

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

Mr. Anthony J. Santino
Town Supervisor
Town of Hempstead
One Washington Street
Hempstead, NY 11550

MAY 17 2017

Re: Certificate of Completion,
Site Name: Elmont Welding
Site No. E130150
Town of Hempstead, Nassau County
Agreement No.: NYWII-E130150-12-14

Dear Mr. Santino:

The New York State Department of Environmental Conservation (Department) has completed the remediation phase of the Environmental Restoration Project (ERP) in accordance with the New York Works II Environmental Restoration Project Agreement (Agreement) executed by the Department on February 24, 2015 for the Elmont Welding site located in the Town of Hempstead. The Department has determined that the project has been completed in accordance with the terms and conditions of the above-referenced Agreement, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The Town of Hempstead is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the Town of Hempstead fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced Agreement, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

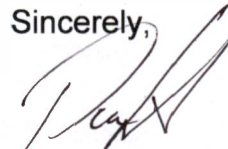
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in September 2018.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

If you have any questions, please do not hesitate to contact Brian Jankauskas, the Department's project manager, at 518-402-9626.

Sincerely,



Robert W. Schick, P.E.
Director
Division of Environmental Remediation

Enclosure

Enc w/ Enclosure:

J. Crist, Town of Hempstead (JCrist@tohmail.org)
B. Jankauskas, NYS DEC
D. Tuohy, NYS DEC

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program Pursuant to 6 NYCRR Part 375-1.9(d)

Elmont - 546 Hempstead Turnpike-aka-Elmont Welding, Site ID No. E130150
546 Hempstead Turnpike, Town of Hempstead, New York, 11003
Town of Hempstead, Nassau County, Tax Map Identification Number(s) 32-365-57, 32-365-58,
32-365-59, 32-365-60, 32-365-61, 32-365-199, and 32-365-200

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Town of Hempstead for a parcel approximately 0.34 acres located at the 546 Hempstead Turnpike in the Town of Hempstead, Nassau County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following preparation by the Department of the final engineering report and satisfaction of the requirements in the New York Works II Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

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

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

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

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Nassau County as Document Number 2017-00017909.

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

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

**Elmont - 546 Hempstead Turnpike-aka-Elmont Welding, E130150, 546 Hempstead Turnpike,
Hempstead, NY 11003**

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

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

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

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 1 located at 50 Circle Road, Stony Brook, NY 11790 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Town of Hempstead

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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

Signature and Office of individual
taking acknowledgment

Please record and return to:

Mr. Anthony J. Santino
Town Supervisor
Town of Hempstead
One Washington Street
Hempstead, NY 11550

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Town of Hempstead

Address

One Washington Street, Hempstead, NY 11550

SITE INFORMATION

Site No.: E130150 **Site Name:** Elmont - 546 Hempstead Turnpike-aka-Elmont Welding

NYWII ERP Agreement No.: NYWII-E130150-12-14

Site Owner: Town Of Hempstead

Street Address: 546 Hempstead Turnpike

Municipality: Elmont **County:** Nassau **DEC Region:** 1

Site Size: 0.340 Acres

Tax Map Identification Number(s): 32-365-199, 32-365-200, 32-365-57, 32-365-58, 32-365-59, 32-365-60, 32-365-61

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

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following preparation by the Department of the final engineering report and satisfaction of the requirements in the New York Works II Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

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

Allowable Uses under the ERP: Restricted-Residential, Commercial, and Industrial

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Nassau County with recording identifier 2017-00017909.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

CERTIFICATE MODIFICATION/REVOCATION

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

(1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;

(2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;

(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

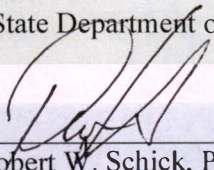
(5) the environmental easement as implemented, if applicable, is not protective or enforceable;
or

(6) there is good cause for such modification or revocation.

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

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:


Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date: May 17, 2017

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land situated lying or being at: Elmont, Town of Hempstead, County of Nassau and State of New York, known and designated on a certain map entitled "Jamaica Square No. 2" amended map October 1905 by H.S. Thompson CE & LS filed in the office of the clerk of the County of Nassau on September 8, 1906 as Map No. 41 (case No. 304) lots 57 thru 61 and part of lots 62 thru 69 in block 18.

Beginning at the intersection formed at the easterly side of Luis Avenue and the lot line separation lots 56 & 57;

Thence South 58 degrees 26 minutes 51 seconds East a distance of 87.00 feet;

Thence South 31 degrees 23 minutes 56 seconds West a distance of 56.00 feet;

Thence South 58 degrees 26 minutes 34 seconds East a distance of 36.05 feet;

Thence along the westerly side of Marguerite Avenue South 49 degrees 57 minutes 26 seconds West a distance of 60.50 feet;

Thence along a curve to the right with a radius of 41.79 feet & arc length of 36.45 feet;

Thence along the northerly side of Hempstead Turnpike (NYS RT. 24) North 77 degrees 54 minutes 3 seconds West a distance of 75.39 feet;

Thence along a curve to the right (not tangent) with a radius of 46.91 & an arc length of 18.87 feet;

Thence along the easterly side of Louis Avenue North 31 degrees 33 minutes 9 seconds East a distance of 146.97 feet to a place or point of beginning.

Consisting of 14,841.7 square feet or 0.34 acres.

Exhibit B

Site Survey

[illegible]

N.Y.S. License No.
050796

| REVISIONS | | | | |
|-----------|-----|--------------------------|-----------|----------|
| ZONE | REV | DESCRIPTION | DATE | APPROVED |
| | 1 | Revise Tax Lot Reference | 7-16-2016 | |
| | 2 | Revise per comments | 7-22-2016 | |
| | | | | |
| | | | | |
| | | | | |

PREPARED FOR :
ENVIRONMENTAL ASSESSMENT & REMEDIATIONS
225 ATLANTIC AVENUE
PATCHOGUE, NY 11772
631 447-6400



RECORD DRAWINGS OF SITE REMEDIATION AT :
546 Hempstead Turnpike
Elmont, NY 11003
NCTB Section 32 Block 365 Lots 57 thru 61 & 199 & 200
Sheet 10153 Page 640
SITE# E130150

Current Boundary NYSPC
NADE3 NAVDRB Zone 3104 Long Island

SCALE 1" = 10'

SHEET 4 OF 4



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
4/17/2017



SITE DESCRIPTION

SITE NO. E130150

SITE NAME Elmont - 546 Hempstead Turnpike-aka-Elmont Welding

SITE ADDRESS: 546 Hempstead Turnpike **ZIP CODE:** 11003

CITY/TOWN: Elmont

COUNTY: Nassau

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

| SITE MANAGEMENT PLAN INCLUDES: | YES | NO |
|--------------------------------------|-------------------------------------|-------------------------------------|
| IC/EC Certification Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Monitoring Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Operation and Maintenance (O&M) Plan | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 08/30/2018

Description of Institutional Control

Town of Hempstead

546 Hempstead Turnpike

Environmental Easement

Block: 365

Lot: 200

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-200

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Louis Avenue (Adj)
Environmental Easement

Block: 365

Lot: 199

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-199

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 57

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-57

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 58

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-58

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 59

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-59

Building Use Restriction

Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

Lot: 60

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-60

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 61

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-61

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Town of Hempstead

546 Hempstead Turnpike

Environmental Easement

Block: 365

Lot: 200

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-200

Cover System

Louis Avenue (Adj)

Environmental Easement

Block: 365

Lot: 199

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-199
Cover System

Lot: 57

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-57
Cover System

Lot: 58

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-58
Cover System

Lot: 59

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-59
Cover System

Lot: 60

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-60
Cover System

Lot: 61

Sublot:

Section: 32

Subsection:

S_B_L Image: 32-365-61
Cover System