Clinton Terrace Shopping Center

WESTCHETER COUNTY, NEW YORK

Site Management Plan

NYSDEC Site Number: C360110

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Revisions to Final Approval:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date

NOVEMBER, 2011

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES

A - Environmental Easement / Metes and Bounds

B – Site Maps

C – Health and Safety Plan

D - Monitoring Well Boring and Construction Logs

E -Groundwater Monitoring Well Sampling Log Form

F - Quality Assurance Project Plan

G - Site-wide Inspection Form

H - EC As-Built Drawings

SITE MANAGEMENT PLAN

1.0 INTRO / DESCRIPTION OF REMEDIAL PROGRAM

1.1 INTRODUCTION

This document is required as an element of the remedial program at the former Clinton Terrace Shopping Center (hereinafter referred to as the "Site") under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by New York State Department of Environmental Conservation (NYSDEC). The site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index# C360110 which was executed on October 18, 2009.

1.1.1 General

Ossining Rx Development, LLC and Mehlich Associates (hereinafter referred to as the "Remedial Party") entered into a BCA with the NYSDEC to remediate a one acre parcel of commercial property located in Village of Ossining, Westchester County, New York. This BCA required the Remedial Party investigate and remediate contaminated media at the site. A figure showing the site location and boundaries of this 1-acre site is provided in Figure 1 below. The boundaries of the site are more fully described in the metes and bounds site description that is part of the Environmental Easement attached as appendix A.

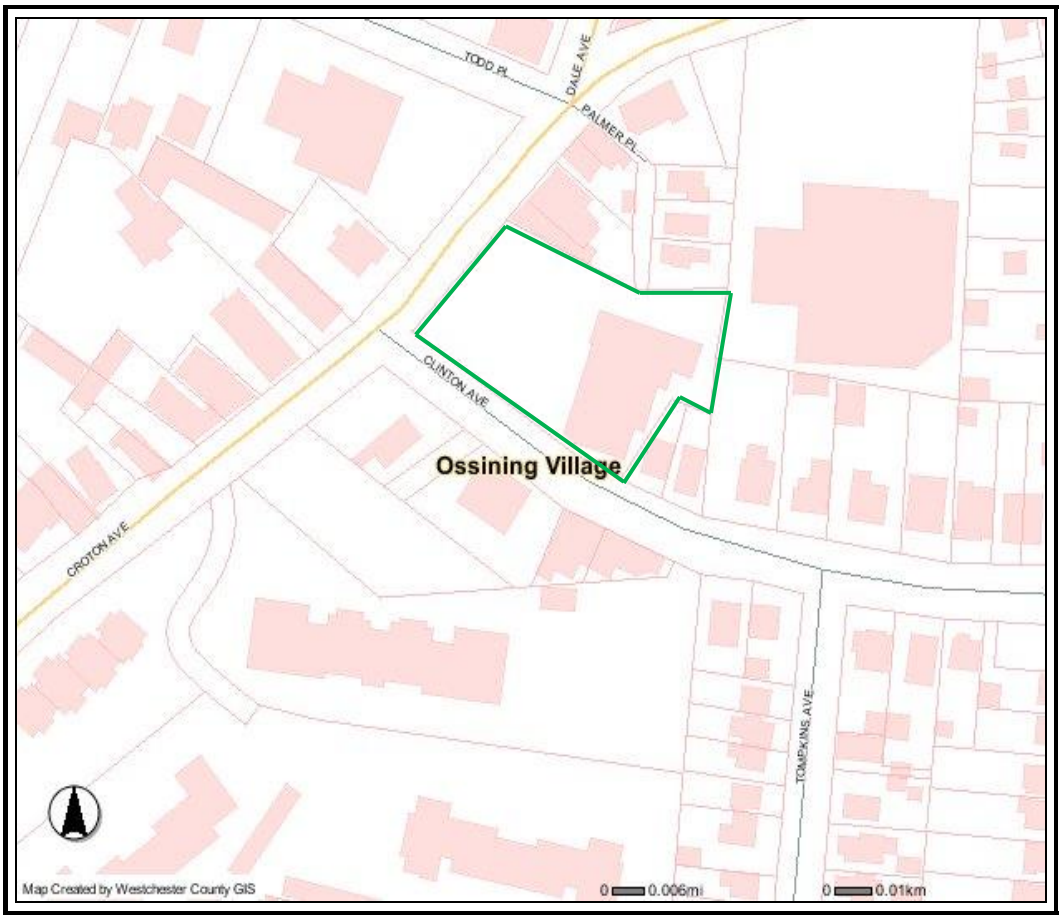

Figure 1 – Site Location Map

After completion of the remedial work described in the Remedial Action Work Plan, some contamination was left in groundwater at this site at concentrations exceeding state regulatory limits, which is hereafter referred to as 'remaining contamination." This Site Management Plan (SMP) was prepared to manage remaining contamination at the site until the Environmental Easement is removed in accordance with ECL Article 71, Title 36. All reports associated with the site can be viewed by contacting the NYSDEC or its successor agency managing environmental issues in New York State.

This SMP was prepared by Jade Environmental, Inc., on behalf of Ossining Rx Development, LLC, the end user, in accordance with the requirements in NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation, dated May 3, 2010 and the guidelines provided by NYSDEC. This SMP addresses the means for implementing the Institutional Controls (ICs) and Engineering Controls (ECs) that are required by the Environmental Easement for the site.

1.1.2 Purpose

The site contains residual contamination left behind after completion of the remedial action. Engineering Controls have been incorporated into the site remedy to control exposure to residual contamination during site use and ensure protection of public health and the environment. An Environmental Easement granted to the NYSDEC, and recorded with the Westchester County Clerk, will require compliance with this SMP and all ECs and ICs placed on the site. The ICs place restrictions on site use, and mandate operation, maintenance, monitoring and reporting for all ECs and ICs.

This SMP specifies the methods necessary to ensure compliance with all ECs and ICs required by the Environmental Easement for contamination that remains at the site. This plan has been approved by the NYSDEC, and compliance with this plan is required by the grantor of the Environmental Easement and the grantor's successors and assigns. This SMP may only be revised with the approval of the NYSDEC.

This SMP provides a detailed description of all procedures required to manage residual contamination at the site after completion of the Remedial Action, including:

(1) implementation and management of all Engineering and Institutional Controls;
(2) media monitoring;
(3) O&M of all treatment, collection, containment, or recovery systems;
(4) Periodic inspections, certifications, and Periodic Review Reports; and
(5) defining criteria for termination of treatment system operations.

To address these needs, this SMP includes three plans:

(1) an Engineering and Institutional Control Plan;
(2) a Monitoring Plan; and
(3) an Operation and Maintenance Plan.

This SMP also includes a description of Periodic Review Reports detailing the periodic filing of inspection results, recommendations, and certifications required by the NYSDEC.

It is important to note that:

- **This SMP details the site-specific implementation procedures that are required by the Environmental Easement. Failure to properly implement**

the SMP is a violation of the environmental easement, which is grounds for revocation of the Certificate of Completion (COC); and

- **Failure to comply with this SMP is also a violation of Environmental Conservation Law, 6NYCRR Part 375 and the BCA Site # C360110 for the site, and thereby subject to applicable penalties.**

1.1.3 Revisions

Revisions to this plan must be proposed in writing to the NYSDEC's project manager. In accordance with the Environmental Easement for the site, the NYSDEC will provide a notice of any approved changes to the SMP, and append these notices to the approved SMP.

1.2 SITE BACKGROUND

1.2.1 Site Location and Description

The Site is located in the Village Of Ossining, County of Westchester County, New York and is identified as Section 89.16 Block 7 and Lot 1 by the Village of Ossining Tax Assessor. The Site is approximately 1-acre and bounded by Croton Avenue to the west, Clinton Avenue to the south, mixed commercial and residential development to the north and single family dwellings to the east (see Figure 1). The boundaries of the site are more fully described in Appendix A – Metes and Bounds.

1.2.2 Site History

Historical data indicates the site was developed with two (2) two-story single family dwellings fronting Clinton and Croton Avenues built in the 1800s. Historical data indicates both dwellings may have also been used for light commercial purposes including a bakery and a fishing reel retailer. The two dwellings were purchased, the lots combined and the dwellings razed in about 1954. By 1956 a single story block commercial structure occupied by a grocery store "Gristedes" was constructed in the northeast corner of the property, which comprised the two (2) northern most units of the former shopping center (razed March 2011). The remainder of the property was asphalt paved and used for patron parking.

In 1961 an addition was appended to the southern side of the building, more than doubling the size of the building to a total of approximately 10,000 SF. The building and property as a whole had not changed since the addition in 1961 (50 years).

The southernmost unit of the addition was tenanted by a laundry mat which included a Westinghouse Coin-Operating Dry Cleaning facility containing 10 solvent washers in the northwest corner of the tenant space. Records indicate the laundry mat opened their doors in January 1961 and continued in operation until approximately 1975. Specific data was unavailable to confirm or deny whether dry cleaning was conducted during the entire existence of the laundry mat. In 1975, the laundry facility was converted into a pharmacy and a cheese shop. The pharmacy later expanded into the cheese shop space and was in operation during the initial investigations of the Site which began in 2008. As part of this Brownfield project the commercial building was razed in March 2011.

1.2.3 Geologic Conditions

Based on inspection, surficial deposits across the Site consist of glacial till, and fill material which appears to have originated as glacial till, likely from a nearby - possibly on-site - source. Typical till consists of varying components of clay, silt and sand with gravel. Based on soil inspection, it appears that some of the Site has been filled with up to as much as 14 feet of soil.

At boring WP-2, a suspected remnant wetland formation was identified at 14 feet below surface grade (bsg), in the form of a meadow mat. Beneath the meadow mat is typical decomposing organic materials above an aquitard of dense gray mottled silt and clay.

State geology maps provided by the New York State Department of Education indicates that Ossining is located at the northern end of a bedrock formation referred to as the Manhattan Prong and comprised primarily of highly glaciated schist, gneiss and marble. At the southeast corner of the site, bedrock is at grade and rises to almost roof grade behind the south exterior wall near the sidewalk along Clinton Avenue. Borings in the alley behind the southeast corner of the building identified bedrock approximately 3 feet below grade. Borings SB-21 and SB-22, located approximately 15’ north of the south exterior wall inside the building, encountered rock at 4-6’ bsg. Borings SB-4, 5 and 6 located approximately 20’ north of the south exterior wall in the parking lot in front of the pharmacy, encountered bedrock between 7-12’ bsg. At WP-11, centrally located between the north and south property lines, the boring was terminated at over 30’ bsg, indicating that the bedrock dips significantly to the north, possibly vertically in areas.

Groundwater is 10’ below surface grade (“bsg”) at the up gradient southeast corner of the property and dips approximately 13’ bsg near the down gradient northwest corner of the Site. Please refer to the Groundwater Contour Map provided as Appendix B for a

depiction of the potentiometric surface of the upper aquifer. As can be seen on the map, groundwater beneath the site generally flows in a northwesterly direction.

1.3 SUMMARY OF REMEDIAL INVESTIGATION FINDINGS

A Remedial Investigation (RI) was performed to characterize the nature and extent of contamination at the site. The results of the RI are described in detail in the Remedial Investigation / Feasibility Study (RI/FS) dated approved on October 25, 2010.

Generally, the RI/FS determined that a source of Tetrachloroethene ("TCE").
TCE was present in soil beneath the former coin operated machines in the northwest corner of the southern most retail unit. Historical records indicated that the dry cleaner had an underground spill overflow tank that would collect any inadvertently spilled TCE from the business's day to day operations. This information was confirmed during the site's investigation activities. Soil samples collected from the vicinity of the overflow tank indicate that discharges occurred from its plumbing, possibly a loose elbow. Over the dry cleaner's years of operations, a "source" of TCE resulted in the shallow soil beneath the former dry cleaning equipment as a result of these discharges.

Site-Related Groundwater

Because the release was beneath the building floor slab and protected from the effects of stormwater percolation, the investigation did confirm gravity accelerated dispersion resulted in TCE reaching the saturated zone 10' below grade. The groundwater carried the dissolved TCE along its natural flow pattern in a northwesterly direction beneath the front of the former shopping center building and then beneath the parking lot. Testing revealed little if any TCE had been carried off-site with groundwater.

Site-Related Soil Vapor Intrusion

TCEAs required by DER-10, Jade gained access into the north adjacent residence and collected two soil gas samples as well as a basement indoor air sample. The purpose of the sampling was to ascertain whether soil vapor intrusion was impacting or had the potential to impact the off-site property. The results of the soil gas/indoor air quality survey were inconclusive. The Department plans to complete additional soil vapor intrusion sampling in the future. The RI/FS and maps and survey's therewith provide in-depth detail into the nature and extent of the TCE contamination in both soil and groundwater beneath the Site. The investigation also confirms no other regulated contaminants exist in site soil/groundwater except a small area of SVOCs in soil beneath the parking lot attributed to ash observed in the subsurface during sampling in this area. The presence of the low levels of SVOCs was attributed to the site's historical fill and it

was determined that a site cover system would address this concern. Other than some limited delineation efforts, no additional contaminant investigation was conducted.

1.4 SUMMARY OF REMEDIAL ACTIONS

The site was remediated in accordance with the NYSDEC-approved February 2011 Decision Document.

The following is a summary of the Remedial Actions performed at the site:

1. Excavation and removal of the storage tank and plumbing system and proper disposal of the residual TCE remaining in the storage tank. It was during this removal this system that the loose piping was identified and the heaviest soil contamination identified beneath the loose elbow, the expected discharge point.

2. Installation of a groundwater dewatering / treatment system to drop the water table from 10’ below grade to 15’ below grade so that excavation could proceed below the static water table.

3. Excavation of soil/fill beneath the discharge point contaminated above unrestricted SCOs listed in 6 Part 375 -6.8(b) Table 11.1 (protection of groundwater), to a depth of 13+ feet below the first floor elevation of the former retail building.

4. Backfilling of the saturated zone and lower vadose zone with highly permeable crushed stone to promote aeration and effectuated rapid distribution of Hydrogen reducing compound throughout the excavation.

5. Application of hydrogen releasing compound (HRC) in order to encourage indigenous anaerobic bacteria growth and the subsequent dechlorination of residual contaminants during the natural metabolism of the bacteria.

6. Installation of a permeable vapor barrier to minimize communication between potentially contaminated below grade and above grade atmospheres.

7. Installation of a sub-slab depressurization system to create a negative pressure differential between below grade and above grade atmospheres so should a migration of gases occur that migration would be from interior room space (higher pressure) to the sub

slab (low pressure), further protecting the interior breathing zone from potential harmful sub-slab vapor intrusion;

8. Construction and maintenance of a cover system comprised of concrete and / or a 12" layer of certified clean fill (i.e. top soil) to prevent future human exposure to any residual contaminated soil/fill remaining at the site;

9. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the site.

10. Development and implementation of this Site Management Plan for long term management of residual contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;

Active remedial work was conducted between May 15 and July 15, 2011. Installation of vapor barrier, sub-slab depressurization and cover control system were completed during the building construction between July 15 and October 15, 2011 .

1.4.1 Removal of Contaminated Media from the Site

As part of the remedial efforts, after the building was removed, a total of 1150 tons of non-hazardous TCE contaminated soil and 112 tons of contaminated soil that characterized as hazardous due to contaminant concentration/leachability was excavated from beneath the discharge point and appropriately disposed off-site. The contaminated soil was excavated to a minimum depth of 12 feet below grade. The PCE source area was predominantly removed and its break down components (e.g. TCE, xDCE and VC) that remain at the site will be significantly reduced as a result of the PCE mitigation efforts.

A list of the soil cleanup objectives (SCOs) for the primary contaminants of concern (COCs) and applicable land use for this site is provided in Table 1 below.

Table 1- Applicable SCOs

Constituent	Unrestricted Use Soil Clean-up Objective (ppb)
1,2-Dichloroethane	20
cis-1,2-Dichloroethene	250
trans-1,2-Dichloroethene	190
Tetrachloroethene	1,300
Trichloroethene	470
Vinyl chloride	20

A figure showing areas where excavation was performed is shown in maps provided in Appendix B.

1.4.2 Site-Related Treatment Systems

Other than application of HRC and monitoring thereof in addition to on-going monitoring of the residual contaminant plume in groundwater, no long-term treatment systems were installed as part of the site remedy.

1.4.3 Remaining Contamination

Table 2 summarizes the analytical results from the post excavation soil sampling. After completion of the Remedial Action activities, very limited soil contamination remains at the site that exceeds the Track 1 (unrestricted) SCOs. This contamination was not feasibly removed during excavation.

Table 2- Post Excavation End-point Soil Sample Analysis Results

End-Point Sample Id	Contaminant SCO ppb)			
	TCE (1,300)	TCE (470)	DCE	VC (20)
North Wall	5,700 (1,300)	<5.7	<5.7	<5.7
South Wall	<5.5	<5.5	<5.5	<5.5
East Wall	4,000 (1,800)	<5.6	<5.6	<5.6
West Wall	420	<150	<150	<150
North Bottom	9,800 (42)	<280	<280	<280
South Bottom	11	<5.9	<5.9	<5.9

Notes:

1. All concentrations reported in parts per billion (ppb)
2. Concentrations in parenthesis include results from resampling after additional excavation/stockpiling was deemed required based on end-point sampling results exceeding applicable SCOs.
3. No third sampling of the east wall was conducted after obtaining the 1800 ppb result as additional excavation extended to the basement wall of the building, so additional sampling was not possible.

2.0 ENGINEERING / INSTITUTIONAL CONTROL PLAN

2.1 INTRODUCTION

2.1.1 General

Since low levels of TCE as well as its breakdown components remain beneath the site, Engineering and Institutional Controls (EC/ICs) are required to ensure protection of human health and the environment. This Engineering and Institutional Control Plan describes the procedures for the implementation and management of all approved EC/ICs at the site. The EC/IC Plan is one component of this SMP. The NYSDEC reserves the right to revise EC/ICs as needed any time during its implementation.

2.1.2 Purpose

This plan provides:

- A description of all EC/ICs on the site;
- The basic implementation and intended role of each EC/IC;

- A description of the ICs set forth in the Environmental Easement;
- A description of the components required of each periodic inspection and essential components of the periodic inspection reports;
- A description of plans and procedures to be followed in the event a deviation of the EC/ICs was required, such as the implementation of the Excavation Work Plan for the proper handling of remaining contamination that may be disturbed during maintenance or redevelopment work on the site that required breech of the cover system and contact with soil potentially contaminated with residual:

2.2 ENGINEERING CONTROLS

2.2.1 Engineering Control Systems

2.2.1.1 Soil Cover

Exposure to soil/fill at the site will be limited by a soil or concrete cover system placed over the site. This cover system is comprised of a minimum of 12 inches of clean soil or 4+ inch thick layer of asphalt pavement or concrete (i.e. sidewalks, building slabs, asphalt parking areas). In the event the cover system is required to be breached, penetrated or temporarily removed, and any underlying soil disturbed, a work plan will have to be first approved by the site engineer and/or the NYSDEC. The site engineer will be required to inspect, maintain and certify competence of the cover system annually as required by this SMP.

2.2.1.2 Vapor Barrier

To minimize the communication of gases between interior and subslab atmospheres, a vapor barrier will be installed comprised of a layer of 6 mil polyethylene sheeting. The sheeting will be oriented in a manner that minimizes the number of pieces of sheeting required to cover the entire footprint of the building. Where two separate pieces are required, the two sheets will overlap by a minimum of 2’ and be adhered to each other using two continuous ¼” beads of 100% silicone. At exterior walls/foundations, the sheeting will drop a minimum 6” down the wall of the building and be adhered to the wall again using continuous beads of silicone. The concrete slab

will be installed immediately after installation of the vapor barrier to minimize worker contact and ensure its integrity.

2.2.1.3 Sub-slab Depressurization Systems

Procedures for monitoring the sub-slab depressurization system are included in the Monitoring Plan (Section 3 of this SMP). The sub-slab depressurization system will include the installation of a highly permeable sub-slab layer of ¾" crushed stone with a minimum thickness of 6" fitted with perforated PVC pipe fully imbedded in the stone and stubbed out behind the building so that no perforations of the floor slab are required. Once the building is erected, a sub-slab depressurization will be completed by connecting the piping stubs to a radon extraction / in-line fan system, which will be fixed to the rear wall of the building and vent above the roof line. The crushed stone will be covered with an impermeable membrane sealed at the edges with a double bead of 100 % silicone.

2.2.2 Criteria for Completion of Remediation/Termination of Remedial Systems

Generally, remedial processes are considered completed when effectiveness monitoring indicates that the remedy has achieved the remedial goals identified by the decision document. The framework for determining when remedial processes are complete is provided in Section 6.6 of NYSDEC DER-10.

2.2.2.1 Composite Cover System

The composite cover system is a permanent control and the quality and integrity of this system will be inspected at defined, regular intervals.

2.2.2.2 Vapor Barrier

The vapor barrier is a permanent control and the quality and integrity of this system will be inspected at defined, regular intervals.

2.2.2.3 Sub-slab Depressurization System (SSDS)

The active SSD system will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the SSD system is no longer required, a proposal to discontinue the SSD system will be submitted by the property owner to the NYSDEC and NYSDOH.

2.2.2.4 Groundwater Monitoring

Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC, until residual groundwater concentrations are found to be below NYSDEC standards. Monitoring will continue until permission to discontinue is granted in writing by the NYSDEC.

2.3 INSTITUTIONAL CONTROLS

A series of Institutional Controls is required by the SMP to:

(1) detail the implementation, maintenance and monitoring Engineering Control systems;

(2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface; and,

(3) limit the use and development of the site to non-residential uses only.

Adherence to these Institutional Controls on the site is required by the Environmental Easement and will be implemented under this Site Management Plan. These Institutional Controls require:

- Compliance with the Environmental Easement and this SMP by the Grantor and the Grantor's successors and assigns;
- All Engineering Controls be operated/maintained as specified in this SMP;
- All Engineering Controls on the Controlled Property be inspected at a frequency and in a manner defined in the SMP.
- Groundwater monitoring as defined in this SMP;
- Data and information pertinent to Site Management of the Controlled Property be reported at the frequency and in a manner defined in this SMP;

Institutional Controls identified in the Environmental Easement may not be discontinued without an amendment to or termination of the Environmental Easement.

The Site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may only be used for commercial use provided that the long-term Engineering and Institutional Controls included in this SMP are employed.
- The property may not be used for a higher level of use, such as restricted residential use without amendment of the Environmental Easement, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining soil must be conducted in accordance with the excavation work plan contained in this;
- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- The potential for vapor intrusion must be evaluated for any future buildings and any potential impacts that are identified must be monitored or mitigated;
- Vegetable gardens and farming on the property are prohibited;
- The site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable.

2.3.1 Excavation Work Plan

The site has been remediated for restricted use. Any future intrusive work that will penetrate the soil cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system will be performed in

compliance with an Excavation Work Plan (EWP) prepared for each such event and approved by the NYSDEC. Any work conducted pursuant to the EWP must also be conducted in accordance with the procedures defined in a Health and Safety Plan (HASP) and Community Air Monitoring Plan (CAMP) prepared for the site. A sample HASP is attached as Appendix C to this SMP that is in current compliance with DER-10, and 29 CFR 1910, 29 CFR 1926, and all other applicable Federal, State and local regulations. Based on future changes to State and federal health and safety requirements, and specific methods employed by future contractors, the HASP and CAMP will be updated and re-submitted. Any intrusive construction work will be performed in compliance with the EWP, HASP and CAMP, and will be included in the periodic inspection and certification reports submitted under the Site Management Reporting Plan (See Section 5).

The site owner and associated parties preparing the remedial documents submitted to the State, and parties performing this work, are completely responsible for the safe performance of all intrusive work, the structural integrity of excavations, proper disposal of excavation de-water, control of runoff from open excavations into remaining contamination, and for structures that may be affected by excavations (such as building foundations and bridge footings). The site owner will ensure that site development activities will not interfere with, or otherwise impair or compromise, the engineering controls described in this SMP.

2.3.2 Soil Vapor Intrusion Evaluation

Prior to the construction of any enclosed structures on the site in the future, an SVI evaluation will be performed to determine whether any mitigation measures are necessary to eliminate potential exposure to vapors in the proposed structure. Alternatively, an SVI mitigation system may be installed as an element of the building foundation without first conducting an investigation. This mitigation system will include a vapor barrier and passive sub-slab depressurization system that is capable of being converted to an active system.

Prior to conducting an SVI investigation or installing a mitigation system, a work plan will be developed and submitted to the NYSDEC and NYSDOH for approval. This work plan will be developed in accordance with the most recent NYSDOH “Guidance for Evaluating Vapor Intrusion in the State of New York”. Measures to be employed to

mitigate potential vapor intrusion will be evaluated, selected, designed, installed, and maintained based on the SVI evaluation, the NYSDOH guidance, and construction details of the proposed structure.

Preliminary (unvalidated) SVI sampling data will be forwarded to the NYSDEC and NYSDOH for initial review and interpretation. Upon validation, the final data will be transmitted to the agencies, along with a recommendation for follow-up action, such as mitigation. Validated SVI data will be transmitted to the property owner within 30 days of validation.

SVI sampling results, evaluations, and follow-up actions will also be summarized in the next Periodic Review Report.

2.4 INSPECTIONS AND NOTIFICATIONS

2.4.1 Inspections

Inspections of all remedial components installed at the site will be conducted at the frequency specified in the SMP Monitoring Plan schedule. A comprehensive site-wide inspection will be conducted annually, regardless of the frequency of the Periodic Review Report. The inspections will determine and document the following:

- Whether Engineering Controls continue to perform as designed;
- If these controls continue to be protective of human health and the environment;
- Compliance with requirements of this SMP and the Environmental Easement;
- Achievement of remedial performance criteria;
- Sampling and analysis of appropriate media during monitoring events;
- If site records are complete and up to date; and
- Changes, or needed changes, to the remedial or monitoring system;

Inspections will be conducted in accordance with the procedures set forth in the Monitoring Plan of this SMP (Section 3). The reporting requirements are outlined in the Periodic Review Reporting section of this plan (Section 5).

If an emergency, such as a natural disaster or an unforeseen failure of any of the ECs occurs, an inspection of the site will be conducted within 5 days of the event to verify the effectiveness of the EC/ICs implemented at the site by a qualified environmental professional as determined by NYSDEC.

2.4.2 Notifications

Notifications will be submitted by the property owner to the NYSDEC as needed for the following reasons:

- 60-day advance notice of any proposed changes in site use that are required under the terms of the Brownfield Cleanup Agreement (BCA), 6NYCRR Part 375, and/or Environmental Conservation Law.
- 7-day advance notice of any proposed ground-intrusive activities pursuant to the Excavation Work Plan.

- Notice within 48-hours of any damage or defect to the foundations structures that reduces or has the potential to reduce the effectiveness of other Engineering Controls and likewise any action to be taken to mitigate the damage or defect.
- Verbal notice by noon of the following day of any emergency, such as a fire, flood, or earthquake that reduces or has the potential to reduce the effectiveness of Engineering Controls in place at the site, with written confirmation within 7 days that includes a summary of actions taken, or to be taken, and the potential impact to the environment and the public.
- Follow-up status reports on actions taken to respond to any emergency event requiring ongoing responsive action shall be submitted to the NYSDEC within 45 days and shall describe and document actions taken to restore the effectiveness of the ECs.

Any change in the ownership of the site or the responsibility for implementing this SMP will include the following notifications:

- At least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser has been provided with a copy of the Brownfield Cleanup Agreement (BCA), and all approved work plans and reports, including this SMP
- Within 15 days after the transfer of all or part of the site, the new owner's name, contact representative, and contact information will be confirmed in writing.

2.5 CONTINGENCY PLAN

Emergencies may include injury to personnel, fire or explosion, environmental release, or serious weather conditions.

2.5.1 Emergency Telephone Numbers

In the event of any environmentally related situation or unplanned occurrence requiring assistance the Owner or Owner's representative(s) should contact the appropriate party from the contact list below. For emergencies, appropriate emergency response personnel should be contacted. Prompt contact should also be made to qualified environmental professional. These emergency contact lists must be maintained in an easily accessible location at the site.

Table 3: Emergency Contact Numbers

Medical, Fire, and Police:	911
One Call Center:	(800) 272-4480
Poison Control Center:	(800) 222-1222
Pollution Toxic Chemical Oil Spills:	(800) 424-8802
NYSDEC Spills Hotline	(800) 457-7362
Owner - DLC Mgmt Corp	914-631-3131
Site Engineer – Jade Environmental, Inc.	(845) 897-2188

* Note: Contact numbers subject to change and should be updated as necessary

2.5.2 Map and Directions to Nearest Health Facility

Site Location: Ambulance –southwest across Clinton Avenue

Nearest Hospital Name: Phelps Memorial Hospital

Hospital Location: 701 N Broadway (S.R. 9) Sleepy Hollow, New York 10591

Hospital Telephone: (914) 366 -3000 or 911

Directions to the Hospital: South on Croton Avenue 300 yds. to Route 9. Left (south) onto Route 9 – continue 4 miles to hospital on right.

Total Distance: 4.2 miles

Total Estimated Time: 10-11 minutes

Map Showing Route from the site to the Hospital:

2.5.3 Response Procedures

As appropriate, the fire department and other emergency response group will be notified immediately by telephone of the emergency. The emergency telephone number list is found at the beginning of this Plan. The list will also be posted prominently at the site and made readily available to all personnel at all times.

3.0 SITE MONITORING PLAN

3.1 INTRODUCTION

3.1.1 General

The Monitoring Plan describes the measures for evaluating the performance and effectiveness of the remedy to reduce or mitigate contamination at the site, the soil cover system, and all affected site media identified below. Monitoring of other Engineering Controls is described in Chapter 4, Operation, Monitoring and Maintenance Plan. This Monitoring Plan may only be revised with the approval of NYSDEC.

3.1.2 Purpose and Schedule

This Monitoring Plan describes the methods to be used for:

- Sampling and analysis of appropriate media (e.g., groundwater, air, vapor, soils);
- Assessing compliance with applicable NYSDEC standards, criteria and guidance, particularly ambient groundwater standards and Part 375 SCOs for soil;
- Assessing achievement of the remedial performance criteria.
- Evaluating site information periodically to confirm that the remedy continues to be effective in protecting public health and the environment; and
- Preparing the necessary reports for the various monitoring activities.

To adequately address these issues, this Monitoring Plan provides information on:

- Sampling locations, protocol, and frequency;
- Information on all designed monitoring systems (e.g., well logs);

- Analytical sampling program requirements;
- Reporting requirements;
- Quality Assurance/Quality Control (QA/QC) requirements;
- Inspection and maintenance requirements for monitoring wells;
- Monitoring well decommissioning procedures; and
- Annual inspection and periodic certification.

Quarterly monitoring of the performance of the remedy and overall reduction in contamination on-site and will be conducted for the first three years. The frequency thereafter will be determined by NYSDEC. Trends in contaminant levels in air, soil, and/or groundwater in the affected areas, will be evaluated to determine if the remedy continues to be effective in achieving remedial goals. Monitoring programs are summarized in Table 3.1 and outlined in detail in Sections 3.2 and 3.3 below.

Table 3.1: Monitoring/Inspection Schedule

Monitoring Program	**Frequency***	**Matrix**	**Analysis**
Soil Cover	Quarterly	Soil	Inspection
Vapor Barrier	Quarterly	Air / Vapor	Inspection
Subslab Depressurization	Quarterly	Air / vapor	Inspection
Groundwater	Quarterly	Groundwater	VOCs

* The frequency of events will be conducted as specified until otherwise approved by NYSDEC and NYSDOH

3.2 SOIL COVER SYSTEM MONITORING

At predetermined intervals the Site will be inspected for any existing and/or evidence of past disturbances of the soil cover and or concrete surface. Any naturally occurring disturbances that breech the cover will be repaired and certified by the Site Engineer.

3.3 MEDIA MONITORING PROGRAM

3.3.1 Groundwater Monitoring

Groundwater monitoring will be performed on quarterly basis for a period of three years to assess the performance of the remedy. After that term, the monitoring period may be adjusted as approved by the NYSDEC.

The network of monitoring wells has been installed to monitor both up-gradient and down-gradient groundwater conditions at the site. The network of on-site wells has been designed based on the following criteria:

- Groundwater is between 10-13 feet below grade;
- The plume is between 0.5 and 0.75 acres in size;
- Groundwater flow is in a northwest direction;
- The heart of the plume is somewhat east of center on the Site;
- The wells penetrate the saturated zone adequately to penetrate lens that may contain elevated concentrations of organics;

Deliverables for the groundwater monitoring program are specified below. Additional HRC injections will be considered if future groundwater monitoring activities show that contamination persists above the target cleanup objectives.

3.3.1.1 Sampling Protocol

All monitoring well sampling activities will be recorded in a field log, provided in the final report. Other observations (e.g., well integrity, etc.) will be noted on the well sampling log. The well sampling log will serve as the inspection form for the groundwater monitoring report and also include:

- Well gauging;
- Well purging;
- Sampling methodology;
- Analytical methodology:
    - Lab certification;
    - Analytical methods;
    - Analytes.

3.3.1.2 Monitoring Well Repairs, Replacement and Decommissioning

If biofouling or silt accumulation occurs in monitoring wells, the wells will be physically agitated/surged and redeveloped. Additionally, monitoring wells will be properly decommissioned and replaced (as per the Monitoring Plan), if an event renders the wells unusable.

Repairs and/or replacement of wells in the monitoring well network will be performed based on assessments of structural integrity and overall performance.

The NYSDEC will be notified prior to any repair or decommissioning of monitoring wells for the purpose of replacement, and the repair or decommissioning and replacement process will be documented in the subsequent periodic report. Well decommissioning without replacement will be done only with the prior approval of NYSDEC. Well abandonment will be performed in accordance with NYSDEC's "Groundwater Monitoring Well Decommissioning Procedures." Monitoring wells that are decommissioned because they have been rendered unusable will be reinstalled in the nearest available location, unless otherwise approved by the NYSDEC.

3.4 SITE-WIDE INSPECTION

Site-wide inspections will be performed on a regular schedule at a minimum of once a year. Site-wide inspections will also be performed after all severe weather conditions that may affect Engineering Controls. During these inspections, an inspection

form will be completed and filed with the required report. The form will compile sufficient information to assess the following:

- Compliance with all ICs, including site usage;
- An evaluation of the condition and continued effectiveness of ECs;
- General site conditions at the time of the inspection;
- The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection;
- Compliance with permits and schedules included in the Operation and Maintenance Plan; and
- Confirm that site records are up to date.

3.5 MONITORING QUALITY ASSURANCE/QUALITY CONTROL

All sampling and analyses will be performed in accordance with the requirements of the Quality Assurance Project Plan (QAPP) prepared for the site. Main Components of the QAPP include:

- QA/QC Objectives for Data Measurement;
- Sampling Program:
    - Sample containers will be properly washed, decontaminated, and appropriate preservative will be added (if applicable) prior to their use by the analytical laboratory. Containers with preservative will be tagged as such.
    - Sample holding times will be in accordance with the NYSDEC ASP requirements.
    - Field QC samples (e.g., trip blanks, coded field duplicates, and matrix spike/matrix spike duplicates) will be collected as necessary.
- Sample Tracking and Custody;
- Calibration Procedures:

- All field analytical equipment will be calibrated immediately prior to each day's use. Calibration procedures will conform to manufacturer's standard instructions.
- The laboratory will follow all calibration procedures and schedules as specified in USEPA SW-846 and subsequent updates that apply to the instruments used for the analytical methods.

- Analytical Procedures;
- Internal QC and Checks;
- QA Performance and System Audits;
- Preventative Maintenance Procedures and Schedules;
- Corrective Action Measures.

3.6 MONITORING REPORTING REQUIREMENTS

Forms and any other information generated during regular monitoring events and inspections will be kept on file on-site and/or the Site Engineers office. All forms, and other relevant reporting formats used during the monitoring/inspection events, will be (1) subject to approval by NYSDEC and (2) submitted at the time of the Periodic Review Report, as specified in the Reporting Plan of this SMP.

All monitoring results will be reported to NYSDEC on a periodic basis in the Periodic Review Report. A letter report will also be prepared, subsequent to each sampling event. The report will include, at a minimum:

- Date of event;
- Personnel conducting sampling;
- Description of the activities performed;
- Type of samples collected (e.g., sub-slab vapor, indoor air, outdoor air, etc.);
- Copies of all field forms completed (e.g., well sampling logs, chain-of-custody documentation, etc.);
- Sampling results in comparison to appropriate standards/criteria;

- A figure illustrating sample type and sampling locations;
- Copies of all laboratory data sheets and the required laboratory data deliverables required for all points sampled (o be submitted electronically in the NYSDEC-identified format);
- Any observations, conclusions, or recommendations; and
- A determination as to whether groundwater conditions have changed since the last reporting event.

  Data will be reported in hard copy or digital format as determined by NYSDEC.

4.0 OPERATION AND MAINTENANCE PLAN

4.1 INTRODUCTION

This Operation and Maintenance Plan describes the measures necessary to operate, monitor and maintain the mechanical components of the remedy selected for the site. This Operation and Maintenance Plan:

- Includes the steps necessary to allow individuals unfamiliar with the site to operate and maintain the systems;
- Includes an operation and maintenance contingency plan; and,
- Will be updated periodically to reflect changes in site conditions or the manner in which the systems are operated and maintained.

Information on non-mechanical Engineering Controls (i.e. soil cover system) is provided in Section 3 - Engineering and Institutional Control Plan. A copy of this Operation and Maintenance Plan, along with the complete SMP, will be kept at the site. This Operation and Maintenance Plan is not to be used as a stand-alone document, but as a component document of the SMP.

5.0 Inspections, reporting and certifications

5.1 SITE INSPECTIONS

5.1.1 Inspection Frequency

All inspections will be conducted at the frequency specified in the schedules provided in Section 3 Monitoring Plan. At a minimum, a site-wide inspection will be conducted annually. Inspections of remedial components will also be conducted when a breakdown of any treatment system component has occurred or whenever a severe condition has taken place, such as an erosion or flooding event that may affect the ECs.

5.1.2 Inspection Forms, Sampling Data, and Maintenance Reports

All inspections and monitoring events will be recorded on the appropriate forms for their respective system which are contained in the Appendices. Additionally, a general site-wide inspection form will be completed during the site-wide inspection. These forms are subject to NYSDEC revision.

All applicable inspection forms and other records, including all media sampling data and system maintenance reports, generated for the site during the reporting period will be provided in electronic format in the Periodic Review Report.

5.1.3 Evaluation of Records and Reporting

The results of the inspection and site monitoring data will be evaluated as part of the EC/IC certification to confirm that the:

- EC/ICs are in place, are performing properly, and remain effective;
- The Monitoring Plan is being implemented;
- Operation and maintenance activities are being conducted properly; and, based on the above items,
- The site remedy continues to be protective of public health and the environment and is performing as designed in the RAWP and FER.

5.2 CERTIFICATION OF ENGINEERING / INSTITUTIONAL CONTROLS

After the last inspection of the reporting period, a Professional Engineer licensed to practice in New York State will prepare the following certification:

For each institutional or engineering control identified for the site, I certify that all of the following statements are true:

- The inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under my direction;
- The institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;
- Use of the site is compliant with the environmental easement;
- The engineering control systems are performing as designed and are effective;
- To the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program and generally accepted engineering practices; and
- The information presented in this report is accurate and complete.
- I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, [name], of [business address], am certifying as Owner's Designated Site Representative: I

have been authorized and designated by all site owners to sign this certification for the site.

- The signed certification will be included in the Periodic Review Report described below. For each institutional control identified for the site, I certify that all of the following statements are true:

- The institutional control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;
- Use of the site is compliant with the environmental easement.
- The information presented in this report is accurate and complete.
- I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, [name], of [business address], am certifying as Owner's Designated Site Representative I have been authorized and designated by all site owners to sign this certification.
- No new information has come to my attention, including groundwater monitoring data from wells located at the site boundary, if any, to indicate that the assumptions made in the qualitative exposure assessment of off-site contamination are no longer valid; and
- Every five years the following certification will be added:
- The assumptions made in the qualitative exposure assessment remain valid.
- The signed certification will be included in the Periodic Review Report below.

5.3 PERIODIC REVIEW REPORT

A Periodic Review Report will be submitted to the Department every year, beginning eighteen months after the Certificate of Completion is issued. In the event that the site is subdivided into separate parcels with different ownership, a single Periodic Review Report will be prepared that addresses the site described in Appendix B (Metes and Bounds). The report will be prepared in accordance with NYSDEC DER-10 and submitted within 45 days of the end of each certification period. Media sampling results will also incorporated into the Periodic Review Report. The report will include:

- Identification, assessment and certification of all ECs/ICs required by the remedy for the site;
- Results of the required annual site inspections and severe condition inspections, if applicable;
- All applicable inspection forms and other records generated for the site during the reporting period in electronic format;
- A summary of any discharge monitoring data and/or information generated during the reporting period with comments and conclusions;
- Data summary tables and graphical representations of contaminants of concern by media (groundwater, soil vapor), which include a listing of all compounds analyzed, along with the applicable standards, with all exceedances highlighted. These will include a presentation of past data as part of an evaluation of contaminant concentration trends;
- Results of all analyses, copies of all laboratory data sheets, and the required laboratory data deliverables for all samples collected during the reporting period will be submitted electronically in a NYSDEC-approved format;
- A site evaluation, which includes the following:
    - The compliance of the remedy with the requirements of the site-specific RAWP or Decision Document;
    - The operation and the effectiveness of all treatment units, etc., including identification of any needed repairs or modifications;

- Any new conclusions or observations regarding site contamination based on inspections or data generated by the Monitoring Plan for the media being monitored;
- Recommendations regarding any necessary changes to the remedy and/or Monitoring Plan; and
- The overall performance and effectiveness of the remedy.

5.4 CORRECTIVE MEASURES PLAN

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional or engineering control, a corrective measures plan will be submitted to the NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the corrective measures plan until it is approved by the NYSDEC.

Appendix A

Environmental Easement/Metes and Bounds

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

512923533EAS001X

Westchester County Recording & Endorsement Page

Submitter Information

Name: Office of the Westchester County Clerk Customer Ser
Address 1: 110 Dr. Martin Luther King Jr. Blvd.
Address 2:
City/State/Zip: White Plains NY 10601
Phone: 9149953111
Fax:
Email: email@westchestergov.com
Reference for Submitter: ROYAL ABSTRACT EASEMENT

Document Details

Control Number: **512923533**
Document Type: **Easement (EAS)**
Package ID: 201110190022900100 1
Document Page Count: **9**
Total Page Count: **10**

Parties

☐ Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1: OSSINING RX DEVELOPMENT LLC	- Other	1: NEW YORK STATE OF	- Other
2: IFSHIN ADAM	- Individual	2: NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV	- Other

Property

☐ Additional Properties on Continuation page

Street Address: 78 CROTON AVE
City/Town: OSSINING TOWN
Tax Designation: 89.16-7-1
Village: OSSINING

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee:	$40.00
Page Fee:	$50.00
Cross-Reference Fee:	$0.00
Mortgage Affidavit Filing Fee:	$0.00
RP-5217 Filing Fee:	$0.00
TP-584 Filing Fee:	$5.00
Total Recording Fees Paid:	**$95.00**

Transfer Taxes

Consideration:	$0.00
Transfer Tax:	$0.00
Mansion Tax:	$0.00
Transfer Tax Number:	34633

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic:	$0.00
Westchester:	$0.00
Additional:	$0.00
MTA:	$0.00
Special:	$0.00
Yonkers:	$0.00
Total Mortgage Tax:	**$0.00**

Dwelling Type:
Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Recorded: 10/20/2011 at 11:38 AM
Control Number: **512923533**
Witness my hand and official seal

Timothy C.Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

ROYAL ABSTRACT OF NEW YORK LLC
500 5TH AVE
STE 1540
NEW YORK, NY 10110

County: Westchester Site No: C360110 Brownfield Cleanup Agreement Index: C360110-09-09

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 7th day of October, 2011, between Owner(s) Ossining Rx Development, LLC, having an office at c/o DLC Management Corp., 580 White Plains Road, Tarrytown, New York 10591, County of Westchester, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 78 Croton Avenue in the Village of Ossining, County of Westchester and State of New York, known and designated on the tax map of the County Clerk of Westchester as tax map parcel numbers: Section 89.16 Block 7 Lot 1, being the same as that property conveyed to Grantor by deed dated February 16, 2011 and recorded in the Westchester County Clerk's Office in Instrument No. 510283149. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.90042 +/- acres, and is hereinafter more fully described in the Land Title Survey dated July 25, 2008 as revised thru July 27, 2011 prepared by VHB Engineering, Surveying and Landscape Architecture, P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement IndexNumber: C360110-09-09, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved b the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5 the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Controlled Property, any lessees, and any person using the land. Enforcement

shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site Number: C360110
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the

recording officer for the county or counties where the Controlled Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Ossining Rx Development, LLC:

By: _____
a Delaware limited liability company

Print Name: Adam Ifshin

Title: Manager Date: 9/27/2011

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

On the 27th day of September in the year 20 11, before me, the undersigned, personally appeared Adam Ifshin, 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.

_____
Notary Public - State of New York

SARAH M. MERKEL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ME6122645
Qualified in Westchester County
My Commission Expires February 22, 2013

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: _____
Dale A. Desnoyers, Director
Division of Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 7th day of October, in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public - State of New York

David J. Chiusano
~~Notary Public, State of New York~~
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

SCHEDULE "A" PROPERTY DESCRIPTION

Record Description

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town and Village of Ossining, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northeasterly side of Clinton Avenue and the southeasterly side of Croton Avenue;

RUNNING THENCE along said southeasterly side of Croton Avenue north 52 degrees 52 minutes 00 seconds east, 132.52 feet to a point on the southwesterly side of land now or formerly of Rice;

RUNNING THENCE along the same south 49 degrees 48 minutes 40 seconds east, 140.55 feet and south 75 degrees 42 minutes 00 seconds east, 93 feet to a point on the westerly side of land now or formerly of Wail;

RUNNING THENCE along the same, south 16 degrees 22 minutes 10 seconds west, 56.74 feet to a point;

RUNNING THENCE south 16 degrees 05 minutes 20 seconds west, 55.51 feet to a point on the northerly side of land now or formerly of Chadeayne;

RUNNING THENCE along the same and along the northerly and easterly sides of land now or formerly of Sherman, north 52 degrees 29 minutes 20 seconds west, 40.25 feet and south 43 degrees 58 minutes 50 seconds west 87.89 feet to the northeasterly side of Clinton Avenue;

RUNNING THENCE along the same north 54 degrees 21 minutes 00 seconds west, 60.87 feet and north 41 degrees 47 minutes 30 seconds west, 194.08 feet to the point or place of BEGINNING.

The above description is based upon the description as contained in a deed from William O. Mehlich to Robert W. Mehlich (as to 79% interest), Cheryl Schmitz (as to 10.5% interest), and Anne C.S. Mehlich (as to 10.5% interest), as tenants in common, by deed dated 1/2/98 and recorded 5/20/99 in Liber 12298 page 274.

For information only: Said premises are known as 78 Croton Avenue, Ossining, New York and designated Section 89.16 Block 7 Lot 1 as shown on the Westchester County Land and Tax Map.

SCHEDULE A

Parcel Description

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town and Village of Ossining, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the intersection of the easterly side of Croton Avenue and the northerly side of Clinton Avenue, said point being the southwest corner of herein described parcel;

THENCE north 41 degrees 21 minutes 17 seconds east along the easterly side of Croton Avenue a distance of 132.52 feet to a point;

THENCE south 61 degrees 19 minutes 23 seconds east bounded northerly by land now or formerly of Chin Tsi Tan distance 140.55 feet to a point;

THENCE south 87 degrees 12 minutes 43 seconds east bounded northerly by land now or formerly of Raymond Mutta a distance of 93.00 feet to a point;

THENCE south 04 degrees 51 minutes 27 seconds west bounded easterly by land now or formerly of Al Saleh Associates LLC a distance of 56.74 feet;

THENCE south 04 degrees 34 minutes 37 seconds west bounded easterly by land now or formerly of Jacqueline Gutierrez a distance of 54.87 feet to a point;

THENCE north 63 degrees 16 minutes 40 seconds west bounded southerly in part by land now or formerly of Susana D. And Tony Sanchez and in part by land now or formerly of Mario Culcay a distance of 40.25 feet;

THENCE south 32 degrees 13 minutes 45 seconds west bounded easterly by land now or formerly of Mario Culcay a distance of 88.96 feet;

THENCE north 65 degrees 51 minutes 43 seconds west along the northerly side of Clinton Avenue a distance of 60.89 feet to a point;

THENCE north 53 degrees 18 minutes 13 seconds west along the northerly side of Clinton Avenue a distance of 194.08 feet to a point;

(The above description is based upon a survey made by VHB Engineering, Surveying & Landscape Architecture dated dated 7/25/08 as revised thru 7/27/11)

Appendix B

Site Maps

J:\41679.00\CAD\SR\41679PXS

Saved Thursday, August 04, 2011 3:15:32 PM AIVES Plotted Friday, August 05, 2011 11:14:21 AM Ives, Andrew

Metes and Bound Description of Parcel and Environmental Easement Description DEC Site #C360110

BEGINNING AT THE INTERSECTION OF THE EASTERLY SIDE OF CROTON AVENUE AND THE NORTHERLY SIDE OF CLINTON AVENUE, SAID POINT BEING THE SOUTHWEST CORNER OF HEREIN DESCRIBED PARCEL;

THENCE N 41°–21'–17" E ALONG THE EASTERLY SIDE OF CROTON AVENUE A DISTANCE OF 132.52' TO A POINT;

THENCE S 61°–19'–23" E BOUNDED NORTHERLY BY LAND NOW OR FORMERLY OF CHIN–TSI TAN A DISTANCE OF 140.55' TO A POINT;

THENCE S 87°–12'–43" E BOUNDED NORTHERLY BY LAND NOW OR FORMERLY OF RAYMOND MOTTA A DISTANCE OF 93.00' TO A POINT;

THENCE S 04°–51'–27" W BOUNDED EASTERLY BY LAND NOW OR FORMERLY OF AL SALEH ASSOCIATES LLC A DISTANCE OF 56.74' TO A POINT;

THENCE S 04°–34'–37" W BOUNDED EASTERLY BY LAND NOW OR FORMERLY OF JACQUELINE GUTIERREZ A DISTANCE OF 54.87' TO A POINT;

THENCE N 63°–16'–40" W BOUNDED SOUTHERLY IN PART BY LAND NOW OR FORMERLY OF SUSANA D. AND TONY SANCHEZ AND IN PART BY LAND NOW OR FORMERLY OF MARIO CULCAY A DISTANCE OF 40.25' TO A POINT;

THENCE S 32°–13'–45" W BOUNDED EASTERLY BY LAND NOW OR FORMERLY OF MARIO CULCAY A DISTANCE OF 88.96' TO A POINT;

THENCE N 65°–51'–43" W ALONG THE NORTHERLY SIDE OF CLINTON AVENUE A DISTANCE OF 60.89' TO A POINT;

THENCE N 53°–18'–13" W ALONG THE NORTHERLY SIDE OF CLINTON AVENUE A DISTANCE OF 194.08' TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 39,222 SQUARE FEET (0.90042 ACRES)

This description is specific to the easement

Map References

MAP TITLED "#78 CROTON AVENUE OSSINING, NEW YORK, ALTA/ACSM LAND TITLE SURVEY" DATED 1/28/2011 BY VHB ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

MAP TITLED "PROPERTY OF DAVID ENDLAW JR., SING SING." MAP DATED APRIL 23, 1861 AND ON FILE AT THE WESTCHESTER COUNTY CLERK'S OFFICE.

MAP TITLED "RENTING PLAN, OSSINING SHOPPING CENTER." MAP SCALE 1/16"=1'; MAP DATED DECEMBER 9, 1964 AND ON FILE AT THE WESTCHESTER COUNTY CLERK'S OFFICE.

MAP TITLED "MAP OF A PROPERTY OF THE HEIRS OF MATHEW CLARK." MAP DATED AUGUST 23, 1871 AND ON FILE AT THE WESTCHESTER COUNTY CLERK'S OFFICE.

MAP TITLED "EXTENDED MAP OF A PROPERTY OF THE HEIRS OF MATHEW CLARK."
MAP DATED JULY 1, 1861 AND ON FILE AT THE WESTCHESTER COUNTY CLERK'S OFFICE.

Title Reference

REFERENCE IS MADE TO COMMITMENT FOR TITLE INSURANCE, ISSUED BY STEWART TITLE INSURANCE COMPANY.
TITLE NUMBER: 900123
EFFECTIVE DATE MAY 15, 2011
SCHEDULE B

1–2. NOT SURVEY RELATED.

3. SURVEY PROVIDED.

4. NOT SURVEY RELATED.

5. RECIPROCAL EASEMENT AGREEMENT AS DEPICTED ON SURVEY. CONTROL #503633107.

6–12. NOT SURVEY RELATED.

13. SEE GENERAL NOTES.

14–17. NOT SURVEY RELATED.

Record Parcel Description (Control #510283149)

Title No.: 832683

SCHEDULE A

Record Description

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town and Village of Ossining, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northeasterly side of Clinton Avenue and the southeasterly side of Croton Avenue;

RUNNING THENCE along said southeasterly side of Croton Avenue north 52 degrees 52 minutes 00 seconds east, 132.52 feet to a point on the southwesterly side of land now or formerly of Rice;

RUNNING THENCE along the same south 49 degrees 48 minutes 40 seconds east, 140.55 feet and south 75 degrees 42 minutes 00 seconds east, 93 feet to a point on the westerly side of land now or formerly of Wail;

RUNNING THENCE along the same, south 16 degrees 22 minutes 10 seconds west, 56.74 feet to a point;

RUNNING THENCE south 16 degrees 05 minutes 20 seconds west, 55.51 feet to a point on the northerly side of land now or formerly of Chadeayne;

RUNNING THENCE along the same and along the northerly and easterly sides of land now or formerly of Sherman, north 52 degrees 29 minutes 20 seconds west, 40.25 feet and south 43 degrees 58 minutes 50 seconds west 87.89 feet to the northeasterly side of Clinton Avenue;

RUNNING THENCE along the same north 54 degrees 21 minutes 00 seconds west, 60.87 feet and north 41 degrees 47 minutes 30 seconds west, 194.08 feet to the point or place of BEGINNING.

For information only: Said premises are known as 78 Croton Avenue, Ossining, New York and designated Section 89.16 Block 7 Lot 1 as shown on the Westchester County Land and Tax Map.

For conveyancing only, if intended to be conveyed: Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

Title No.: 832683

SCHEDULE A

Parcel Description

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town and Village of Ossining, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the intersection of the easterly side of Croton Avenue and the northerly side of Clinton Avenue, said point being the southwest corner of herein described parcel;

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THENCE south 04 degrees 51 minutes 27 seconds west bounded easterly by land now or formerly of Al Saleh Associates LLC a distance of 56.74 feet;

THENCE south 04 degrees 34 minutes 37 seconds west bounded easterly by land now or formerly of Jacqueline Gutierrez a distance of 54.87 feet to a point;

THENCE north 63 degrees 16 minutes 40 seconds west bounded southerly in part by land now or formerly of Susana D. And Tony Sanchez and in part by land now or formerly of Mario Culcay a distance of 40.25 feet;

THENCE south 32 degrees 13 minutes 45 seconds west bounded easterly by land now or formerly of Mario Culcay a distance of 88.96 feet;

continued......

For conveyancing only, if intended to be conveyed: Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

Title No.: 832683

SCHEDULE A
(continued – page 2)

THENCE north 65 degrees 51 minutes 43 seconds west along the northerly side of Clinton Avenue a distance of 60.89 feet to a point;

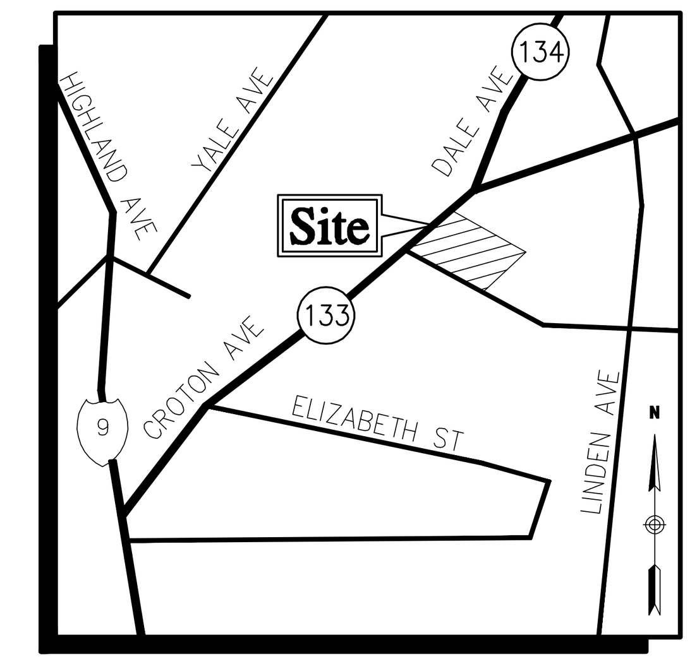
THENCE north 53 degrees 18 minutes 13 seconds west along the northerly side of Clinton Avenue a distance of 194.08 feet to a point;

(Based upon a survey made by Alexandra Hurley NY SPLS (Eschbacher VHB dated 7/25/08)

For conveyancing only, if intended to be conveyed: Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

I can't remove these scans. They are all part of the same record document.

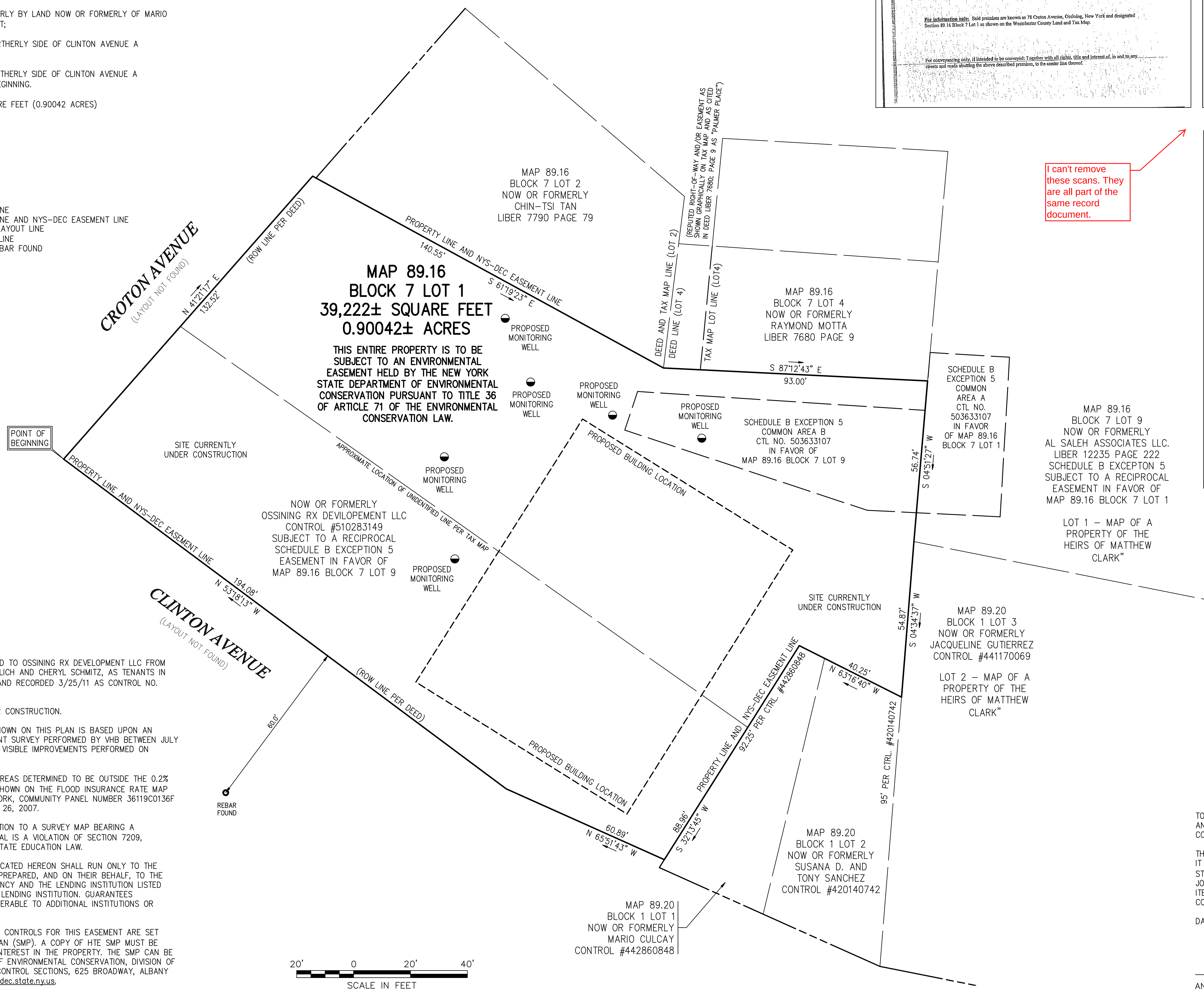
VHB
Engineering, Surveying & Landscape Architecture, P.C.
Transportation
Land Development
Environmental Services
2150 Joshua's Path, Suite 300
Hauppauge, New York 11788
631.234.3444 • FAX 631.234.3477



LOCUS MAP
NOT TO SCALE

Legend

EASEMENT LINE
PROPERTY LINE AND NYS–DEC EASEMENT LINE
CITY/TOWN LAYOUT LINE
ASSESSORS LINE
IRON PIN/REBAR FOUND



General Notes

BEING THE SAME PREMISES CONVEYED TO OSSINING RX DEVELOPMENT LLC FROM ROBERT W. MEHLICH, ANNE C.S. MEHLICH AND CHERYL SCHMITZ, AS TENANTS IN COMMON, BY DEED DATED 2/16/11 AND RECORDED 3/25/11 AS CONTROL NO. 510283149.

THE PROPERTY IS CURRENTLY UNDER CONSTRUCTION.

THE PROPERTY LINE INFORMATION SHOWN ON THIS PLAN IS BASED UPON AN ACTUAL ON–THE–GROUND INSTRUMENT SURVEY PERFORMED BY VHB BETWEEN JULY 14 AND 15, 2008. FIELD UPDATE OF VISIBLE IMPROVEMENTS PERFORMED ON SEPTEMBER 9, 2010.

THIS PARCEL LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF OSSINING, NEW YORK, COMMUNITY PANEL NUMBER 36119C0136F 361241, EFFECTIVE DATE SEPTEMBER 26, 2007.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBSECTION 2, OF THE NEW YORK STATE EDUCATION LAW.

GUARANTEES TO CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON THEIR BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND THE LENDING INSTITUTION LISTED HERON AND THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF HTE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTIONS, 625 BROADWAY, ALBANY NEW YORK 12233 OR AT derweb@gw.dec.state.ny.us.

TO OSSINING RX DEVELOPMENT, LLC, STEWART TITLE INSURANCE COMPANY, AND THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2–4, 13, & 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 9, 2010.

DATE OF MAP: MAY 15, 2011.

ANDREW G. IVES NYSPLS LICENSE NO. 050794

No.	Revision	Date	Appvd.
4	NYS–DEC Comments	7/27/2011	AGI
3	ALTA Update for NYS–DEC	5/15/2011	AGI
2	ALTA Update – Added Easement	1/28/2011	AGI
1	ALTA Update	6/16/2010	AGI

These are revisions

Designed by	Drawn by BEM	Checked by
CAD checked by AGI		Approved by AGI
Scale 1"=20'		Date July 25, 2008

this is the date of the original survey

Project Title
#78 Croton Avenue

Ossining, New York

Issued for
ALTA/ACSM Land Title Survey

Drawing Title
Property Survey & Proposed NYDEC Easement

Drawing Number
Sv-1

Sheet 1 of 1

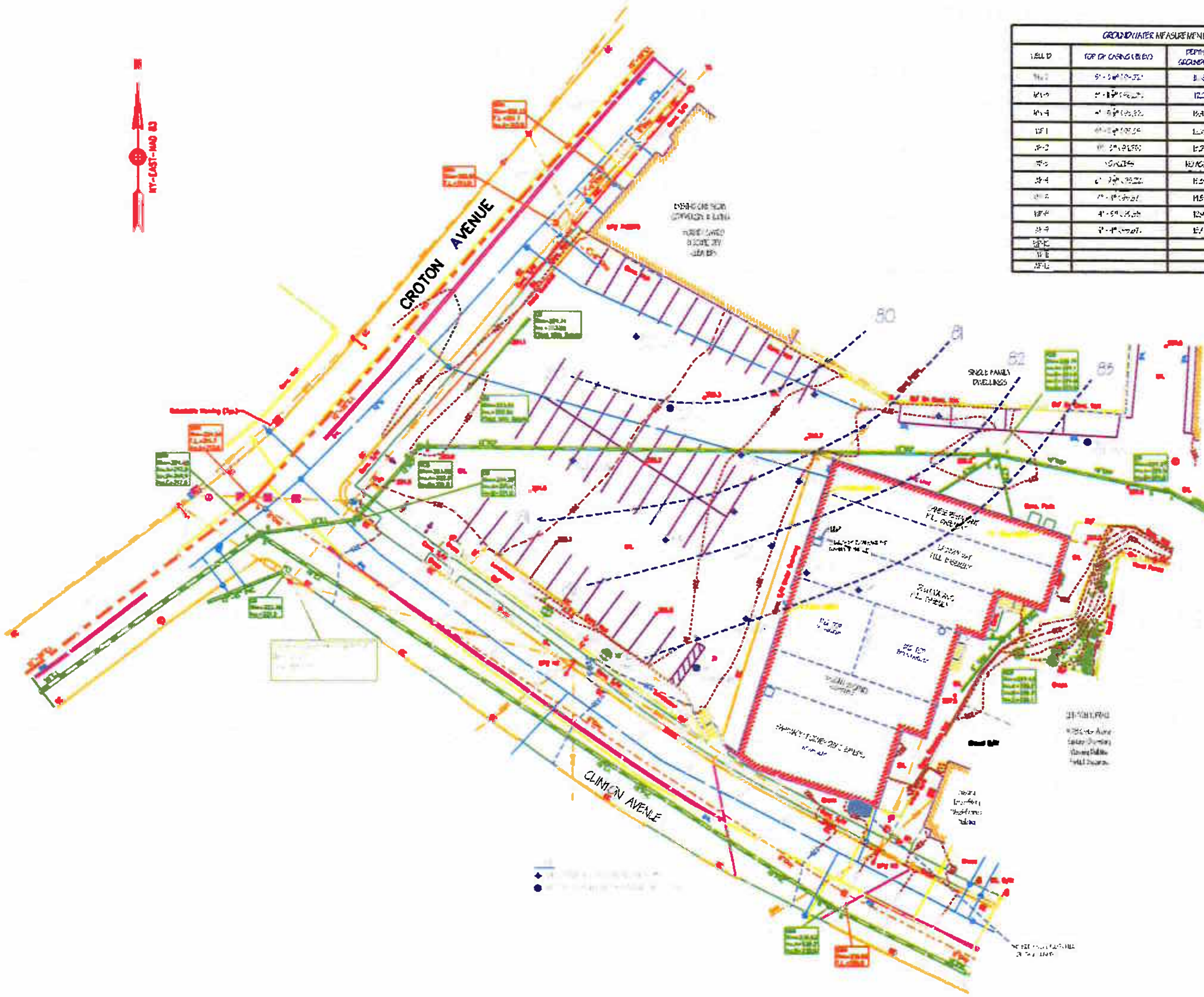
Project Number
41679

41679PXS.DWG

FIELD MEASUREMENTS			

GROUNDWATER MEASUREMENTS			
WELL ID	TOP OF CASING (ELEV.)	DEPTH TO GROUNDWATER	GROUNDWATER ELEVATION
	NOT ACCESS		

GROUNDWATER CONTAMINATION CONTOUR MAP
CLINTON TERRACE SHOPPING CENTER
74-82 CROTON AVENUE
OSSINING, NEW YORK
JADE ENVIRONMENTAL, INC
SCALE 1" - 20' DATE JAN 9, 09 DRAWN D. PELLETIER



GROUNDWATER MEASUREMENTS			
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[illegible]	[illegible]	[illegible]	[illegible]
[illegible]			
[illegible]			
[illegible]			

FIELD MEASUREMENTS			
[illegible]	[illegible]	[illegible]	[illegible]

GROUNDWATER CONTOUR MAP

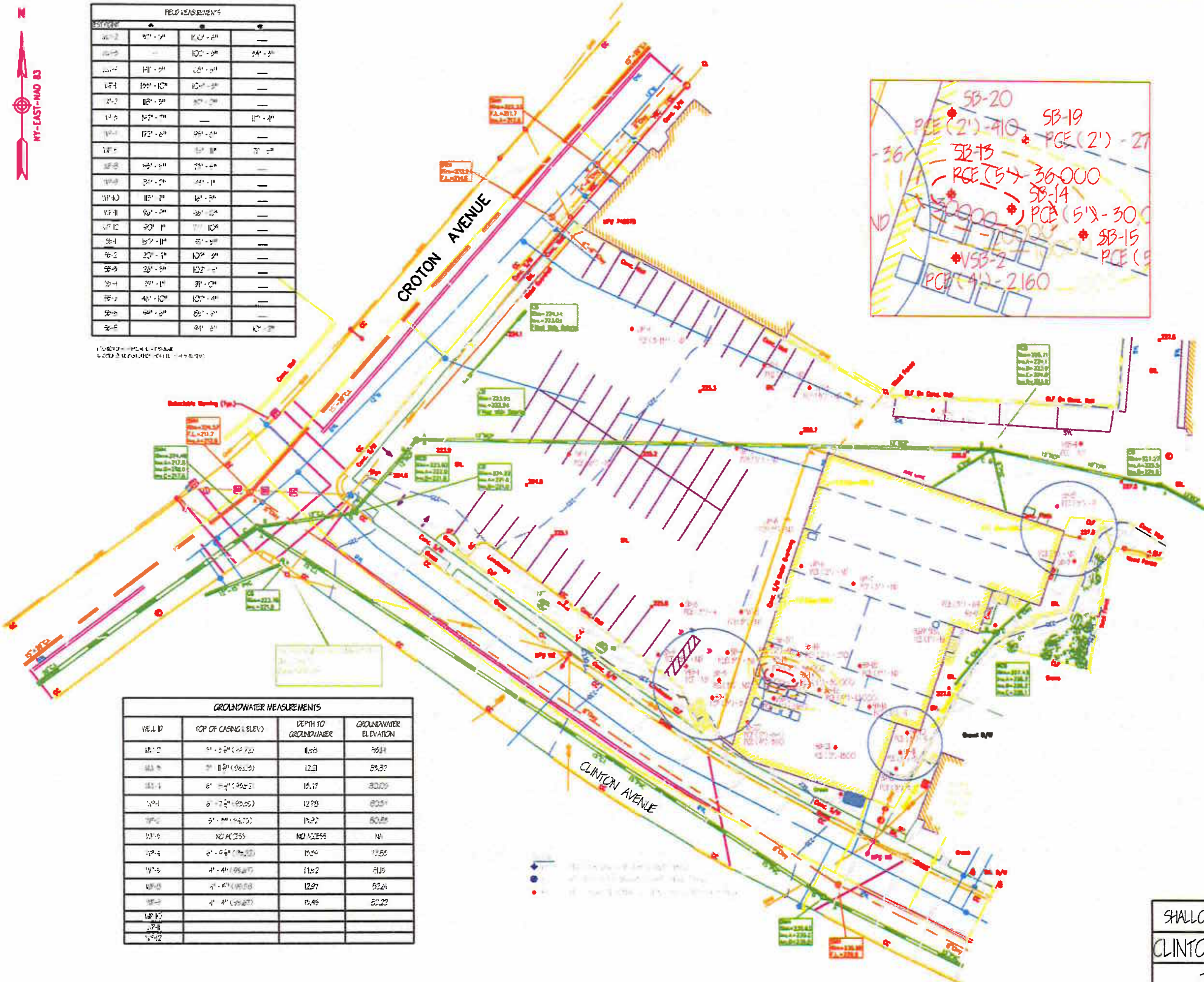
CLINTON TERRACE SHOPPING CENTER

74-82 CROTON AVENUE

OSSINING, NEW YORK

JADE ENVIRONMENTAL, INC

1" - 20' D. PELLETIER JAN 9 2009



FIELD MEASUREMENTS

TEST POINT	▲	●	●
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[illegible]	[illegible]	[illegible]	—
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VP-2	[illegible]	[illegible]	—
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[illegible]	[illegible]	[illegible]	—
[illegible]	[illegible]	[illegible]	—
VP-10	[illegible]	[illegible]	—
VP-11	[illegible]	[illegible]	—
VP-12	[illegible]	[illegible]	—
SB-1	[illegible]	[illegible]	—
SB-2	[illegible]	[illegible]	—
SB-3	[illegible]	[illegible]	—
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[illegible]	[illegible]	[illegible]	—
[illegible]	[illegible]	[illegible]	—
[illegible]		[illegible]	[illegible]

GROUNDWATER MEASUREMENTS

WELL ID	TOP OF CASING (ELEV)	DEPTH TO GROUNDWATER	GROUNDWATER ELEVATION
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	[illegible]
[illegible]			
[illegible]			
[illegible]			

SHALLOW SOIL CONTAMINATION GRADIENT MAP

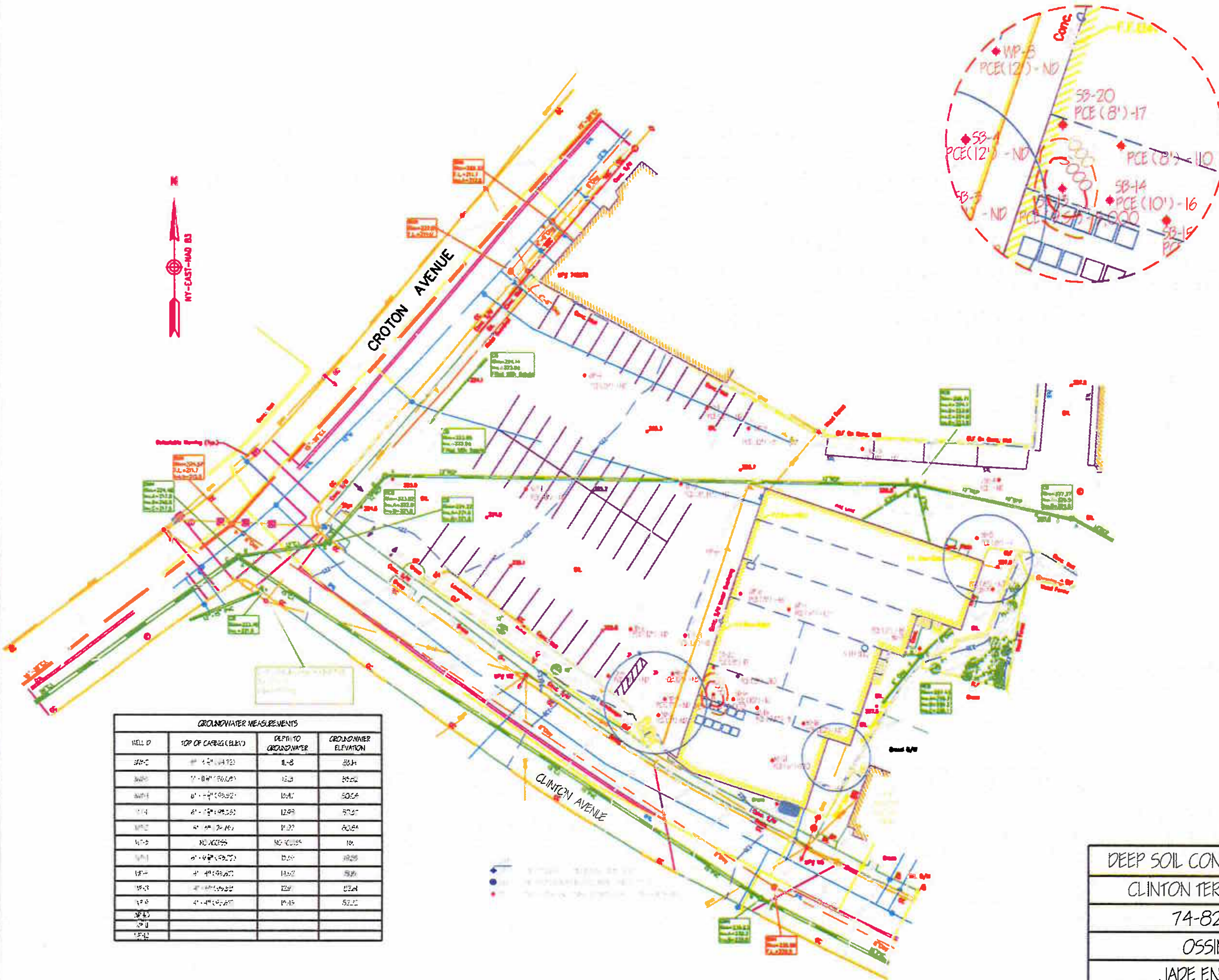
CLINTON TERRACE SHOPPING CENTER

74-82 CROTON AVENUE

OSSINING, NEW YORK

JADE ENVIRONMENTAL, INC

SCALE 1" - 20' DATE JAN 9, 2009 SCALE D. PELLETIER



GROUNDWATER MEASUREMENTS			
WELL ID	TOP OF CASING (ELEV)	DEPTH TO GROUNDWATER	GROUNDWATER ELEVATION
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[illegible]	[illegible]	[illegible]	[illegible]
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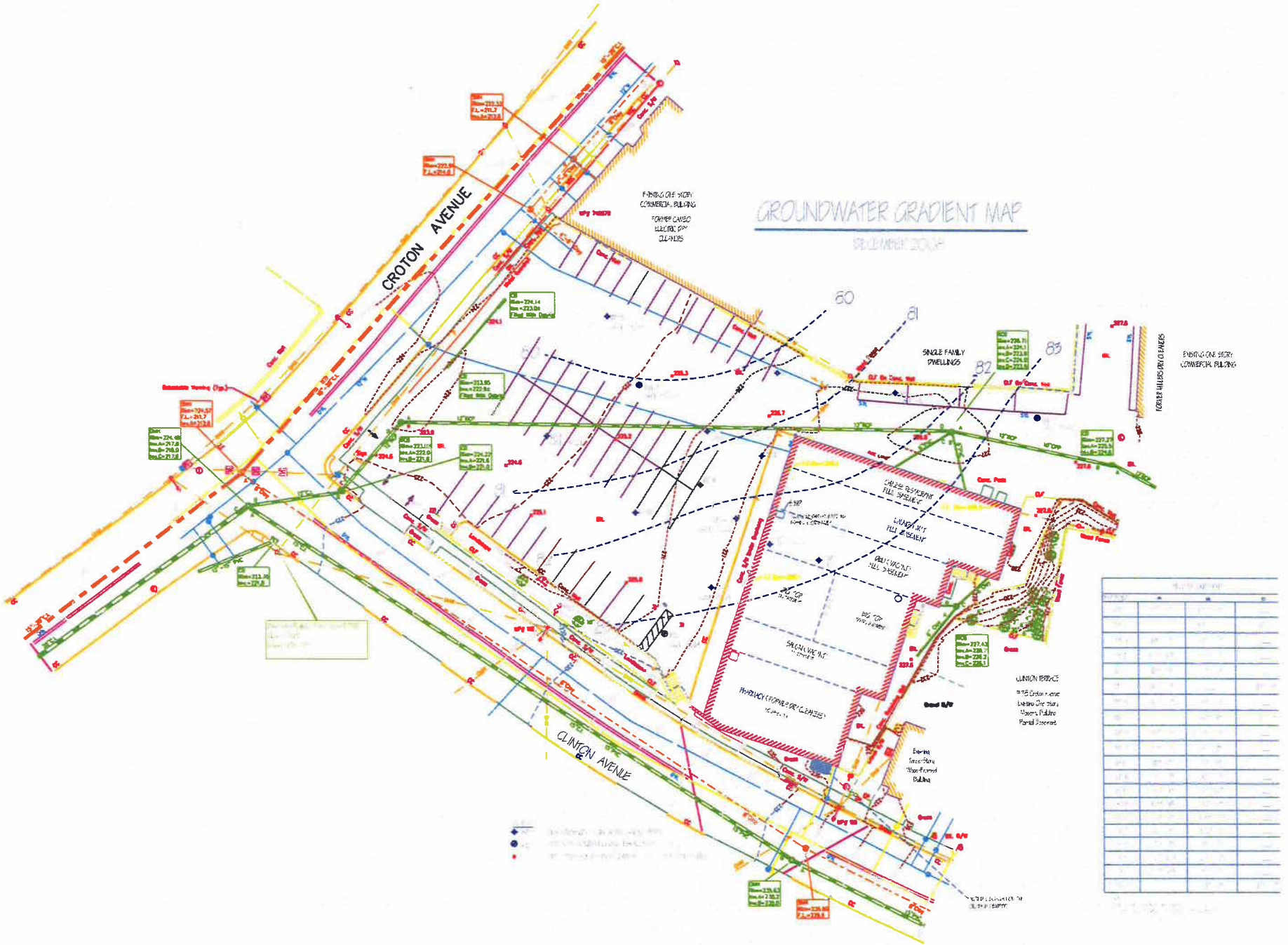
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]			
[illegible]			
[illegible]			

DEEP SOIL CONTAMINATION GRADIENT MAP		
CLINTON TERRACE SHOPPING CENTER		
74-82 CROTON AVENUE		
OSSINING, NEW YORK		
JADE ENVIRONMENTAL, INC		
SCALE 1" - 20'	DATE JAN 10, 2009	DRAWN D PELLETIER


GROUNDWATER GRADIENT MAP
CROTON AVENUE
CLINTON AVENUE
EXISTING ONE STORY COMMERCIAL BUILDING
FORMER CARSO ELECTRIC DRY CLEANERS
SINGLE FAMILY DWELLINGS
EXISTING ONE STORY COMMERCIAL BUILDING
FORMER MILLERS DRY CLEANERS
CLINTON TERRACE
60
81
82
83
91

Appendix C

Health and Safety Plan

SITE SPECIFIC HEALTH AND SAFETY PLAN

FOR

CLINTON TERRACE SHOPPING CENTER PCE PLUME

VILLAGE OF OSSINING

WESTCHESTER COUNTY, NEW YORK

BCP Site No.:C360110

Prepared for:

Ossining Rx Development, LLC.

Volunteer

Tarrytown, New York

Prepared by:

Jade Environmental, Inc.

Hopewell Junction, New York

Reviewed by:

New York State Department of Environmental Conservation

Division of Environmental Remediation

Remedial Bureau C

625 Broadway, Albany, New York 12233-7010

November 10, 2010

Revisions

April 14, 2011 – March 3 NYSDEC comments

1. SITE SPECIFIC HEALTH AND SAFETY PLAN

1.1 INTRODUCTION

Jade Environmental, Inc. (Jade) has developed the following Health and Safety guidelines for all personnel involved with on-site activities associated with the mitigation of a PCE plume beneath the Clinton Terrace Shopping Center, located at the corner of Clinton and Croton Avenues in the City of Ossining, Westchester County, New York. The project manager on site will be responsible for informing all personnel present on site of the required rules and procedures, and the pertinent level of personal protection to be used.

It is required that all contractors and subcontractors institute their own health and safety program for their personnel on site, which at a minimum should meet the requirements of these Health and Safety guidelines. If any contractor or subcontractor does not institute their own health and safety program, the involved personnel will be required to follow these Health and Safety guidelines.

Refer to the maps in Appendix A for general work areas. This Health and Safety Plan has been prepared in compliance with the requirements of 21 CFR 1110.120 (b) (1) (iv) AND 21 CFR 1110.132.

1.2 WORKER TRAINING

All personnel working on site will be under the supervision of a Site Safety Officer who has received a minimum of 40 hours of Health and Safety training for Hazardous Waste Site Investigation in accordance with OSHA 1110.120 (e) (2). Prior to performing any work, all workers shall receive a standard Site Health and Safety briefing by the Site Safety Officer.

1.3 MEDICAL MONITORING

Necessary medical monitoring procedures will be made available to all Jade personnel on site. All contractors and subcontractors are responsible for implementing their own medical monitoring program.

1.4 SITE DESCRIPTION

Location: 74-82 Croton Avenue, Ossining, Westchester County, NY.

Potential Hazards: Volatile organic compounds, semi-volatile organic compounds and metals including cyanide in soil and groundwater.

Area Affected: Subsurface soils, groundwater, and surface water, sediments and soil vapor.

Surrounding Population: Suburban, commercial/residential and transportation.

Topography: Level, developed.

1.5 ENTRY OBJECTIVES

The objective of site entry is to remediate potential source areas of contamination under t he Brownfield Cleanup Program.

1.6 ON-SITE ORGANIZATION AND COORDINATION

The following Jade personnel are designated to carry out the stated job functions on site. (Note: One person may carry out more than one job function.)

Project Engineer/Site Safety Officer: Dave Pelletier, P.E.

Project Manger: Bob Falcone

Equipment Operator: Anthony Ramundo/Ed Erickson

1.7 ON-SITE CONTROL

Ossining RX Development, LLC or its designated agent will coordinate access control and security for the work area for each day of on site work. No unauthorized personnel should be within the established work area (construction fence).

1.8 HAZARD EVALUATION

1.8.1 Chemical Hazards

The following substances are known of suspected to be on site. The primary hazards of each are identified, associated primarily with direct skin contact and inhalation.

SUBSTANCE	PRIMARY HAZARDS
Perchloroethylene (PCE)	Inhalation, dermal contact
Intermediate chlorinates organics	Inhalation, dermal contact

Disposable personal protective equipment (PPE) will be collected and placed in properly labeled containers. Non-disposable PPE will be decontaminated prior to leaving the work zone if contaminated. Water used in the decontamination process will be collected and stored appropriately on-site.

1.8.2 Physical Hazards

Physical hazards for this project relate to mechanical exposure associated with working around heavy equipment and vehicles, noise exposure during drilling and/or liquid extraction by vacuum truck, heat or cold stress and excavation concerns. Basic safety guidelines for the above noted main physical hazards are included below.

1.8.3 Excavation and Backfilling

Site activities will involve excavation and trenching of impacted material. The estimated location of all underground utilities must be determined before digging begins. Necessary clearances must be observed. Appropriate engineering controls will be implemented during excavation to maintain road stability and protect the public.

The standard operating procedure (SOP) for excavation and construction work will follow New York State Department of Labor (NYSDOL), Division of Safety and Health, Industrial Code Rules (Part 23).

1.8.4 Utility Clearances

Prior to any intrusive activities (e.g. drilling, excavation, probing) New York State Dig Safe shall be contacted to mark underground lines before any work is started.

Personnel directly involved in intrusive work shall determine the minimum distance from marked utilities within which work can be conducted with the assistance of the locator line service. Prior to drilling in locations of suspected subsurface utilities, the area will be vacuum excavated to a minimum depth of five feet.

1.8.5 Heavy Lifting Method

Personnel conducting work that may require lifting of heavy objects should use proper lifting techniques.

Feet must be parted, with one foot alongside the object being lifted and one foot behind. When the feet are comfortably spread a more stable lift can occur and the rear foot is in a better position for the upward thrust of the lift.

Use the squat position and keep the back straight. A straight back means the spine, back muscles, and organs of the body in correct alignment.

To grip the item being lifted, the fingers and the hand are extended around the object being lifted, using the full palm. Fingers have very little power - use the strength of the entire hand.

The load must be drawn close, and the arms and elbows must be tucked into the side of the body. Holding the arms away from the body increases the strain on the arms and elbows. Keeping the arms tucked in helps keep the body weight centered.

The body must be positioned so that the weight of the body is centered over the feet. This provides a more powerful line of thrust and also ensures better balance. Start the lift with a thrust of the rear foot. Do not twist.

1.8.6 Slip/Trip/Hit/Fall

These injuries are the most frequent of all injuries to workers. They occur for a wide variety of reasons, but can be minimized by the following practices:

- Spot-check the work area to identify hazards;
- Establish and utilize pathways that are most free of slip and trip hazards;
- Beware of trip hazards such as wet, slippery floors, mud and uneven terrain;
- Carry only loads you can see over;
- Keep work areas clean and free of clutter, especially storage areas and walkways;
- Cover cords and hosing where it cross common walkways;
- All heavy equipment will require a spotter;
- Communicate observed hazards to site personnel.

1.8.7 Heat Stress

All field personnel engaged in site work shall have completed training to recognize and avoid heat related illness. Proper training and preventive measures will aid in averting loss of worker productivity and serious illness. Heat stress prevention is particularly important because once a person suffers from

heat stroke or heat exhaustion, that person may be predisposed to additional heat-related illness. To avoid heat stress, the following steps may be taken:

- Modify work /rest schedules according to monitoring requirements;
- Mandate work slowdowns as needed;
- Perform work during cooler hours if possible or at night with adequate lighting;
- Provide air conditioned shelter or shaded area to protect personnel during rest periods;
- Maintain worker's body fluids at normal levels. This is necessary to ensure that the same amount of water must be ingested for approximately every eight ounces (0.23 kg) of sweat lost. The normal thirst mechanism is not sensitive enough to ensure that enough water will be drunk to replace lost sweat. When heavy sweating occurs, encourage the worker to drink more.

1.8.8 Adverse Weather Conditions

The Field Leader for each Work Crew will be responsible for deciding on the continuation or discontinuation of work for his/her Crew based on current and pending weather conditions. Electrical storms, tornado warnings, and strong winds are examples of conditions that would call for the discontinuation of work and evacuation of the site. Site operations should not be permitted during an electrical storm.

1.8.1 Vehicle Traffic

As the scope of work includes the transport and disposal of material, there is a potential to encounter a temporarily high volume of vehicular traffic. Project Work Crews that have the potential to be exposed to vehicle traffic should wear a high visibility safety vest. The excavation Work Crew will provide proper signage, flagging, and barricades to maintain a safe flow of traffic.

1.9 PERSONAL PROTECTIVE EQUIPMENT

Specific protective equipment for each level of protection is detailed as follows:

Level A	Fully-encapsulating chemical resistant suit; level B protection
Level B	Pressure-demand, full face SCBA; level C protection
Level C	Full face canister-equipped respirator; chemical resistant suit, inner/outer gloves and boots; liquid proof safety goggles;

	hardhat; two-way communication
Level D	Coveralls; safety boots; work gloves; hardhat

Based on the evaluation of potential hazards, the following levels of PPE have been designated for the applicable work areas or tasks:

TASK	LEVEL OF PROTECTION
Tank removal	Level D

1.9.1 Action Levels

Action levels shall be determined by monitoring of work zone breathing space with a portable PID and PDR1000 particulate monitor or comparable instruments. Measurement of a sustained concentration above ambient (background) conditions shall initiate action. The following criteria shall be used to determine appropriate action:

CONDITION ENCOUNTERED	ACTION REQUIRED
VOCs detected in breathing zone above ambient level	Stop work and leave area Upgrade to level B protection if needed
Dust detected in breathing zone above ambient level during excavation	Wet area

No change to the specified levels of protection shall be made without the approval of the health and safety manager and the field team leader.

If the above criteria indicate the need to increase from Level D to a higher level of personal protection, work will be immediately suspended in that particular site area until the required personal protective equipment is made available, or until Level D conditions return.

1.10 ON-SITE WORK PLANS

The following personnel or designated alternate(s) will perform the field investigation.

Field Team Leader: Dave Pelletier, P.E.

Work Party: Bob Falcone, Anthony Ramundo

Responsibilities will be designated as needed to support field effort. The work party has been briefed on the contents of this plan prior to commencement of work.

1.11 COMMNICATION PROCEDURES

The Project Manager should remain in communication with the Field Team Leader. A cellular phone will be used in the field.

In the event that radio communications are used, the following standard hand signals will be used in case of failure of radio communications:

SIGNAL	MESSAGE
Hand gripping throat	Out of air; can't breathe
Left hand grip right wrist over head	Leave area immediately
Hands on top of head	Need assistance
Thumbs up	OK; I am all right; I understand
Thumbs down	No; negative

1.12 SITE HEALTH AND SAFETY PLAN

The designated Health and Safety Manager will be directly responsible for safety recommendations on site. The Field Team Leader will be responsible for carrying out the Site Health and Safety Plan, and for enforcing it for all personnel engaged in site work.

1.12.1 Emergency Medical Care

Phelps Memorial Hospital is located approximately 4.8 miles south of the site, in Sleepy Hollow at 701 North Broadway. A map to this facility will be made available. Directions are provided below:

- South on Croton Avenue to intersection with Route 9 (about 1000 yards);
- South on Route 9 about 4 miles to hospital on right (701 Broadway).

First aid equipment is available on site at the following locations:

- First aid kit in Field vehicle;
- First aid kit in field office trailer.

List of emergency phone numbers:

AGENCY/FACILITY	PHONE NUMBER
Police (Ossining Police Department)	911 or (914) 941 -4011
Fire	911
Ambulance	911
Phelps Memorial Hospital	(914) 366-3000

1.12.2 Environmental Monitoring

The following environmental monitoring instruments shall be used on site at the specified intervals:

- Mini-RAE photoionization detector (PID). Continuous use during installation of soil borings and soil gas monitoring probes and excavation.
- Dust (particulate) monitor. Continuous use during all soil disturbances as per Community Air Monitoring Plan (CAMP).

1.12.3 Emergency Procedures

The following standard procedures will be used by on-site personnel. The Health and Safety Manager shall be notified of any on-site emergencies and be responsible for ensuring that the appropriate procedures are followed.

1.12.3.1 Personnel Injury in the Work Zone

Upon notification of an injury in the Work Zone, a rescue team will enter the Work Zone (if required) to remove the injured person to safety. Appropriate first aid shall be initiated and contact should be made for an ambulance and with the

designated medical facility (if required). No persons shall re-enter the Work Zone until the cause of the injury or symptoms is determined.

1.12.3.2 Fire/Explosion

Upon notification of a fire or explosion on site, all site personnel will be assembled at the decontamination zone. The fire department shall be alerted and all personnel moved to a safe distance from the involved area.

1.12.3.3 Personal Protective Equipment Failure

If any site worker experiences a failure or alteration of protective equipment that affects the protection factor that person and his/her buddy shall immediately leave the Work Zone. Re-entry shall not be permitted until the equipment has been repaired or replaced.

1.12.3.4 Other Equipment Failure

If any other equipment on site fails to operate properly, the Project Manager and Health and Safety Manager shall be notified and then determine the effect of this failure on continuing operations on site. If the failure affects the safety of personnel or prevents completion of the Work Plan tasks, all personnel shall leave the Work Zone until the situation is evaluated and appropriate actions taken.

In all situations, when an on-site emergency results in evacuation of the Work Zone, personnel shall not re-enter until:

1) The conditions resulting in the emergency have been corrected;

2) The hazards have been reassessed;

3) The Site Health and Safety Plan has been reviewed;

4) Site personnel have been briefed on any changes in the Site Health and Safety Plan.

Appendix D

Monitoring Well Boring and Construction Logs

BORING LOG

Boring/Well Number:	Permit Number:	FDEP Facility Identification Number:
Site Name:	Borehole Start Date: End Date:	Borehole Start Time: ☐ AM ☐ PM End Time: ☐ AM ☐ PM
Environmental Contractor:	Geologist's Name:	Environmental Technician's Name:
Drilling Company:	Pavement Thickness (inches):	Borehole Diameter (inches): / Borehole Depth (feet):
Drilling Method:	Apparent Borehole DTW (in feet from soil moisture content):	Measured Well DTW (in feet after water recharges in well): / OVA (list model and check type): ☐ HNU ☐ PID

Disposition of Drill Cuttings [check method(s)]: ☐ Drum ☐ Spread ☐ Backfill ☐ Stockpile ☐ Other

(describe if other or multiple items are checked):

Borehole Completion (check one): ☐ Well ☐ Grout ☐ Bentonite ☒ Backfill ☐ Other (describe)

Sample Type	Sample Depth Interval (feet)	Sample Recovery (inches)	SPT Blows (per six inches)	Unfiltered OVA	Filtered OVA	Net OVA	Depth (feet)	Sample Description (include grain size based on USCS, odors, staining, and other remarks)	USCS Symbol	Moisture Content	Lab Soil and Groundwater Samples (list sample number and depth or temporary screen interval)
							1 2 3 4 5 6 7 8 9 10 11 12				

Sample Type Codes: PH = Post Hole; HA = Hand Auger; SS = Split Spoon; ST = Shelby Tube; DP = Direct Push; SC = Sonic Core; DC = Drill Cuttings

Moisture Content Codes: D = Dry; M = Moist; W = Wet; S = Saturated

BORING LOG

Boring/Well Number:	FDEP Facility Identification Number:	Site Name:	Borehole Start Date: End Date:

Sample Type	Sample Depth Interval (feet)	Sample Recovery (inches)	SPT Blows (per 6 inches)	Unfiltered OVA	Filtered OVA	Net OVA	Depth (feet)	Sample Description (include grain size based on USCS, odors, staining, and other remarks)	USCS Symbol	Moisture Content	Lab Soil and Groundwater Samples (list sample number and depth or temporary screen interval)
							13				
							14				
							15				
							16				
							17				
							18				
							19				
							20				
							21				
							22				
							23				
							24				
							25				
							26				
							27				
							28				
							29				
							30				

Sample Type Codes: PH = Post Hole; HA = Hand Auger; SS = Split Spoon; ST = Shelby Tube; DP = Direct Push; SC = Soils Core; DC = Drill Cuttings
Moisture Content Codes: D = Dry; M = Moist; W = Wet; S = Saturated

BORING LOG

Page ____ of ____

Boring/Well Number:	RDEP Facility Identification Number:	Site Name:	Borehole Start Date: End Date:

Sample Type	Sample Depth Interval (feet)	Sample Recovery (inches)	SPT Blows (per 6 inches)	Unfiltered OVA	Filtered OVA	Net OVA	Depth (feet)	Sample Description (include grain size based on USCS, odors, staining, and other remarks)	USCS Symbol	Moisture Content	Lab Soil and Groundwater Samples (list sample number and depth or temporary screen interval)

Sample Type Codes: PH = Post Holes; HA = Hand Auger; SS = Split Spoon; ST = Shelby Tube; DP = Direct Push; SC = Sonic Core; DC = Drill Cuttings
Moisture Content Codes: D = Dry; M = Moist; W = Wet; S = Saturated

WELL CONSTRUCTION AND DEVELOPMENT LOG

WELL CONSTRUCTION DATA

Well Number:	Site Name:	FDEP Facility I.D. Number:	Well Install Date(s):

Well Location and Type (check appropriate boxes):	Well Purpose:	Well Install Method:
☐ On-Site ☐ Right-of-Way ☐ Off-Site Private Property ☐ Above Grade (AG) ☐ Flush-to-Grade If AG: list feet of riser above land surface:	☐ Perched Monitoring ☐ Shallow (Water-Table) Monitoring ☐ Intermediate or Deep Monitoring ☐ Remediation or Other (describe)	Surface Casing Install Method:

Borehole Depth (feet):	Well Depth (feet):	Borehole Diameter (inches):	Manhole Diameter (inches):	Well Pad Size: ____ feet by ____ feet

Riser Diameter and Material:	Riser/Screen Connections: ☐ Flush-Threaded ☐ Other (describe):	Riser Length: ____ feet from ____ feet to ____ feet

Screen Diameter and Material:	Screen Slot Size:	Screen Length: ____ feet from ____ feet to ____ feet

1st Surface Casing Material: also check: ☐ Permanent ☐ Temporary	1st Surface Casing I.D. (inches):	1st Surface Casing Length: ____ feet from 0 feet to ____ feet

2nd Surface Casing Material: also check: ☐ Permanent ☐ Temporary	2nd Surface Casing I.D. (inches):	2nd Surface Casing Length: ____ feet from 0 feet to ____ feet

3rd Surface Casing Material: also check: ☐ Permanent ☐ Temporary	3rd Surface Casing I.D. (inches):	3rd Surface Casing Length: ____ feet from 0 feet to ____ feet

Filter Pack Material and Size:	Prepacked Filter Around Screen (check one): ☐ Yes ☐ No	Filter Pack Length: ____ feet from ____ feet to ____ feet

Filter Pack Seal Material and Size:	Filter Pack Seal Length: ____ feet from ____ feet to ____ feet

Surface Seal Material:	Surface Seal Length: ____ feet from ____ feet to ____ feet

WELL DEVELOPMENT DATA

Well Development Date:	Well Development Method (check one): ☐ Surge/Pump ☐ Pump ☐ Compressed Air ☐ Other (describe)

Development Pump Type (check): ☐ Centrifugal ☐ Peristaltic ☐ Submersible ☐ Other (describe)	Depth to Groundwater (before developing in feet):

Pumping Rate (gallons per minute):	Maximum Drawdown of Groundwater During Development (feet):	Well Purged Dry (check one): ☐ Yes ☐ No

Pumping Condition (check one): ☐ Continuous ☐ Intermittent	Total Development Water Removed (gallons):	Development Duration (minutes):	Development Water Drummed (check one): ☐ Yes ☐ No

Water Appearance (color and odor) At Start of Development:	Water Appearance (color and odor) At End of Development:

WELL CONSTRUCTION OR DEVELOPMENT REMARKS

Appendix E

Groundwater Monitoring Well Sampling Log Form

Jade Environmental, Inc.

59 Circle Dr.
Hopewell Junction, New York 12533
(845) 897-2188 office
(845) 897-2189 fax
dpelletierpe@jadeenv.com

Groundwater Sampling Log

Site Name:	**Former Clinton Terrace Shopping Center (Walgreens)**
Location:	**78 Croton Avenue, Ossining, New York (Cor. Clinton / Croton Aves)**
PRP Proj. Mgr.:	**Sally Krauss**
DEC Proj. Mgr.:	**John Miller**
Sampler:	**Dave Pelletier, P.E. - Jade Environmental, Inc.**
Site Phone & Fax:	**(914) 882-6074**

Site Code #: C360110	**Date:**	**Weather**
Well Id:	**Depth to water:**	**Total purge vol.**

Purging method: Low Stress Purging and Sampling

Tubing type/diameter: ¼" polyethylene

Parameters monitored in real time: temp pH ORP turbidity Sp. Cond. DO other

Stabilization achieved? Discuss where not possible. A well is considered stabilized and ready for sample collection when the indicator parameters have stabilized for three consecutive readings as follows (Puls and Barcelona, 1996):

+0.1 for pH
+3% for specific conductance (conductivity)
+10 mv for redox potential
+10% for DO and turbidity

Draw down of 4" or less maintained? Discuss where not achieved

Immiscible layers encountered?

Pump decon prior to sampling? Y / N

Well Yield Sufficient? Discuss

Well Construction Data Available? If not

Well Diameter_____ **Well Depth**_____ **Well Type** _____

Purging Start / Stop Time	Temp/pH	Sp Cond.	ORP	DO	Turbidity	Notes

Well Inspection Results

Any wells damaged or inaccessible?

Any other changes?

Other Notes / Discussion:

Appendix F

Quality Assurance Project Plan

QAPP – Former Clinton Terrace Shopping Center

Section A - Project Management

Project title:

Groundwater Monitoring and Site Mgmt
Former Clinton Terrace Shopping Center
Village of Ossining
Westchester County, New York

Date /Revision number:

12/5/2011 / No revisions

Project Staff :

Dave Pelletier, PE- Project Engineer
Jade Environmental, Inc.
Hopewell Junction, New York
845-897-2188
dpelletierpe@jadeenv.com

John Miller, Project Supervisor
NYSDEC
Division of Environmental Remediation
625 Broadway, Albany, NY 12233-7014
(518) 402-9662

All individuals listed above will receive an electronic copy of the approved QAPP prior to the commencement of the project.

Problem Definition/Background

This project will include the monitoring of the upper aquifer beneath the above referenced property for chlorinated solvents in a consistent and automated manner resulting in reliable and reproducible data.

Project/Task Description -

Install four 2" monitoring wells to replace wells damaged during on-going development activities. – March 2012

Apply HRC to enhance natural attenuation of residual chlorinated solvents in the upper aquifer – April 2012

Quality Objectives and Criteria for Measurement Data

Quality objectives and criteria are described in detail in the Site Management Plan.

Special Training/Certifications

Certification is not required. Managers and supervisors have had extensive experience relevant to this project. All work will be conducted directly by or under the observation of a state licensed engineer.

Data, Documents, and Records

All data will be stored and available for review at the NYSDEC.

Section B - Data Generation and Acquisition

Sampling Design

The length of tubing and the placement of the water intake will be governed in part by the depth of groundwater at each monitoring well. During the well purging process, flow rates will be noted and draw down will not exceed 4". Simple water quality parameters including, but not limited to, pH, temperature, conductivity, dissolved oxygen and turbidity will be monitored in real time.

Sampling Methods

Well sampling will be conducted using EPA Low Stress Purging and Sampling Procedure for the Collection of Groundwater Samples From Monitoring Wells SOP GW0001 Revision #2 July 30, 1996.

Sample Handling and Custody

Samples will be handled according to DOW SOP# 101-07 "Sample Handling, Transport, and Chain of Custody".

Analytical Methods

Samples will be analyzed according to EPA Analytical Method 8260.

Quality Control

The project will utilize standard QA/QC procedures and limits as prescribed in the applicable method documentation and the 2005 NYSDEC Analytical Services Protocol (ASP). New dedicated tubing will be used at each well and the sampling pump deconned between each sampling event.

Instrument/Equipment Testing, Calibration, Inspection, and Maintenance

Field equipment will be operated according to applicable Quality Assurance Project Plan guidelines. The Project Engineer will be responsible for testing, calibration, inspection, and maintenance of all field equipment, as necessary and per the manufacturer recommendations and protocols.

Inspection/Acceptance for Supplies and Consumables

Bottles and sample containers will be obtained from a contract laboratory, being cleaned and/or tested to contract specifications. The Statewide Monitoring Program Project QA Manager will be responsible for obtaining and insuring the integrity of other project consumables.

Section C - Assessment and Oversight

Assessment and Response Actions

The project engineer and/or supervisor may conduct random observations and reviews of project staff and the data generated by them. Corrective action letters, when necessary, will be transmitted via email from the Project Manager to the effected staff. Contract laboratories utilized in this project may be audited if deemed necessary or appropriate by the Project Engineer and/or Project Supervisor.

Reports to Management

This project includes monitoring reports due to the project supervisor on a quarterly basis until such time that the supervisor concludes a less stringent monitoring schedule is appropriate.

Section D - Data Validation and Usability

Data Review, Verification, and Validation

The Project Manager will review data as received, primarily focusing on anomalies and omissions in the data. Problems observed in laboratory data will be brought to the attention of the contract manager and/or QA staff for further review.

Data Usability Assessment

The Project Manager will review all data generated by the project to insure it meets the objectives of the projects. Data of questionable usability will be brought forth to the QA staff for further review. All data assessed as useable will be used to generate the final decision/outcome of the project.

Appendix G

Site-Wide Inspection Form

New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau C, 11th Floor

Joe Martens
Commissioner

SITE WIDE INSPECTION REPORT

Site Code #: C360110	Date:	Report #:

Site Name: Former Clinton Terrace Shopping Center (Walgreens)
Location: 78 Croton Avenue, Ossining, New York (Cor. Clinton / Croton Aves)
PRP Proj. Mgr.: Sally Krauss
DEC Proj. Mgr.: John Miller
Consultant Proj. Mgr.: Dave Pelletier, P.E.
Proj. Contr.: Jade Environmental, Inc.
Site Phone & Fax:

	AM	PM
Weather		
Temperature		
Wind Direction		

Site Inspection Results

Cover System Intact?

Evidence of work having been conducted since previous inspection?

Any other changes?

Notes / Discussion:

-

Planned Work Inspection Checklist

Description of work to be performed by contractor:

Discussions/comments regarding visitors, contractor and/or engineer:

Discussion Regarding Sampling and Analyses Conducted in conjunction with work efforts:

Air monitoring: VOCs Dust

Soil Sampling:

Other testing / monitoring:

Health & Safety Observed During Construction Activities:
Level of protection:

Is the level of protection in conformance with the approved Health & Safety Plan?

List deviations

Are atmospheric monitoring results acceptable?

Site Visitors	Representing	Entered Exclusion Zone