADDRESS <b>24 Wade Road</b>			
CITY/TOWN <b>Latham, NY</b>		ZIP CODE <b>12110</b>	
PHONE <b>(518) 456-4900</b>	FAX <b>(518) 456-3532</b>	E-MAIL <b>mark@sterlingenvironmental.com</b>	
NAME OF REQUESTOR'S ATTORNEY <b>Kevin M. Young, Esq./ Young,Sommer...L.L.C.</b>			
ADDRESS <b>Executive Woods, 5 Palisades Drive</b>			
CITY/TOWN <b>Albany, NY</b>		ZIP CODE <b>12205</b>	
PHONE <b>(518) 438-9907</b>	FAX <b>(518) 438-9914</b>	E-MAIL <b>kyoung@youngsommer.com</b>	
THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		<input checked="" type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.  NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.	
Requestor Relationship to Property (check one):			
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____			
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <span style="float: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</span>			
(Note: proof of site access must be submitted for non-owners)			

**Section II. Property Information Summary Sheet**

PROPERTY NAME: Former M. Argueso and Co., Inc.

ADDRESS/LOCATION 441-442 Waverly Avenue CITY/TOWN Mamaroneck, NY ZIP CODE 10543

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village of Mamaroneck, Town of Mamaroneck

COUNTY Westchester

SITE SIZE (ACRES) 1.03

LATITUDE (degrees/minutes/seconds) 40 ° 57 ' 0.4 "

LONGITUDE (degrees/minutes/seconds) 73 ° 44 ' 34.1 "

HORIZONTAL COLLECTION METHOD:  SURVEY  GPS  MAP

HORIZONTAL REFERENCE DATUM: NAD 27

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
441 Waverly Avenue, Mamaroneck, NY 10543	278	8	825	313-320	0.30
442 Waverly Avenue, Mamaroneck, NY 10543	33	8	825	389-395	0.73
(From Town of Mamaroneck Tax Map)					

- Do the property boundaries correspond to tax map metes and bounds?  Yes  No  
If no, please attach a metes and bounds description of the property.
- Is the required property map attached to the application? (application will not be processed without map)  Yes  No
- Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?  Yes  No

For more information go to: [http://www.nylovesbiz.com/BrownField\\_Redevelopment/default.asp](http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp).

If yes, identify area (name) N/A

50%  100% of the site is in the En-zone (check one)

PROPERTY DESCRIPTION NARRATIVE: The site consists of two parcels on opposite sides of Waverly Avenue. 441 Waverly Avenue is located on the north side of Waverly Avenue and has a two story 3,500 square feet office building, a concrete parking lot, and a two story parking structure. 442 Waverly Avenue is located on the south side of Waverly Avenue and has a one-story 16,680 square feet manufacturing building. See Appendix A for a detailed description of the Properties.

List of Existing Easements (type here or attach information)

Easement Holder	Description
N/A	

List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description

M. Argueso and Co., Inc. had an air certification permit and registered bulk storage tanks. There is a current permit issued by the Westchester County Department of Health for the 8,000 gallons UST at 442 Waverly Avenue that is valid until August 31, 2011.

Initials of each Requestor: TM 10/24/08



**Section III. Current Site Owner/Operator Information**

OWNER'S NAME (if different from requestor) **New Waverly Avenue Associates, LLC**

ADDRESS **566 Westchester Avenue**

CITY/TOWN **Rye Brook**

ZIP CODE **10573**

PHONE **(914) 935-3950**

FAX **(914) 935-1180**

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?  Yes  No
2. Is the requestor subject to an existing order relating to contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  Yes  No
4. Has the requestor been determined to have violated any provision of ECL Article 27?  Yes  No
5. Has the requestor previously been denied entry to the BCP?  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?  Yes  No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?  Yes  No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?  Yes  No

**Section V. Property Eligibility Information (Please refer to ECL § 27-1405)**

1. Is the property listed on the National Priorities List?  Yes  No
2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_  Yes  No
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_  Yes  No
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_  Yes  No
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment.  Yes  No

**Section VI. Project Description**

What stage is the project starting at?  investigation  remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

**See Appendix A**

## Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following: **See Appendix B and Figure 1**

### 1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2):  Yes  No

### 2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X	X			x
Chlorinated Solvents		X			
Other VOCs					
SVOCs	X (Minimal)	X (Minimal)			
Metals	X	N/A			
Pesticides					
PCBs					
Other*					

\*Please describe: \_\_\_\_\_

### 3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals		X			
Pesticides					
PCBs					
Other*					

\*Please describe: \_\_\_\_\_

### 4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds                   | <input checked="" type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge  |
| <input type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes        | <input type="checkbox"/> Septic tank/lateral field               | <input checked="" type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property             | <input checked="" type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand                            | <input type="checkbox"/> Electroplating                         |
| <input type="checkbox"/> Coal Gas Manufacture          | <input type="checkbox"/> Industrial Accident                | <input type="checkbox"/> Unknown                                 |   |

Other: \_\_\_\_\_

### 5. INDICATE PAST LAND USES:

- |   |   |   |                                      |   |                                     |
|---|---|---|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard   | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline               | <input type="checkbox"/> Service Station          | <input type="checkbox"/> Landfill           | <input type="checkbox"/> Tannery     | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown    |

Other: \_\_\_\_\_

### 6. Owners See Appendix C

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

### 7. Operators See Appendix C

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

**Section VIII. Contact List Information**

Please attach, at a minimum, the names and addresses of the following: **See Appendix C**

1. The chief executive officer and planning board/dept. chair of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

**Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))**

Current Use:  Residential  Commercial  Industrial  Vacant  Recreational (check all that apply)

Intended Use:  Unrestricted  Residential  Commercial  Industrial (check all that apply)

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? <b>See Appendix C</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are there floodplains within ½ mile? <b>See Appendix C</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. <b>See Appendix C</b>		
13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas. <b>See Appendix C</b>		
14. Describe on attachment the geography and geology of the site. <b>See Appendix C</b>		

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(By an requestor other than an individual)

I hereby affirm that I am VP (title) of New Waveely Ave Assoc, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/18/08 Signature: [Signature] Print Name: TJ Milo

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:  
 Chief, Site Control Section  
 New York State Department of Environmental Conservation  
 Division of Environmental Remediation  
 625 Broadway  
 Albany, NY 12233-7020
- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

## **APPENDIX A (SECTION IV OF APPLICATION)**

### **PURPOSE AND SCOPE OF PROJECT/ESTIMATED PROJECT SCHEDULE**

Existing Site features at 441 Waverly Avenue include a two (2)-story office building and a two- (2) level parking area (one level is underground and the second level is at grade). The two (2) story building at 441 Waverly Avenue will remain and is currently occupied by a tenant until April 2009. The tenant is an installation subcontractor to Cablevision. An oil/water separator tank and three (3) connecting drywell units are located under the northern portion of the concrete paved parking lot. The oil/water separator tank is a 750-gallon concrete underground storage tank (UST) that is connected to three (3) precast concrete drywell units approximately four (4) feet in diameter and five (5) feet high.

The parking area will be demolished and will be filled to grade level. Sub-surface drainage pipes will be installed that will discharge to the existing storm water drainage system. The drainage system design will be submitted to the Village of Mamaroneck Planning Board for Site Plan approval. Following demolition, the former parking area will be graded and paved.

Prior to paving 441 Waverly Avenue, removal of the existing oil/water separator tank and associated drywells at 441 Waverly Avenue will be conducted by a registered tank removal company and will be overseen by a qualified Environmental Engineer or representative. Soil in the excavation will be inspected and monitored for potential contamination and sidewall and bottom soil samples will be collected and analyzed for TAGM 4046 Volatile Organic Compounds (VOCs) and Semi-Volatile Organic Compounds (SVOCs). A UST Closure Report will be prepared by the Environmental Engineer and submitted to the New York State Department of Environmental Conservation (NYSDEC).

Existing Site features at 442 Waverly Avenue include a one (1) story manufacturing building (former Argueso facility) and one (1) 8,000 gallon fuel oil UST that is no longer in service but is still permitted by the Westchester County Department of Health until August 31, 2011 and is listed as temporarily out of service. If the UST will not be placed in service prior to the permit expiration date, it will be removed, following procedures described above, prior to the proposed paving for 442 Waverly Avenue. The building will be demolished prior to drainage installation, grading and paving of the Site property.

The Village of Mamaroneck requires a Building Permit from the Building Department for demolition and construction work. The application for a building permit must include a description of the property for the proposed project, a statement of the proposed work and use of the property and valuation of the proposed work.

Prior to demolition of the parking area at 441 Waverly Avenue and the one (1) story building at 442 Waverly Avenue, a walk-through inspection will be conducted to identify items that will be removed prior to demolition (e.g. fluorescent lights, carpets, furniture). A separate asbestos inspection will be conducted by a certified asbestos abatement professional and if asbestos is present, removal will be conducted by a certified company.

All utility companies will be notified and connecting utility lines to the Site structures scheduled for demolition will be shutoff.

Following demolition of the existing Site features described above for 441 and 442 Waverly Avenue and construction of the new paved areas, both Site properties will be available for lease as parking space for adjacent business properties or an outside entity.

Following acceptance by the NYSDEC of the Brownfield Application for 441 and 442 Waverly Avenue, the project schedule is estimated as follows:

<b><u>Task</u></b>	<b><u>Estimated Schedule</u></b>
Apply for Village of Mamaroneck Building Permit, Site Plan Approval and any other Required County/State Permits	8-12 Weeks
Pre-Demolition Inspection and Demolition/Debris Removal	6 Weeks
Oil/Water Separator Tank and Drywells Removal and Closure Report Preparation	6 Weeks
Drainage Installation, Grading and Paving <sup>[1]</sup>	<u>8 Weeks</u>
<b>Total:</b>	28-32 Weeks

<sup>[1]</sup> Schedule for drainage, installation, grading and paving is for non-freezing weather conditions.

28012/Brownfields Application/Appendix A\_Purpose & Scope of Project\_Estimated Project Schedule.doc

## **APPENDIX B (SECTION VII-1 OF APPLICATION)**

### **Summary of Previous Environmental Studies**

A summary of results and past uses of the Site is provided below, based on the Phase I and Phase II Environmental Site Assessment (ESA) Reports by GZA Environmental, Inc., December 2005 completed for 441 and 442 Waverly Avenue, Mamaroneck, Westchester County, New York.

The Areas of Concern (AOCs) and sample locations discussed for each property are shown on Figure 2 of the Phase II ESA report. Analytical Data for soil, soil gas and groundwater collected during the Phase II Investigation in 2005 are summarized in Tables 2A-6 in the Phase II ESA Report.

The Phase II ESA included the investigation of twelve (12) AOCs identified based on the review of historic reports, the Phase I Site reconnaissance survey and understanding of former Site operations. From the twelve (12) AOCs, the following were identified to have subsurface soil impacts:

#### 441 Waverly Avenue

AOC 10- Oil/Water Separator and Associated Drywells

AOC 11- Drywell Unit

#### 442 Waverly Avenue

AOC 3- Former fuel Oil USTs

AOC 6- Former PCE Storage Area

AOC-8- Underground Settling Tanks and Floor Trench System

AOC-12- Former ASTs

These impacts are primarily related to former petroleum, mineral spirits and to a lesser degree, solvent storage and use. Impacts to soils are generally below the applicable Part 375 Soil Cleanup Objectives (SCOs) for restricted commercial use.

In addition to soil impacts, two (2) groundwater quality issues were identified:

- A groundwater plume of chlorinated solvents consisting primarily of Perchloroethylene (PCE) and Trichloroethylene (TCE) is located in the deeper (35-45 feet below ground surface) overburden aquifer in the western areas of 441 and 442 Waverly Avenue, which are considered upgradient to the Sites with respect to the groundwater flow gradient. No documentation was found for storage/use of solvents in the western portions of 441 and 442 Waverly Avenue. A soil gas survey was conducted as part of the Phase II ESA in the western corner of 442 Waverly Avenue and results from 39 soil gas samples indicated there are no solvent impacts. The Phase II ESA report concludes the contamination source is most likely off-Site.
- The shallow overburden aquifer is impacted with relatively low levels of petroleum/mineral spirits (paint thinner) related compounds in the northeastern area of 442 Waverly Avenue. Potential sources include AOC-3 and AOC-8, as described above, and the former mineral spirits UST (AOC-2). The sources have been addressed by the removal of the mineral spirits UST, the operation of an air sparging/soil vapor extraction system in 1996 (see below) and the removal of the fuel oil USTs. The Phase II ESA report suggests that a Monitored Natural Attenuation (MNA) program may be appropriate for this area, taking into consideration that groundwater at the Site properties and within a five (5)-mile radius of the Site is not used as a drinking water source.

The Phase II ESA report states a Remedial Action Plan was conducted in approximately 1996. The proposed remedial action included air sparging and soil vapor extraction to remove Volatile Organic Compounds (VOCs) from soils located above the seasonal low water table in the northern section of 442 Waverly Avenue. The Phase II ESA report states that the treatment system operated from approximately 1997-2001 and removed approximately fourteen (14) pounds of VOCs from the soil.

## **441 Waverly Avenue**

### Historical Use of Property

According to the Phase II ESA Report, 441 Waverly Avenue was originally a residential property until 1934, when a store was constructed. The property was purchased in the 1960s by M. Argueso and Company, Inc. (Argueso), who constructed the existing two-story office building and storage/parking garage. Raw materials were stored at 441 Waverly Avenue for use at the wax manufacturing facility located at 442 Waverly Avenue. Wax manufacturing operations ceased in the spring of 2005. Stored materials included virgin wax, recycled wax, additives and tetrachloroethylene (PCE). The materials were stored in the below grade section of the parking/storage area.

### Summary of Phase II Investigation

AOCs 10 & 11: An oil/water separator system, consisting of one (1) 750-gallon underground storage tank (UST) and three (3) concrete dry wells, is still present on the property. Reported levels for VOCs and Semi-Volatile Organic Compounds (SVOCs) at soil boring location GZ-8, near AOC 10 do not exceed the Part 375-6.4 Remedial Program Soil Cleanup Objectives (SCOs) for Restricted Commercial use (Part 375).

Analytical results for groundwater collected in October 2005 from monitoring well GZ-22D near AOC 10 report the VOC levels for 1,2 Dichloroethane, Benzene, Trichloroethene and Tetrachloroethene exceed Part 703.5 water quality standards.

There are five (5) spills listed in the New York State Department of Environmental Conservation (NYSDEC) Spill Database for 441 Waverly Avenue from 1987 to 1992, all spills have "closed" status.

## **442 Waverly Avenue**

### Historical Use of Property

According to the Phase II ESA Report, 442 Waverly Avenue was planning for a lumber mill in 1912. Subsequent uses included the Mamaroneck Sash, Trim and Door, followed by the Mamaroneck Chemical Company. The property was purchased by Argueso in the 1930s. Site operations initially refined waxes and then operations changed to manufacturing waxes for the investment casting industry.

### Summary of Phase II Investigation

AOC-3: Residual soil contamination exists in the area where three (3) USTs were removed in 1996, but levels do not exceed Part 375 SCOs for Restricted Commercial use. According to the Phase II ESA, a UST Closure Report was not submitted to the NYSDEC and the property has been designated as a Leaking Underground Storage Tank (LUST) site.



AOC-4: An 8,000-gallon fiberglass reinforced plastic fuel oil UST is present; see Figure 2 of the Phase II ESA report for location. According to the Phase II ESA report, the tank was not tested for volume of product and recent tank testing results were not reviewed as part of the 2005 Phase II investigation. This tank is registered with the Westchester County Department of Health Petroleum Bulk Storage Unit and is permitted until August 31, 2011. According to the Department of Health, the UST was installed in 1996 and was last tested in July 2001. A copy of the UST certification form is attached.

AOC-8: Underground settling tanks and associated concrete trench drainage lines are present at the Site. Reported VOCs for soil samples collected from GZ-20 and GZ-16 (near AOC 8) include sec-Butylbenzene, Ethylbenzene, n-Propylbenzene, Tetrachlorethene and 1,2,4 Trimethylbenzene, but reported levels do not exceed the Part 375 SCOs.

AOC-12: Several Target Analyte List (TAL) metals are reported for soil samples collected from soil borings GZ-17 and GZ-18 (AOC 12) (see Table 2C of the Phase II ESA Report). Reported levels for the soil samples do not exceed the Part 375 SCOs.

Section 5, Previous Site Investigations/Reports, Page 11 of the Phase I ESA report states that floor drains are present inside the manufacturing building: "Some of these floor drains are apparently located in areas that were formerly outdoors and any liquids that may have entered these drains would discharge to the ground surface at the rear of the facility along the railroad right-of-way". This area was not identified as an AOC in the Phase II ESA report.

**APPENDIX C (SECTION VII – 6 – 7, SECTION VIII, SECTION IX OF APPLICATION)**

**Section VII: Owners/Operators**

6. Owners

**a. 441 Waverly Avenue, Mamaroneck, New York 10543**

- i. Developed into residential properties in approximately 1912.  
No Records Found
- ii. Developed into a store in 1934.  
No Records Found
- iii. According to the Phase I Environmental Assessment M. Argueso and Co, Inc. purchased the property in the 1960's.  
M. Argueso and Co, Inc  
2817 McCracken Street  
Muskegon, MI 49441 USA  
Tel: 231.759.7304  
Relationship to Requestor - None
- iv. New Waverly Avenue Associates LLC purchased the property on August 31, 2006.  
566 Westchester Avenue  
Rye Brook, NY 10573  
Tel: 914.935.3950  
Relationship to Prior Owner or Operator – None

**b. 442 Waverly Avenue, Mamaroneck, New York 10543**

- i. Developed into a planing mill (possibly Mamaroneck Sash, Door, and Trim Company) in approximately 1912.  
No Records Found
- ii. According to the Phase I Environmental Assessment M. Argueso and Co, Inc. purchased the property in 1939 (approximately).  
M. Argueso and Co, Inc  
2817 McCracken Street  
Muskegon, MI 49441 USA  
Tel: 231.759.7304  
Relationship to Requestor - None
- iii. New Waverly Avenue Associates LLC purchased the property on August 31, 2006.  
566 Westchester Avenue  
Rye Brook, NY 10573  
Tel: 914.935.3950  
Relationship to Prior Owner or Operator – None

7. Operators

Same as above.

## Section VIII: Contact List Information

1. The chief executive officer and planning board/dept. chair of each county, city, town and village which the property is located.
  - a. Westchester County:
    - i. Chief Executive Officer: Andrew J. Spano, 148 Martin Avenue, White Plains, New York 10601
    - ii. Planning Board/Dept. Chair: Cheryl Winter Lewy, Westchester County Planning Board, 148 Martine Avenue, Room 432, White Plains, New York 10601
  - b. Town of Mamaroneck:
    - i. Chief Executive Officer: Valerie M. O’Keeffe, 740 West Boston Post Road, Mamaroneck, New York 10543
    - ii. Planning Board/Dept. Chair: Marc Rosenbaum, 740 West Boston Post Road, Mamaroneck, New York 10543
  - c. Village of Mamaroneck:
    - i. Chief Executive Officer: Leonard M. Verrastro, P.O. Box 369, 123 Mamaroneck Avenue, Mamaroneck, New York 10543
    - ii. Planning Board/Dept. Chair: Robert Galvin, P.O. Box 369, 123 Mamaroneck Avenue, Mamaroneck, New York 10543
2. Residents, owners, and occupants of the property and properties adjacent to the property. Please see Figure 1 and attached Town of Mamaroneck Tax Parcel Map.
  1. 442 Waverly Avenue – Brownfield Application Property
  2. 441 Waverly Avenue – Brownfield Application Property
  3. 517 Waverly Avenue – Carillo’s Collision
  4. 502 Center Avenue - D.T.C Realty, LLC
  5. 438 Center Avenue – DeRosa Tennis Contractors
  6. 430 Center Avenue – J.A. Jackson Corporation
  7. 429 and 431 Waverly Avenue – Henry V. Reaves and Ivone Fazio
  8. 432 Waverly Avenue – Portier Fine Foods
  9. 520 Waverly Avenue – Thomas Milo
  10. 420 Railroad Way – ICW/Main Carpet, Inc./Nessen Lighting
3. Local news media from which the community typically obtains information.
  - a. Newspaper:
    - i. The Journal News, One Gannett Drive, White Plains, New York 10604
  - b. Television:
    - i. Larchmont Mamaroneck Community Television, 740 West Boston Post Road, Suite 311, Mamaroneck, New York 10543
  - c. Radio:
    - i. WFUV, Fordham University, Bronx, New York 10458

4. The public water supplier which services the area in which the property is located:
  - a. Village of Mamaroneck
    - i. Westchester Joint Water Works, 1625 Mamaroneck Ave, Mamaroneck, New York 10543
5. Any person who has requested to be placed on the contact list.
  - a. PENDING
6. The administrator or any school of day care facility located on or near the property:
  - a. Schools
    - i. Liberty Montessori School, 631 West Boston Post Road, Mamaroneck, New York 10543
    - ii. Little Flower Nursery School, 310 East Boston Post Road, Mamaroneck, New York 10543
    - iii. Mamaroneck Community Nursery School- Toddler Center, 122 Fenimore Road, Mamaroneck, New York 10543
    - iv. Mamaroneck Community Nursery School, 501 Tompkins Avenue, Mamaroneck, New York 10543
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Mamaroneck Village Office  
Village Manager  
Village Hall at the Regatta  
123 Mamaroneck Avenue  
Mamaroneck, New York 10543

## Section IX: Land Use Factors

**9. Are there important federal, state, or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?**

The Sheldrake River, also known as the Mamaroneck River, and Mamaroneck Harbor are both within one half (½) mile of the Site.

**10. Are there flood plains within ½ mile?**

Yes, according to the Federal Emergency Management Agency (FEMA) the southeastern portion of 442 Waverly Avenue and northeastern portion of 441 Waverly Avenue fall within a 100 year flood plan. (Map ID #36119C0353F)

**12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.**

The Site (441 and 442 Waverly Avenue, Mamaroneck, New York, 10543) is surrounded by primarily industrial and commercial properties which cover approximately one half (½) square mile. This area is bounded on the northwest by Interstate 95, on the northeast by Plaza Avenue, on the southeast by the Metro-North railroad tracks, and on the southwest by Rockland Avenue. Within this area there are two (2) residential properties (429 and 431 Waverly Avenue, Mamaroneck, New York, 10543) within 100 feet of the Site.

The industrial and commercial area referred to above is bounded on all sides by residential neighborhoods. Multiple parks, including Harbor Island Park, and golf courses are within a mile of the site that serve these communities, as well as the Saxon Woods, which surround the Mamaroneck Reservoir.

No major agricultural properties are within the vicinity of the site.

**13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas.**

According the New York State Department of Health, as communicated by Ms. Jane Thapa, there are no public water wells in or within five (5) miles of the Village of Mamaroneck. During the reconnaissance of the Site vicinity for the Phase I Environmental Site Assessment, there was no evidence of any property within 1,000 feet of the Site using a private well for drinking water. The nearest reported private water supply well is located at 1625 Mamaroneck Avenue approximately 2,000 feet east/southeast of the Site. This location is hydraulically sidegradient from the Site.

As reported in the December 2005 Phase I Environmental Site Assessment, provided in Appendix B, groundwater beneath the Site is presumed to flow generally to the north/northeast. Additionally, it was determined as part of the Phase II Environmental Site Assessment that shallow overburden groundwater generally flows to the northeast across the majority of the Site. Deep overburden groundwater was determined to flow northeast across the western half of the Site and northwest across the eastern half of the Site. This flow pattern is assumed to be consistent with the regional groundwater flow towards the Sheldrake River, which is located 700 feet to the northeast of the site.

**15. Describe on attachment the geography and geology of the site.**

As reported in the Phase I Environmental Assessment and according to the seven and a half (7.5) minute Quadrangle Map of Mamaroneck, New York (U.S. Geological Survey, 1970 photo revised 1984), the Site is generally level with an elevation of approximately 25 feet above mean sea level (amsl). According to the Westchester Government GIS Data for Westchester County (2005 edition), the Site and its vicinity are mapped within the Sheldrake River Basin. The Sheldrake River is located approximately 700 feet to the northeast and the Mamaroneck River is located approximately 2,200 feet to the east of the Site. The Sheldrake River generally flows east/southeast to the Mamaroneck River, which discharges to Mamaroneck Harbor located approximately 2,000 feet southeast of the Site.

Boring explorations, previously performed by ALTA Environmental Corporation and Haley and Aldrich, Inc. as part of the December 2005 Phase II ESA, ranged in depth from approximately thirteen and a half (13.5) feet to sixty-five (65) feet.

Surficial material was identified as fill in a surficial layer that ranged in thickness from 3.5 to 9.0 feet. The fill consists of silty sands with gravel with black cinders observed in the fill at two of the borings installed below the manufacturing building. Alluvial sand deposits underly the fill and vary from fine to coarse. Both the sand and the fill were found to be permeable. No confining layer was detected.

While no bedrock was encountered in the borings at the Site, bedrock maps of the Lower Hudson, as published in the "Geologic Map of New York" by the New York State Museum and Science Service Map and Chart Series, show the bedrock below the Site to be the Hartland Formation. This unit is a basal amphibolite overlain by polytict schists.



Sterling Environmental Engineering, P.C.

August 20, 2008

Mr. Leonard M. Verrastro  
Village Manager  
Village Hall at the Regatta  
123 Mamaroneck Avenue  
Mamaroneck, New York 10543

Subject: Document Repository  
Brownfield Cleanup Program  
441-442 Waverly Avenue  
Mamaroneck, New York 10543  
STERLING File #28012

Dear Mr. Verrastro,

Thank you for agreeing to act as the document repository for the Brownfield Cleanup Site located in the Village of Mamaroneck at 441-442 Waverly Avenue. Sterling Environmental Engineering, P.C. (STERLING) will contact you before forwarding the repository documents to the Village Hall.

Please contact me should you have any questions or comments.

Sincerely yours,

STERLING ENVIRONMENTAL ENGINEERING, P.C.

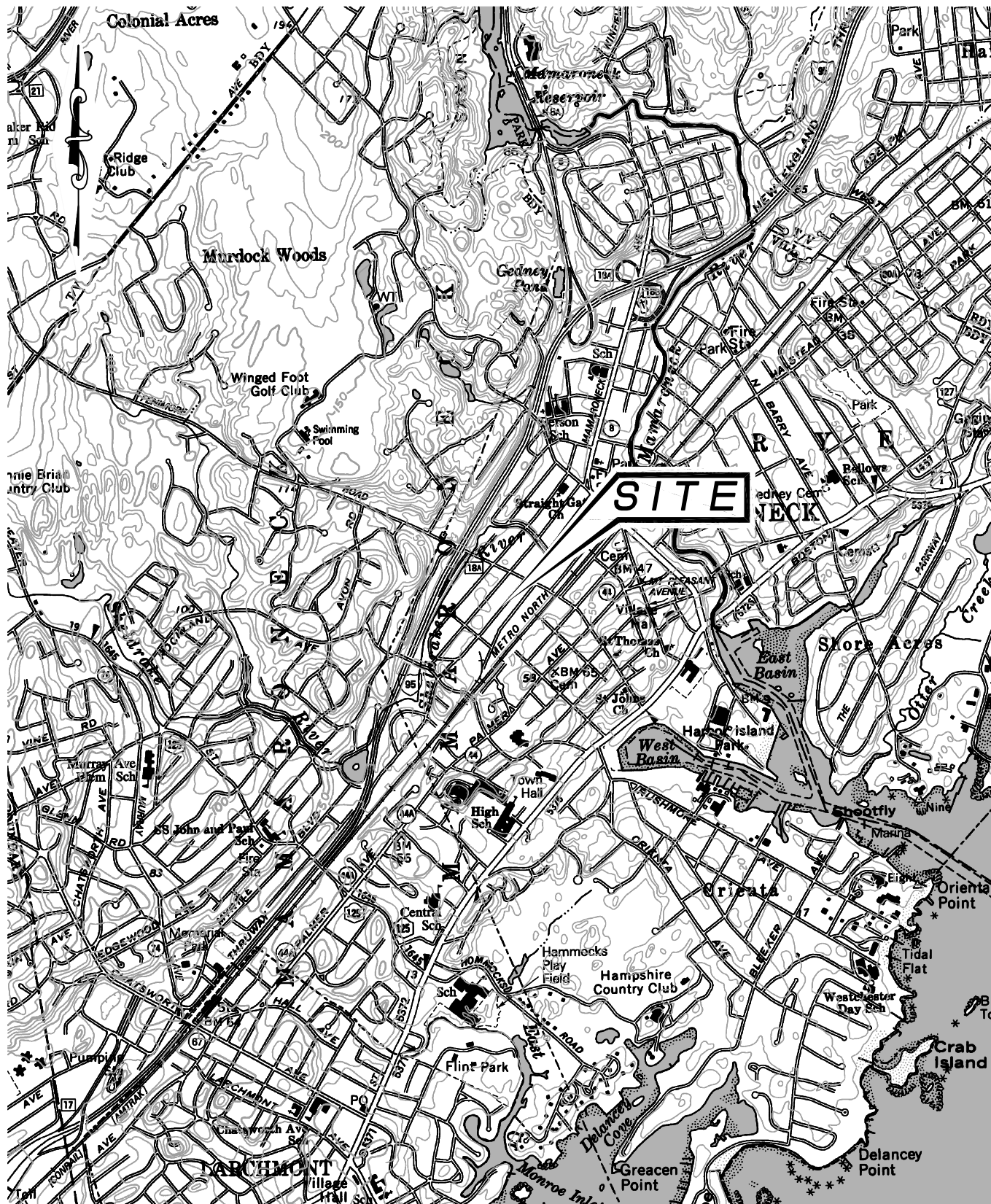
A handwritten signature in cursive script that reads "Jessica S. Martin".

Jessica S. Martin  
Environmental Engineer  
[Jessica.Martin@sterlingenvironmental.com](mailto:Jessica.Martin@sterlingenvironmental.com)

JSM/bc  
Email/First Class Mail

cc: T.J. Milo, 306 Fayette Avenue Realty

28012/Correspondence/Letter to Document Repository.doc



MAP REFERENCE: NYSDOT MAMARONECK & MOUNT VERNON QUADRANGLE, 1990.

FIGURE 1

**STERLING**  
 Sterling Environmental Engineering, P.C.

24 Wade Road • Latham, New York 12110

SITE LOCATION MAP  
 FORMER M. ARGUESO AND CO., INC.  
 441-442 WAVERLY AVENUE

TOWN OF MAMARONECK

WESTCHESTER CO., N.Y.





LEGEND:

----- APPROXIMATE PROPERTY LINE

PROPERTY OWNERS ADJACENT TO BROWNFIELD APPLICATION PROPERTIES

- 1) 442 WAVERLY AVENUE—BROWNFIELD APPLICATION PROPERTY
- 2) 441 WAVERLY AVENUE—BROWNFIELD APPLICATION PROPERTY
- 3) 517 WAVERLY AVENUE—CARILLO'S COLLISION
- 4) 502 CENTER AVENUE—D.T.C. REALTY LLC.
- 5) 438 CENTER AVENUE—DEROSA TENNIS CONTRACTORS
- 6) 430 CENTER AVENUE—J.A. JACKSON CORP.
- 7) 429&431 WAVERLY AVENUE—HENRY U. & IVONE FAZIO
- 8) 432 WAVERLY AVENUE—PORTIER FINE FOODS
- 9) 520 WAVERLY AVENUE—THOMAS MILO
- 10) 420 RAILROAD WAY—ICW/MAIN CARPET, INC./ NESSEN LIGHTING

MAP REFERENCE:

PROPERTY LINE LOCATIONS FOR 441 AND 442 WAVERLY AVENUE ARE BASED ON THE FIGURE PROVIDED BY GEO ENVIRONMENTAL, INC. ENTITLED "FORMER ARGUESO FACILITY" DATED SEPTEMBER 16, 2005.

AERIAL PHOTOGRAPH PROVIDED BY NEW YORK STATE GIS, (2004).

FIGURE 1

**SERLING**

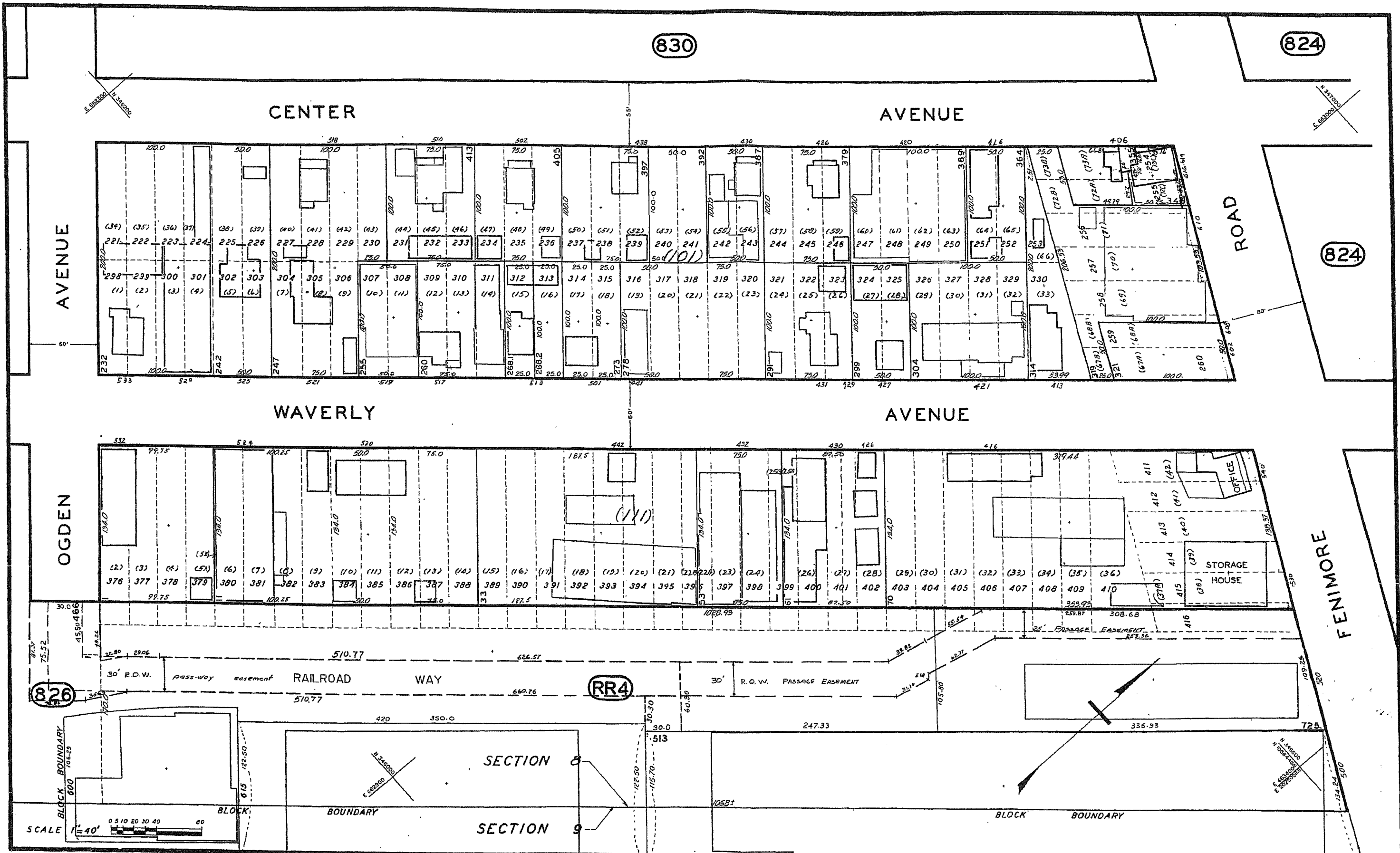
Sterling Environmental Engineering, P.C.

24 Wade Road • Latham, New York 12110

PROPERTY BASE MAP  
BROWNFIELD APPLICATION  
441-442 WAVERLY AVENUE

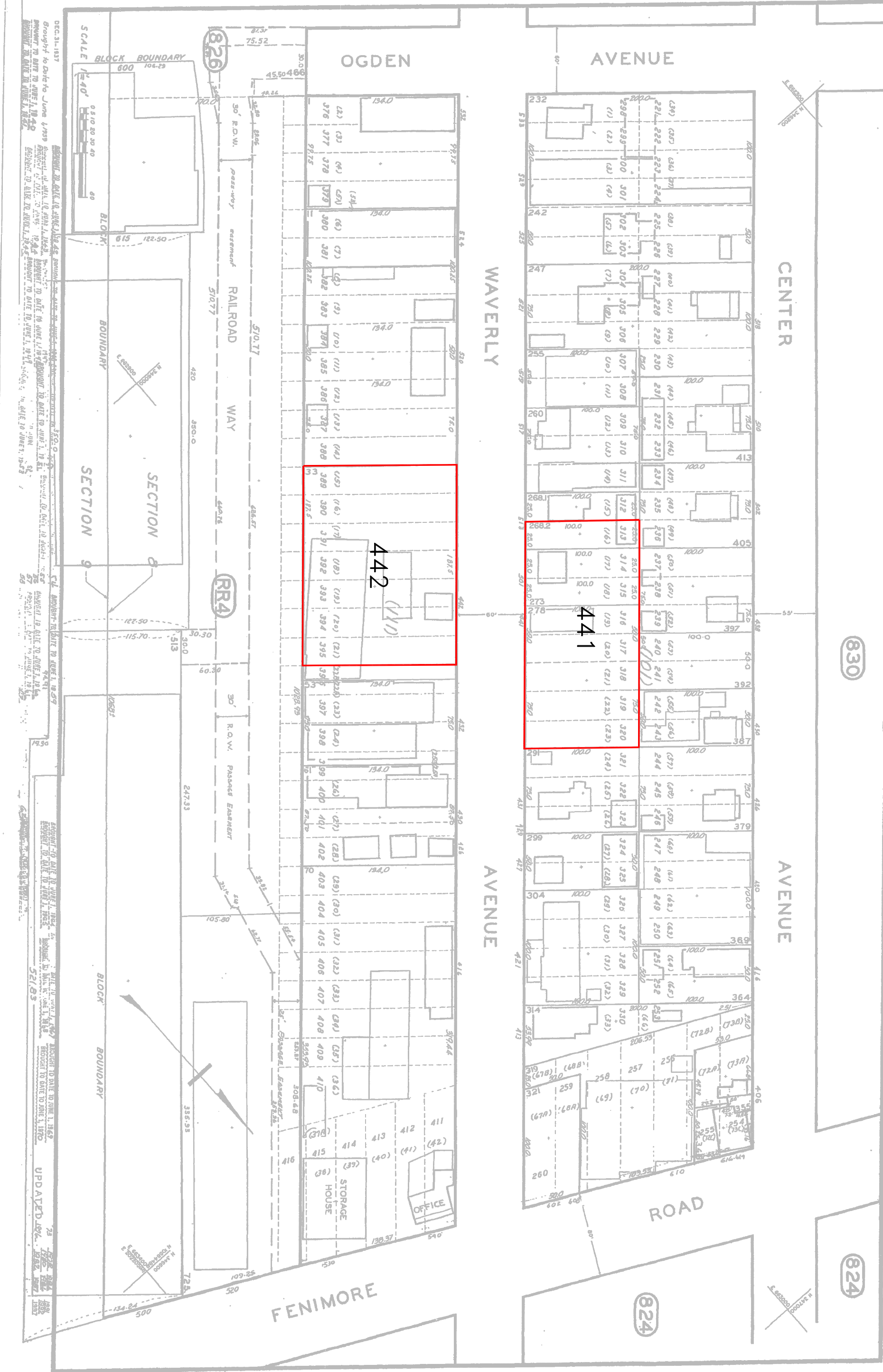
VILLAGE OF MAMARONECK WESTCHESTER CO., N.Y.





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UPDATED 1976, 1982, 1987, 1997



SCALE 1"=40'

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BLOCK BOUNDARY 615 122-50

SECTION 8  
 SECTION 9

BLOCK BOUNDARY

BLOCK BOUNDARY

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