

# 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](http://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:



Department of  
Environmental  
Conservation

- 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:

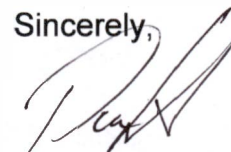
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- 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](mailto: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;

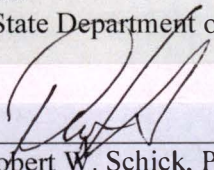
(5) the environmental easement as implemented, if applicable, is not protective or enforceable;  
or

(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**



THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW, AND THE STATE INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN MORE DETAIL IN THE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MAY BE OBTAINED FROM THE STATE AT AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NEW YORK STATE ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, 615 ROUTE 9W, SUITE 200, NEW PALTZ, NY AT DENVER@DEC.NY.GOV.

THE SHALLOA TRACT OR PARCEL OF LAND SITUATE LYING OR BEING AT THE CORNER OF THE INTERSECTION OF TOWN OF HEMPSTEAD, COUNTY OF NASSAU AND SAUNDERS ROAD, KNOWN AND DESIGNATED ON A CERTAIN MAP ENTITLED "JAMAICA HILLS, NASSAU COUNTY, NEW YORK, 1968" AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF NASSAU ON JANUARY 11, 1968, AS SHOWN ON SAID MAP, AND PART OF LOTS 62 THRU 69 IN BLOCK 18, AND PART OF LOTS 10, 11, 12, 13, 14, 15, 16 AND 17 OF LOTS 18 THRU 24 IN BLOCK 19, AND PART OF LOTS 2 AND 3 OF LOTS 25 THRU 56 S.E. 1/4.

THENCE NORTH 88 DEGREES 28 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 88 DEGREES 28 MINUTES 34 SECONDS EAST A DISTANCE OF 38.00 FEET

THENCE ALONG THE WESTERLY SIDE OF MARGUERITE AVENUE NORTH 89 DEGREES 57 MINUTES 26 SECONDS WEST A DISTANCE OF 80.50 FEET

THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 41.79 FEET & ARC OF 100.00 DEGREES TO THE POINT OF BEGINNING

THENCE ALONG THE NORTHERLY SIDE OF HEMPSTEAD TURNPIKE (NY'S RT. 28) NORTH 77 DEGREES 54 MINUTES 3 SECONDS WEST A DISTANCE OF 76.39 FEET

ALONGS A CURVE TO THE RIGHT (NOT TANGENT) WITH A RADIUS OF 48.48 FEET AND AN ARC OF 100.00 DEGREES TO THE POINT OF BEGINNING

THENCE ALONG THE EASTERLY SIDE OF LOUIS AVENUE NORTH 89 DEGREES 57 MINUTES 26 SECONDS EAST A DISTANCE OF 146.97 FEET TO A PLACE OR POINT OF BEGINNING



N.Y.S. License No.  
050798

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



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