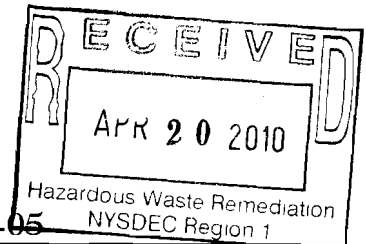


VOLUNTARY CLEANUP PROGRAM

FINAL ENGINEERING REPORT

BURTON INDUSTRIES INC.
243 WYANDANCH AVENUE
NORTH BABYLON, NEW YORK 11704
Site No.: V-00239-1 Index No.: D1-0001-02-05



PREPARED FOR:
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
SUNY @ STONY BROOK
50 CIRCLE ROAD
STONY BROOK, NEW YORK 11790

PREPARED BY:
BERNINGER ENVIRONMENTAL, INC.

OCTOBER 2009
REVISED DECEMBER 2009
REVISED APRIL 2010

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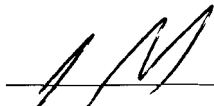
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PROFESSIONAL ENGINEER'S CERTIFICATION

CERTIFICATION:

I hereby certify that I have personally reviewed this Final Engineering Report developed for the subject property pursuant to the requirements of the Consent Order between the New York State Department of Environmental Conservation (NYSDEC), Region I, and the "Respondent", Burton Industries, Inc.'s Property Owner. The subject property ("site") is located at 243 Wyandanch Avenue, North Babylon, New York (See Figure 1). This work plan was prepared by Walter Berninger, Project Manager under my supervision.

John V. Soderberg, P.E.



Signature:

New York State P.E. License No. 049975

Dated: April 14, 2010

SEAL



Berninger Environmental, Inc.

groundwater consultants and geologists

90-B Knickerbocker Avenue
Bohemia • New York • 11716

Phone: 631 • 589 • 6521

Fax: 631 • 589 • 6528

September 09, 2009 **Revised April 2010**

Mr. Jamie Ascher
Engineering Geologist 2
Division of Environmental Remediation, Region I
New York State Department of Environmental Conservation
SUNY @ Stony Brook
50 Circle Road
Stony Brook, New York 11790-2356

Re: **Final Engineering Report**
Voluntary Investigation Program
Burton Industries Inc.
243 Wyandanch Avenue, North Babylon, NY
Site No.:V-00239, Index No.:D1-0001-02-05

Dear Mr. Ascher:

Berninger Environmental Inc. (BEI) respectfully submits for your review and consideration an Engineering Report & Site Management Plan for the completed Voluntary Investigation for the Burton Industries Inc. facility (Subject Property) located at 243 Wyandanch Avenue, North Babylon, New York. The Subject Property is further described as SCTM District 0100, Section 082, Block 003, Lot 19.6. (See attached Figures). The site occupant and operator is Burton Industries Inc.

This Engineering Report provides summary data from all prior work plans, correspondence and reports previously provided, reviewed and approved by the New York State Department of Environmental Conservation (NYSDEC), Division of Environmental Remediation (DER) and the New York State Department of Health (NYSDOH) during the implementation of the VCP activities. As only a summary of data is provided, complete details on the investigations are provided in the prior reports, and reference is made to those documents. The attached Figures summarize the areas of investigation at the property and the remedial actions performed.

1.0 INTRODUCTION

A Voluntary Investigation was completed for the Subject Property pursuant to the requirements of an executed Voluntary Cleanup (VCP) Agreement dated November 8, 2002 between the New York State Department of Environmental Conservation (NYSDEC), Division of Environmental Remediation (DER), and the "Volunteer", Mr. Stanley Yoel, Property Owner. Burton Industries Inc. Facility (Subject Property) located at 243 Wyandanch Avenue, North Babylon, New York. The Subject Property is further described as SCTM District 0100, Section 082.00, Block 03.00, Lot 019.006. (See attached Figures) The site occupant and operator is Burton Industries Inc.

Site History and Land Use

The Subject Property is an approximately 255 feet wide by 300 feet deep (1.8 acres) commercially developed lot, located on the north side of Wyandanch Avenue. The development at the site consists of a 38,000 ft² one-

story slab-on-grade industrial building. The original portion of the building was a 10,000 ft² structure that was built circa 1971. Three building additions (10,000 ft², 6,700 ft², and 5,500 ft²) were constructed in 1976, 1978 and 1981, respectively.

The original occupant of the site was Burton Industries Inc. who at that time operated a manufacturing facility for the fabrication of aluminum parts for swimming pools. In 1978, the business was expanded to include the heat treatment of metals. This manufacturing operation primarily includes the heat treating of metals for the aerospace and defense industries. Heat treating occurs within furnaces to either decrease or increase the hardness of the metal. Between 1980 and 1984, Burton Industries Inc. went public under the name of Burton Energy and Solar Technology and the production of swimming pool parts ceased and the primary operational focus was on heat treating of metal parts and the development of solar panels. Since 1984 the primary business at the subject site has been the heat treatment of metals.

During prior historic operations (prior to the early 1990s), certain metal materials required either pre- or post cleaning to remove cutting oils relative to the heat treatment process. This process was formerly performed in a small closed loop vapor degreaser system that utilized tetrachloroethene (PCE). No later than 1993, PCE and other solvent use was discontinued.

The Volunteer, Mr. Stanley Yoel, purchased the property in 1985. An additional tenant occupant (occupancy circa 1999-2000) is MFP, a sewing company who assembles woven materials into products such as adult diapers and hospital pads. This tenant occupies the western portion of the southern half of the building.

2.0 SUMMARY OF PAST INVESTIGATIONS

Records were made available to BEI from a Preliminary Site Assessment (PSA) performed by Dvirka & Bartilucci Consulting Engineers (D&B) dated April 1998. This PSA documents field investigatory work performed from December 16 to 23, 1996. The PSA was required apparently due to an earlier study¹ of another property (former Jameco Industries Inc. [Jameco]) located downgradient. Evidence of contamination had been reported in a Jameco on-site monitoring/supply well that might have migrated from an upgradient location. Site investigations prior to the PSA at the subject site included a Suffolk County Department of Health Services (SCDHS) routine inspection in December 1986. A summary of these investigations and subsequent remedial activities are provided below.

2.1 SCDHS Sampling Data 1986 to 1987

Liquid samples were collected from storm drains and sanitary leaching pools at the 243 Wyandanch Avenue, North Babylon property on November 13, 1986 and April 8, 1987. These liquid samples exhibited exceedances of Volatile Organic Compounds (VOCs) (Tetrachloroethylene (PCE) at 250 micrograms per Liter (*ug/L*), 1, 2-dichlorobenzene at 320 *ug/L* and m-dichlorobenzene at 24 *ug/L*) relative to groundwater standards and were potentially indicative of unpermitted discharges. No bottom sediment samples were collected at that time.

¹ October 29, 1992 registry site classification decision: "Burton Industries Inc. is a likely source of the VOC contamination found in Jameco's supply well and other nearby wells installed by SCDHS".

2.2 Dvirka & Bartilucci April 1998 Preliminary Site Assessment

As part of the PSA, sediment/sludge samples were collected from the eight (8) stormwater drywells and two (2) primary cesspools comprising the two on-site sanitary systems. Additionally, groundwater was sampled from seven (7) temporary monitoring well locations via a Geoprobe² at multiple depths within the aquifer. Seven Geoprobe points (GP-1 through GP-7) were installed and two groundwater samples were collected from each sampling location. Two (2) temporary monitoring locations were installed upgradient with five (5) points located downgradient of the building.

The only groundwater samples which contained VOCs (1,2-dichloroethene [1,2-DCE, total], PCE and/or trichloroethene [TCE]) at concentrations above the NYSDEC Class GA Groundwater Standards or Guidance Values (SGVs) were as follows: GP-3 (23 feet bgs), GP-4 (7 feet bgs), GP-5 (7 feet bgs) and GP-6 (22 feet bgs). These four (4) groundwater sampling locations were located downgradient of the building based on projected regional groundwater flow to the southeast.

Sediment/sludge samples were collected from the two primary sanitary cesspools and the eight storm drains located on the Burton Industries property. VOCs were found in one of the storm drains, SD-6, at levels above NYSDEC Recommended Soil Cleanup Objectives (RSCOs). SD-6 is located just south of the overhang on the east side of the building. The compounds present at SD-6 which exceeded the RSCOs were 1,2-DCE at 320 micrograms per kilogram (ug/kg), TCE at 1,100 ug/kg and PCE at 31,000 ug/kg. Toluene, ethylbenzene and xylenes were also detected in SD-6, however, at concentrations below the RSCOs. Based upon these results, the PSA concluded that SD-6 was the likely source of contamination reported in groundwater at GP-4, GP-5 and GP-6.

2.3 Remediation of SD-6

Based upon the findings, NYSDEC requested that Burton submit a work plan for the remediation of SD-6 which included the removal of bottom sediment material from SD-6, followed by end point sampling, to evaluate the effectiveness of the remediation. The NYSDEC also required further investigation of groundwater conditions. In the interim, an agreement was reached for the remediation of SD-6. Therefore, remediation of SD-6 was accomplished on September 30, 2000, in coordination with the NYSDEC DER. The remediation was performed by EarthCare/RGM. End point sampling of the remediated structure was performed on October 2, 2000 to accommodate split sampling by the NYSDEC. 18 yards of RQ hazardous waste solids ([PCE] F001, F002, D039) were removed from the storm drain and was transported off-site by Freehold Cartage, Inc. (NJD054126164) under Manifest No. NYG 2454543 for disposal at North East Environmental Services, Inc. located at 4123 Canal Road, Canastota, New York 13032. (Manifest see Appendix C)

On behalf of the property owner, an end point sample was collected by Anson Environmental Ltd. and analyzed by Eco Test Laboratories, Inc. The results of end point testing indicated the detection of only one residual VOC, PCE at 7 ug/kg, significantly below the RSCOs for same. The NYSDEC split sample analytical testing results indicated similar data with very low level estimated concentrations of 2J ug/kg for PCE, 6JB ug/kg for methylene chloride and 7J ug/kg for acetone.

²A Geoprobe is a truck mounted drilling system capable of collecting discrete soil, soil gas, and groundwater samples.

Correspondence from NYSDEC (August 17, 2001) confirmed that the end point sampling results demonstrated a successful remediation at SD-6.(NYSDEC letter see Appendix D)

3.0 Voluntary Site Investigation - September 8 - 11, 2003

As per NYSDEC DER requirements, additional investigation was required to evaluate the September 2000 source area remediation at SD-6, specific to determine groundwater quality conditions, upgradient and downgradient of the remediated storm drain.

This investigative effort required the installation of three permanent monitoring wells to confirm site-specific groundwater flow direction. Then groundwater quality data was to be collected at either the permanent shallow

wells and/or via temporary monitoring wells at multiple depths within the aquifer, at locations confirmed to be downgradient of the prior remediated source area, SD-6.

On September 8 -11, 2003, three (3) shallow groundwater monitoring wells were installed at the subject property to determine the direction of groundwater flow. The wells were developed and casing elevations were determined by a New York State licensed surveyor. Depth to groundwater was measured at each well on October 3, 2003. Localized groundwater flow direction was determined to be to the southeast, consistent with the regional groundwater flow direction established by SCDHS water table maps. Based upon the direction of localized groundwater flow, three temporary monitoring wells were installed via Geoprobe.

Groundwater samples were collected from the three existing monitoring wells and the three temporary monitoring wells (GP-8, GP-9 and GP-10) at two discrete intervals on December 2, 2003 for analysis for Volatile Organic Compounds. Supplemental samples from MW-1, MW-2, MW-3 and GP-10 (22-24 ft bgs) were collected and submitted by the NYSDEC for TAL Inorganics.

The results of analytical testing confirmed two VOC compounds above their respective NYSDEC SGVs of 5 ug/L at three of the nine sampling intervals: tetrachloroethene [6 J ug/L at MW-2 (5-15 ft bgs)], [39 ug/L at MW-3 (5-15 ft bgs)] and [11 ug/L at GP-10 (24-26 ft bgs)]. 1,2-dichloroethene was reported above its respective SGVs at [11 J ug/L at MW-3 (5-15 ft bgs)] and at [7J ug/L GP-10 (24-26 ft bgs)].

Comparison with the 1996 data indicated that a substantial reduction in VOC concentrations. Furthermore, the 2003 VOC sampling data clearly demonstrates either non-detection or a decrease of VOCs with increased depth below grade at the subject property. This study confirmed that no unidentified remaining significant environmental concerns are present in on-site groundwater relative to SD-6, either shallow or deep.

Analysis for inorganic parameters by the NYSDEC indicated only two constituents (barium and manganese) present at concentrations elevated above their respective SGVs. No exceedances of chromium, which was the historic target compound of potential environmental concern, were reported at any of the sampling locations. Based upon the above, no significant environmental concerns relative to the presence of inorganic compounds were identified at the subject property.

4.0 Supplemental Investigation (August 23, 2004) - Soil Gas & Groundwater

Subsequent to the review of the VCP Remedial Investigation Report, the New York State Department of Health (NYSDOH) required that a limited soil gas sampling program be conducted to evaluate the potential for soil gas intrusion to impact indoor air quality. Two locations (SG-1 and SG-2) proximate to SD-6 were selected, outside the facility building, along the foundation wall. BEI collected discrete soil gas samples from below the asphalt pavement at 4 feet below grade surface [bgs] on August 23, 2004. The soil gas samples were submitted for analysis for VOCs. As part of the supplemental investigation, the three on-site monitoring wells were also re-sampled.

Soil Gas Sampling

Detections of VOCs identified in the soil gas sampling results represented concentrations of soil gas under the asphalt pavement. Seventeen reported VOCs included the following compounds at the concentration range indicated in parentheses: tetrachloroethene (2,140 to 6,550 $\mu\text{g}/\text{m}^3$); trichloroethene (60 to 601 $\mu\text{g}/\text{m}^3$); 1,2-dichloroethene (60 to 601 $\mu\text{g}/\text{m}^3$); 1,3,5-trimethylbenzene (15 to 24 $\mu\text{g}/\text{m}^3$); 1,2,4-trimethylbenzene (65 to 110 $\mu\text{g}/\text{m}^3$); and benzene (5.8 to 7.5 $\mu\text{g}/\text{m}^3$). Of these five compounds, the primary VOC of concern is tetrachloroethene due to its elevated concentration above its comparative basis.

Groundwater Quality Data

Four VOC compounds were quantified at two of the three groundwater sampling locations; however, only two were present at concentrations above its respective SGVs. Specifically, 1,2-dichloroethene (ND to 53 $\mu\text{g}/\text{L}$), trichloroethene (ND to 9 $\mu\text{g}/\text{L}$), and tetrachloroethene (1J to 87 $\mu\text{g}/\text{L}$) were reported at the MW-2 and MW-3 groundwater sampling locations at the range in concentration shown in parentheses. Of these detections, the following sampling locations reported concentrations of VOCs above their respective SGVs of 5 $\mu\text{g}/\text{L}$: tetrachloroethene (38 to 87 $\mu\text{g}/\text{L}$) at MW-3. 1,2-dichloroethene was reported above its respective SGV at 30 to 53 $\mu\text{g}/\text{L}$ at MW-3.

5.0 Supplemental VCP Investigation - December 1, 2005

As required by NYSDEC and the NYSDOH, the following work was performed on December 1, 2005 - 1) the collection of a sub slab soil gas sample and indoor and ambient (outdoor) air sample; 2) resampling of MW-3; and 3) development of updated localized groundwater flow maps.

The results of groundwater sampling noted that four VOC compounds were quantified at the MW-3. 1,2-dichloroethene (5 $\mu\text{g}/\text{L}$), trichloroethene (1J $\mu\text{g}/\text{L}$), and tetrachloroethene (4J $\mu\text{g}/\text{L}$) were reported at MW-3. The current concentration of VOCs at MW-3 was significantly less than that reported in December 2003 and August 2004.

The indoor sub slab soil vapor and indoor/outdoor air sampling program was conducted to evaluate the prior elevated VOC concentrations exhibited at the soil gas sampling locations SG-1 and SG-2. These samples were required to provide supplemental data to evaluate the potential for future and/or current indoor air quality issues. A location interior to the building, in line with the former SG-1 and SG-2 sampling locations (and opposite remediated stormwater drywell [SD-6]), about ten feet interior of the foundation wall was selected for the collection of a sub slab gas sample.

In order to evaluate the soil vapor data, comparison was made to both the NYSDOH indoor air quality database contained within the Draft February 2005 guidelines. Up to fifteen VOCs were present at the sub slab soil gas sampling location (SSV-1). These VOCs included the following compounds at the concentration range indicated in parentheses: tetrachloroethene ($1,400 \mu\text{g}/\text{m}^3$); trichloroethene ($12 \mu\text{g}/\text{m}^3$); 1,1,1-Trichloroethane ($8.7 \mu\text{g}/\text{m}^3$), toluene ($110 \mu\text{g}/\text{m}^3$), ethylbenzene ($17 \mu\text{g}/\text{m}^3$), xylene ($52 \mu\text{g}/\text{m}^3$); 1,2,4-trimethylbenzene ($23 \mu\text{g}/\text{m}^3$), 4-ethyltoluene ($16 \mu\text{g}/\text{m}^3$); and benzene ($11 \mu\text{g}/\text{m}^3$). Of these compounds, the primary VOC of concern is tetrachloroethene due to its elevated concentration above its comparative basis and prior site-related presence. It was noted that the concentrations of VOCs at SSV-1 were significantly less than those quantified at SG-1 and SG-2, exterior to the building. No significant concentrations of VOCs were noted at either the indoor or outdoor air sampling locations.

An evaluation of the ratio of sub slab soil vapor to indoor air (NYSDOH Matrix 2) indicated that the sub slab concentration of tetrachloroethene required the mitigation of site conditions. Therefore, a combination of the following was proposed and implemented for the Subject Property: 1) sealing of any identified preferential pathways; 2) installation of a sub-slab depressurization system; and 3) evaluation of the need to change the pressurization of the building and monitoring as necessary. A Remedial Action Work Plan (RAWP) was submitted and approved for the installation of a soil vapor mitigation system.

6.0 Remedial Action Plan - August 2006

The RAWP that was developed, approved and implemented at the site included an the installation of an active Sub-Slab Depressurization System (SSDS) inclusive of a Soil Vapor Extraction System (SVE). A pilot-test of the SVE system relative to the sub slab beneath the slab-on-grade building was implemented to establish the radius of influence (ROI). Based upon that pilot test, one SVE well was installed inside the building (opposite the exterior SD-6) and another exterior to the building, directly to the west of SD-6. Both of these SVE wells were connected to a GAST blower for vacuum. The blower did not require an enclosure and was wired to an existing electric sub-panel and operated by a control box located in a secure area of the Burton building. An alarm or system fault light was installed to indicate times that the system becomes inoperable due to equipment malfunction or power outages. A pressure gauge was included as a supplemental warning device of system malfunction or failure.

Routine airflow and concentration sampling of the SVE system has been performed on a monthly basis since June 2008 with reporting to NYSDEC. No continued indoor air quality monitoring has been performed as the SVE system has been confirmed to maintain a vacuum beneath the entire slab.

7.0 Soil Vapor Extraction System and Pilot Test Results

On November 27, 2007, BEI conducted a one-day pilot test of the sub-slab beneath Burton Industries' building, as stated in the Remedial Action Work Plan (RAWP) dated February 2007. From this pilot test BEI was able to establish a radius of influence (ROI) for the SVE system. An As Built SVES System Figure is included which shows the location of the Vapor Extraction Well, Vapor Testing Points and Storm Drain 6.

In order to perform this pilot test BEI installed one vapor extraction well (VEW) which was connected to a 3hp Gast Soil Vapor Extraction Pump (Model R6340R-50), vented to the exterior of the building. This pump runs at maximum 180 cfm unobstructed. The VEW consisted of 5.5' of 2" PVC with a 0.020 slotted screened interval from 5.5' to .5' below the top of the concrete slab. A bentonite seal was installed from the top of the concrete slab to a depth of 6" below the surface of the slab.

BEI installed four permanent soil vapor test points (PSVTP) in locations indicated on the attached Figure 1. These test points are located at 15', 25', 40' and 75' distances from the VEW. All PSVTP's consist of a 6" X 1/2" diameter stainless steel screen (Figure 6) at a bottom depth of 15" below the slab surface connected to a 3/8-inch diameter polyethylene tube. Each soil vapor test point has a 4" bentonite seal and has been left with a 2" manhole for future testing.

Prior to start up of the pilot test an air pressure (vacuum) measurement was recorded at each of the monitoring points immediately prior to the start of the test. This established a baseline of initial sub-slab air pressure of 0 inches of water.

Upon start-up of vacuum pump, all vapor points reached an equilibrium of vacuum within the first 10 minutes of the test. The testing was conducted for 1 hour with vacuum pressure readings obtained at 10 minute intervals. With the use of a portable PID (MiniRAE 2000®) a reading was obtained of volatiles within the effluent of the vacuum pump. The reading was less than 1 ppm with no noticeable odors.

Vacuum pressure at the extraction well was maintained at 54.38 inches of water. This reading was attained immediately upon start up and stayed constant throughout the test.

VP-15 located 15' from the vacuum well established a reading of 3.09 inches of water within 10 minutes of start-up and this remained constant throughout the test.

VP-25 located 25' from the vacuum well established a reading of 1.9 inches of water within 10 minutes of start-up and this remained constant throughout the test.

VP-40 located 40' from the vacuum well established a reading of 1.15 inches of water within 10 minutes of start-up and remained constant throughout the test.

VP-75 located 75' from the vacuum well had NO visible signs to be within a radius of influence of the vacuum test. This was shown with an indication of 0 on the vacuum meter throughout the entire testing event.

The results of this pilot test conclude that with a 3hp motor connected to a soil vapor extraction pump with a maximum flow of 180cfm that a real time radius of influence producing a capture zone can be attained within a minimum radius of 40 feet.

Being that it was concluded, in the RAWP dated February 2007, that the sub-slab soil gas sampling program performed interior to the building detected elevated concentrations of residual site-related VOC's above those guidance values that the NYSDOH has targeted for indoor air concentrations.

It is further concluded that the soil gas is most likely a residual condition, associated with the previously remediated stormwater drywell (SD-6). Therefore, in accordance with the NYSDOH's

February 2005 guidance, an evaluation of the ratio of sub-slab soil vapor to indoor air was performed. The investigations indicated that mitigation of soil gas under the slab is occurring. In this instance, since tetrachlorethene is not currently elevated in indoor air, mitigation is needed to address or minimize only potential future exposures associated with soil vapor intrusion. Therefore, BEI feels that the use of a 2 hp motor with a 160cfm (Gast model number R5325R-50) connected to the Soil Vapor Extraction system (SVE), will be adequate in producing enough of a capture zone to ensure that any residual VOC's are captured and handled prior to any further infiltration into the building through the sub-slab. Upon initial start up of the SVE system, with the use of the already existing PSVP and VEW BEI will conduct vacuum testing to ensure the appropriate capture zone has been established.

Upon Department approval BEI will commence with the installation of the SVE system. The installation, operation, maintenance, monitoring and termination of the SVE system shall follow the same protocols set forth in the Remedial Action Work Plan (RAWP) dated February 2007.

Please note that in RAWP dated February 2007 it was suggested using a 1.5 hp blower motor with a 133 cfm and BEI has increased to a 2 hp motor with a maximum of 160 cfm based upon the pilot test results. BEI has also installed permanent soil vapor points for future testing.

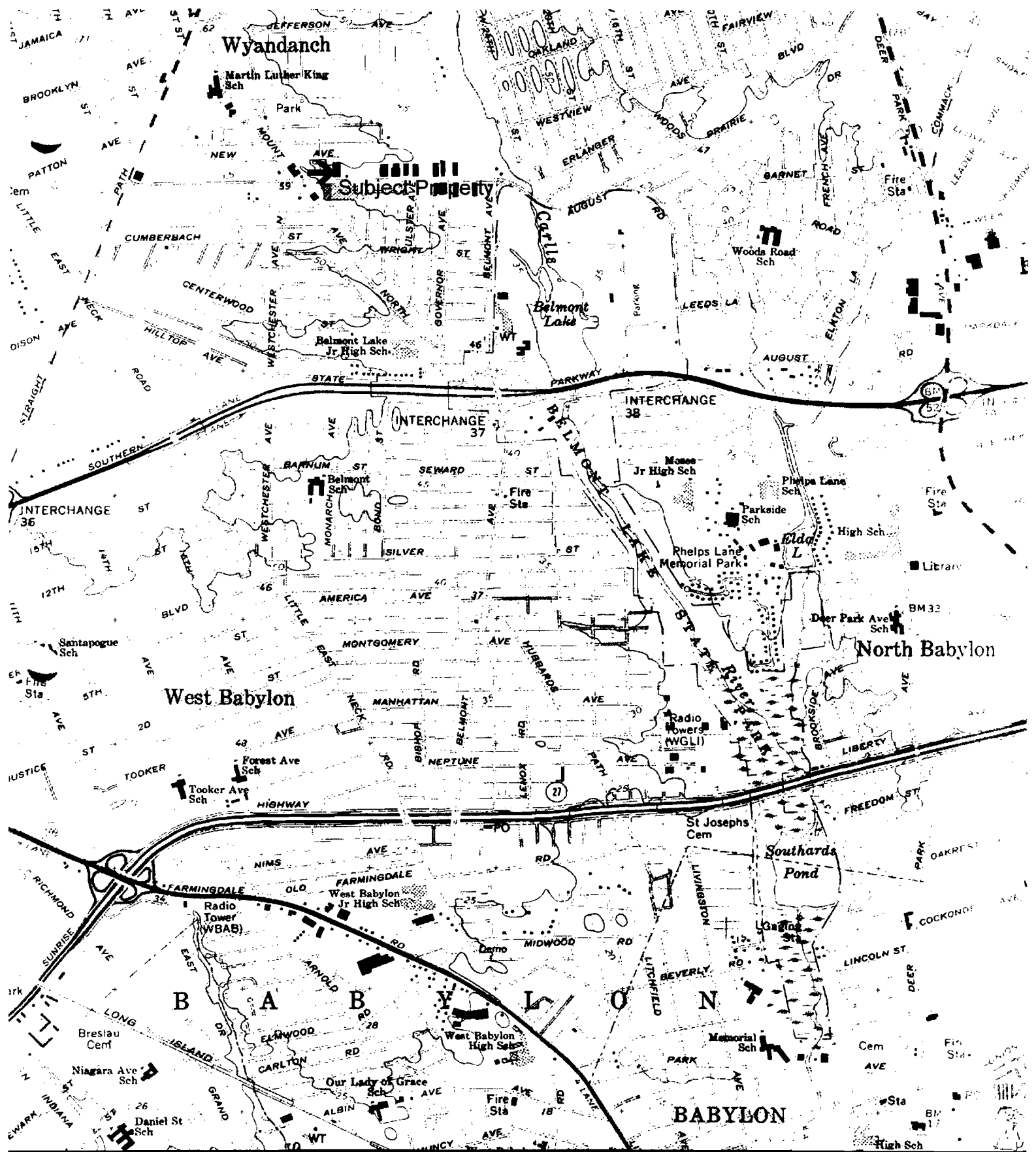
At the current time BEI is limited to a 4-6 week delay on the production and delivery of a Gast model number R5325R-50, 3 phase, 2 hp Soil Vapor Extraction Pump.

Thank you in advance for your consideration of this matter.

Sincerely yours,
Berninger Environmental Inc.

Walter Berninger
President/Consultant

FIGURES



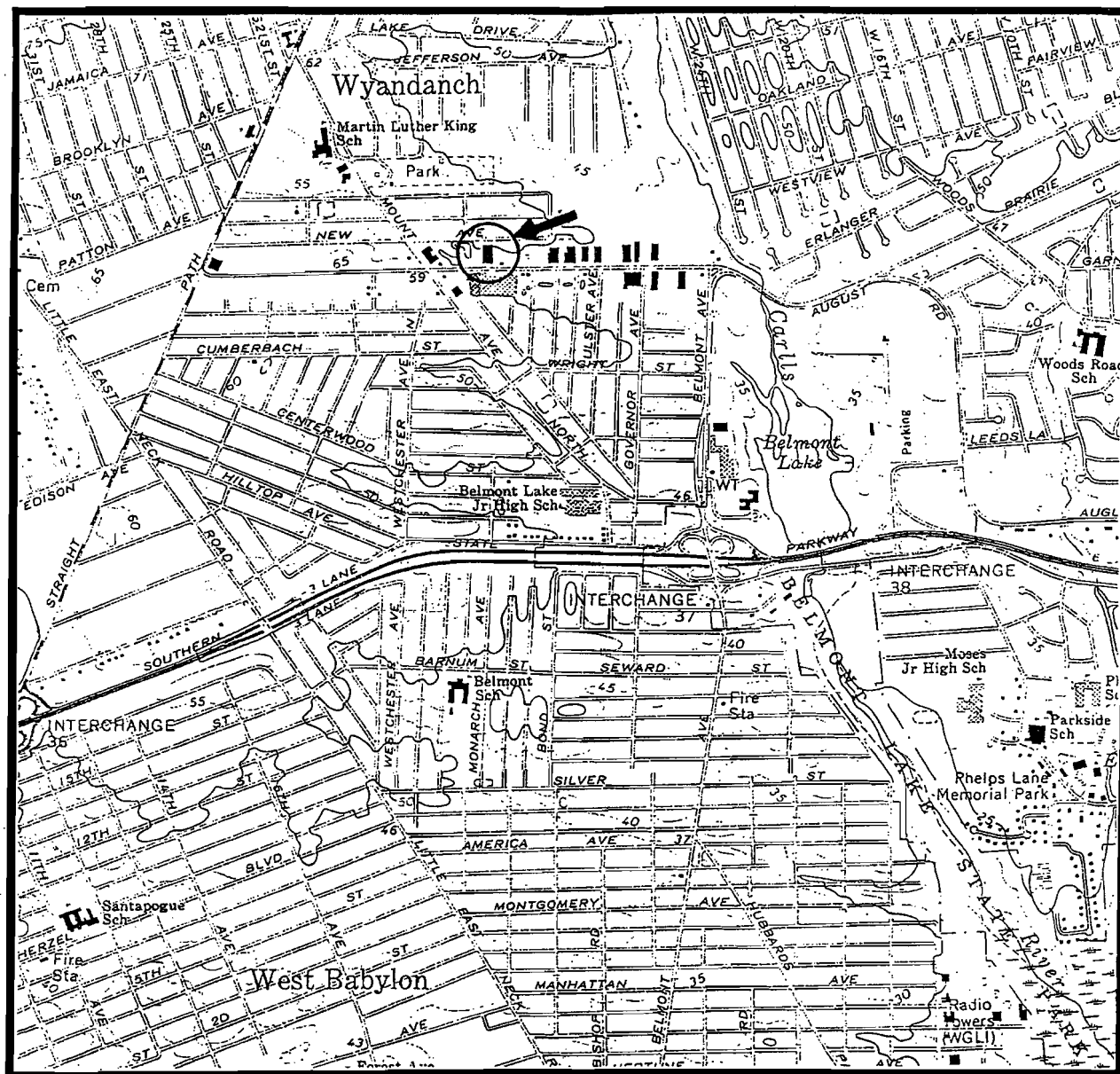
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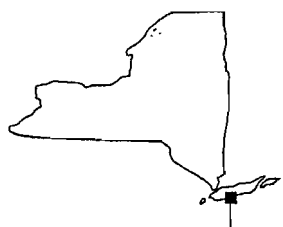
Location: BAY SHORE WEST
 Date: 3/8/104
 Scale: 1 inch equals 2000 feet

Location: 040° 43' 26.3" N 073° 20' 44.7" W
 Caption: Burton Industries, Inc.
 243 Wyandanch Avenue
 N Babylon, NY 11704
 Figure 1

Figure #1

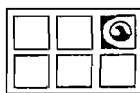
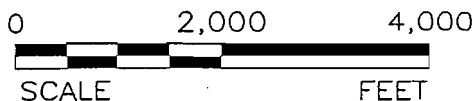


SOURCE: U.S.G.S. TOPOGRAPHIC QUADRANGLE
BAY SHORE WEST, N.Y.
7.5 MINUTE SERIES
1969/REVISED 1979



QUADRANGLE LOCATION

SCALE 1:24,000



GROUNDWATER
TECHNOLOGY

101-1 COLIN DRIVE
HOLBROOK, N.Y. 11741
(516) 472-4000

DESIGNED:

ST

DETAILED:

TS

CHECKED:

ST

SITE LOCATION

CLIENT:

BURTON INDUSTRIES, INC.

LOCATION:

243 WYANDANCH AVENUE
WYANDANCH, NEW YORK

DRAWING DATE:

9/28/93

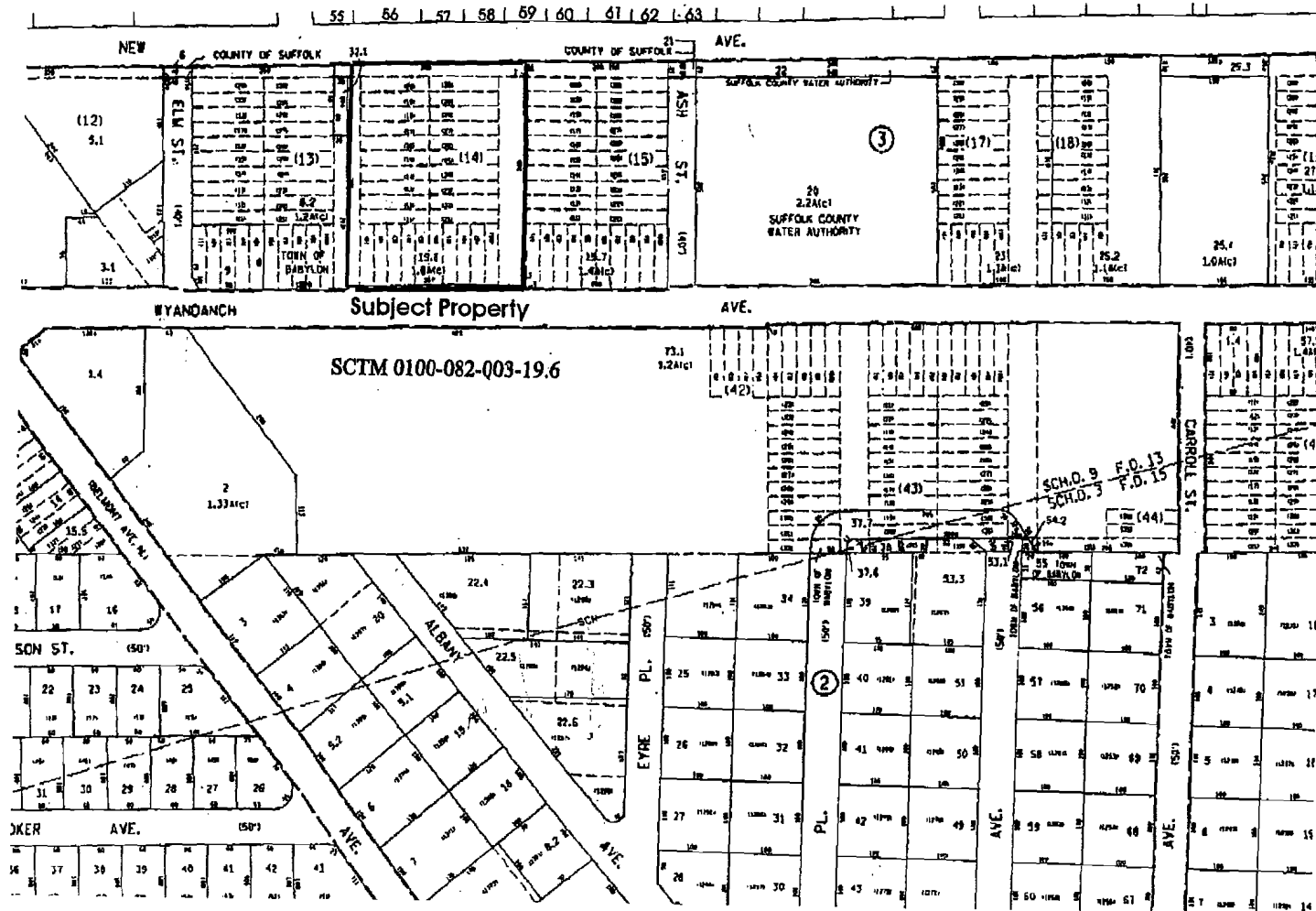
FIGURE:

1

Residential Area

Section 083 Block 4

See Tax Map in Appendix F



No scale

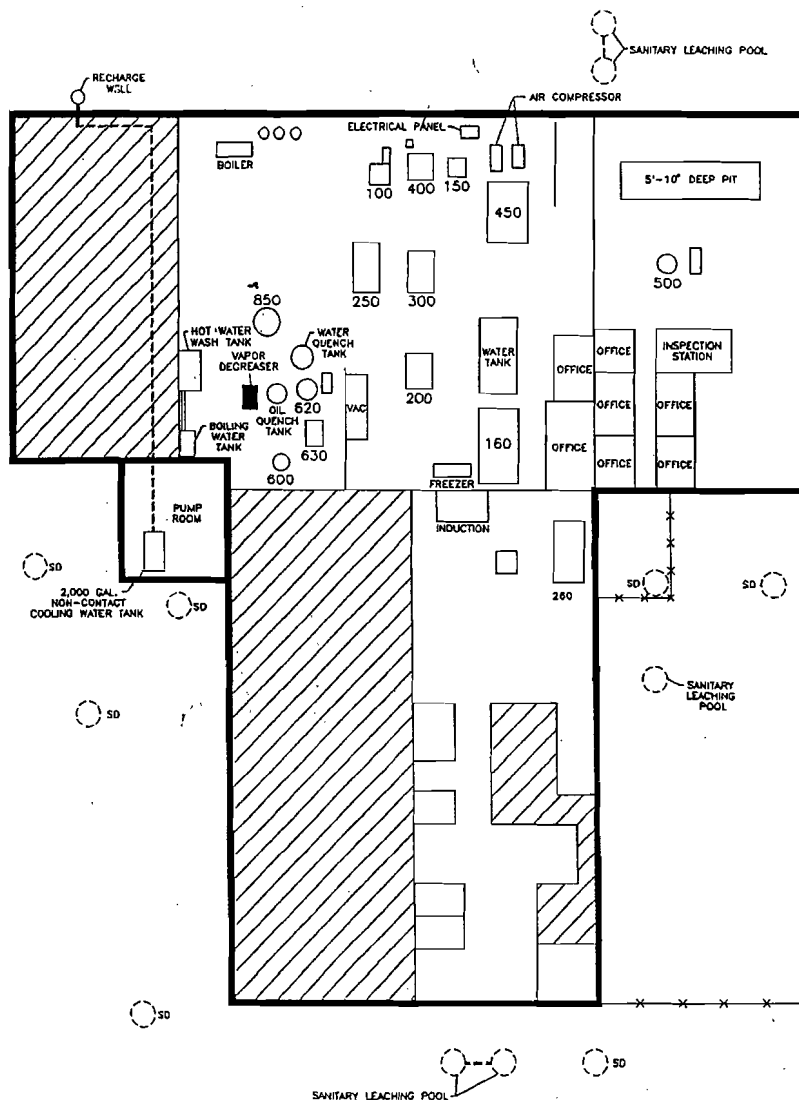
Figure #2 Tax Map and Location Of Subject Property

Reference: County Of Suffolk Real Property Tax Services
Town of Babylon Radius Map Report

No scale

FACILITIES LIST

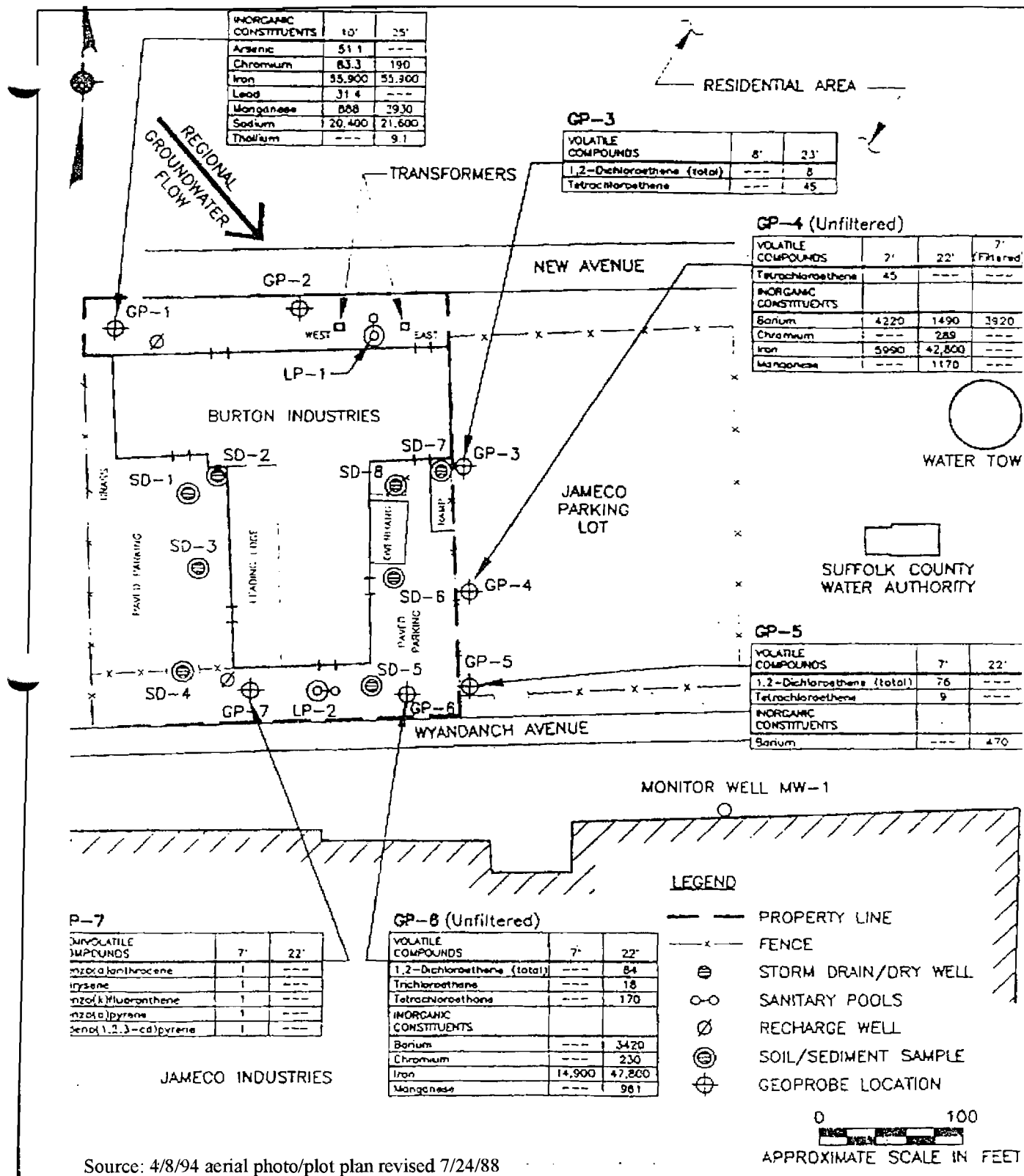
#	EQUIPMENT
100	- 1,250°F ELECTRIC AIR OVEN
150	- 1200°F ELECTRIC AIR FURNACE
160	- 1400°F AIR FURNACE AUTOMATIC QUENCH (ELECTRIC HEAT)
200	- 600°F GAS AIR FURNACE
250	- 600°F GAS AIR FURNACE
260	- 600°F GAS AIR FURNACE
300	- 600°F GAS AIR FURNACE
400	- 1,250°F ELECTRIC AIR FURNACE
450	- 1200°F ELECTRIC AIR FURNACE
500	- 2200°F ATMOSPHERE BELL FURNACE (HYDROGEN, ARGON, NITROGEN)
600	- FURNACE
620	- 1700°F DEEP NEUTRAL SALT BATH (ELECTRIC HEAT)
630	- 400°F ELECTRIC FIRED QUENCH FURNACE
850	- 1250°F DEEP AIR FURNACE (ELECTRIC HEAT)



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Figure #3

LEGEND			
	SD	STORM DRAIN	
		FENCE	
		SHADED AREA RENTED TO TENANT	
		VAPOR DEGREASER (TETRACHLOROETHYLENE)	
SOURCE: PLOT PLAN - 4/26/88 BURTON INDUSTRIES, INC. 243 WYANDANCH AVE. WYANDANCH, NEW YORK			
(NOT TO SCALE)			
N			
GROUNDWATER TECHNOLOGY			
101-1 COLIN DRIVE HOLBROOK, NEW YORK (516) 472-4000			
REV. NO.:	DRAWING DATE:	ACAD FILE:	
	10/6/93	5410ST93	
SITE MAP			
CLIENT:		PM:	
BURTON INDUSTRIES, INC.			
LOCATION:		PE/RG:	
243 WYANDANCH AVE. NORTH BABYLON, NEW YORK			
DESIGNED:	DETAILED:	PROJECT NO.:	FIGURE:
SEE SOURCE	TRS	01113-5410	2



Burton Industries Inc.
243 Wyandanch Avenue
North Babylon, New York

December 1996
Groundwater Results
(ug/L)

FIGURE 4 -PRELIMINARY SITE ASSESSMENT APRIL 1998

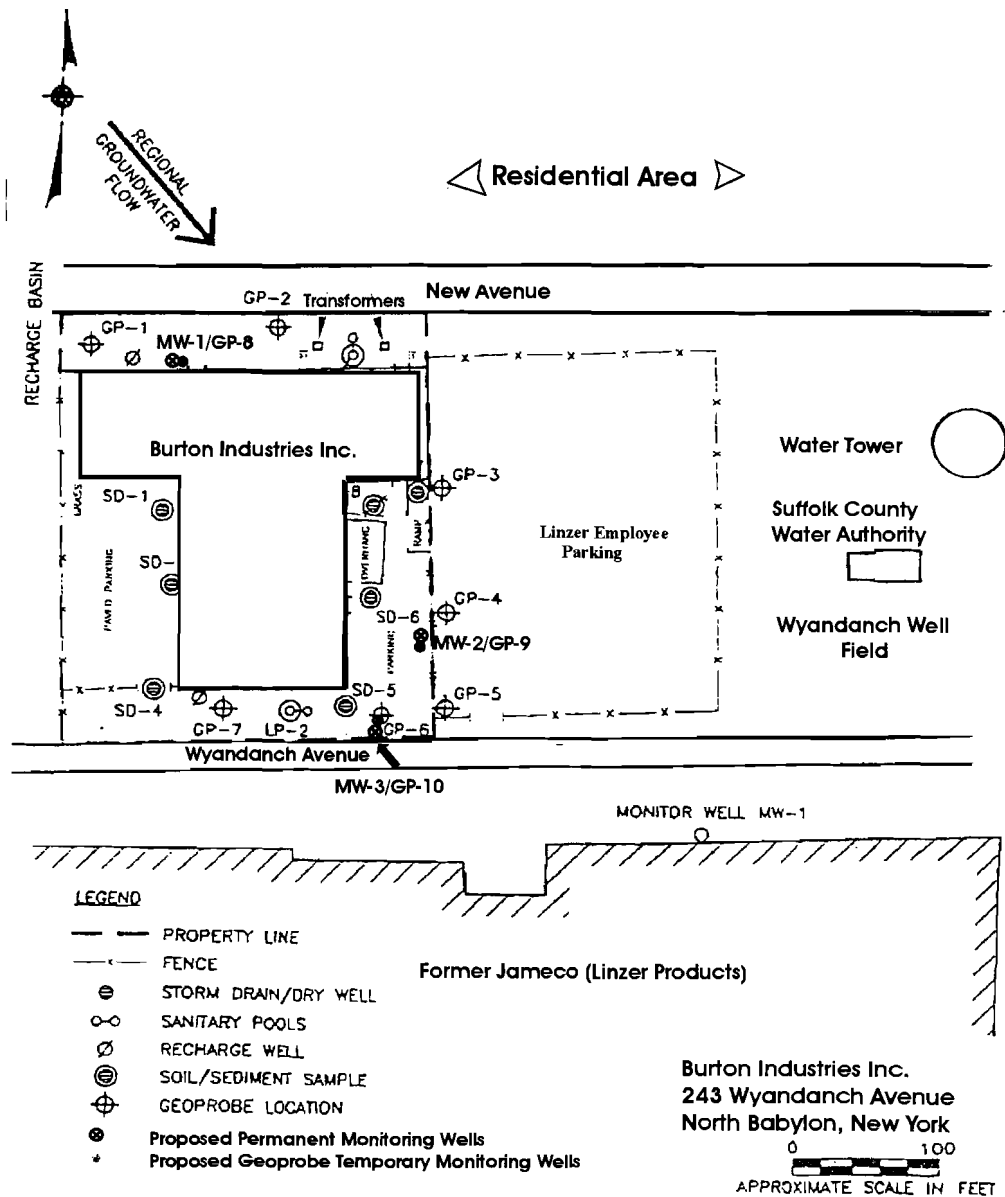
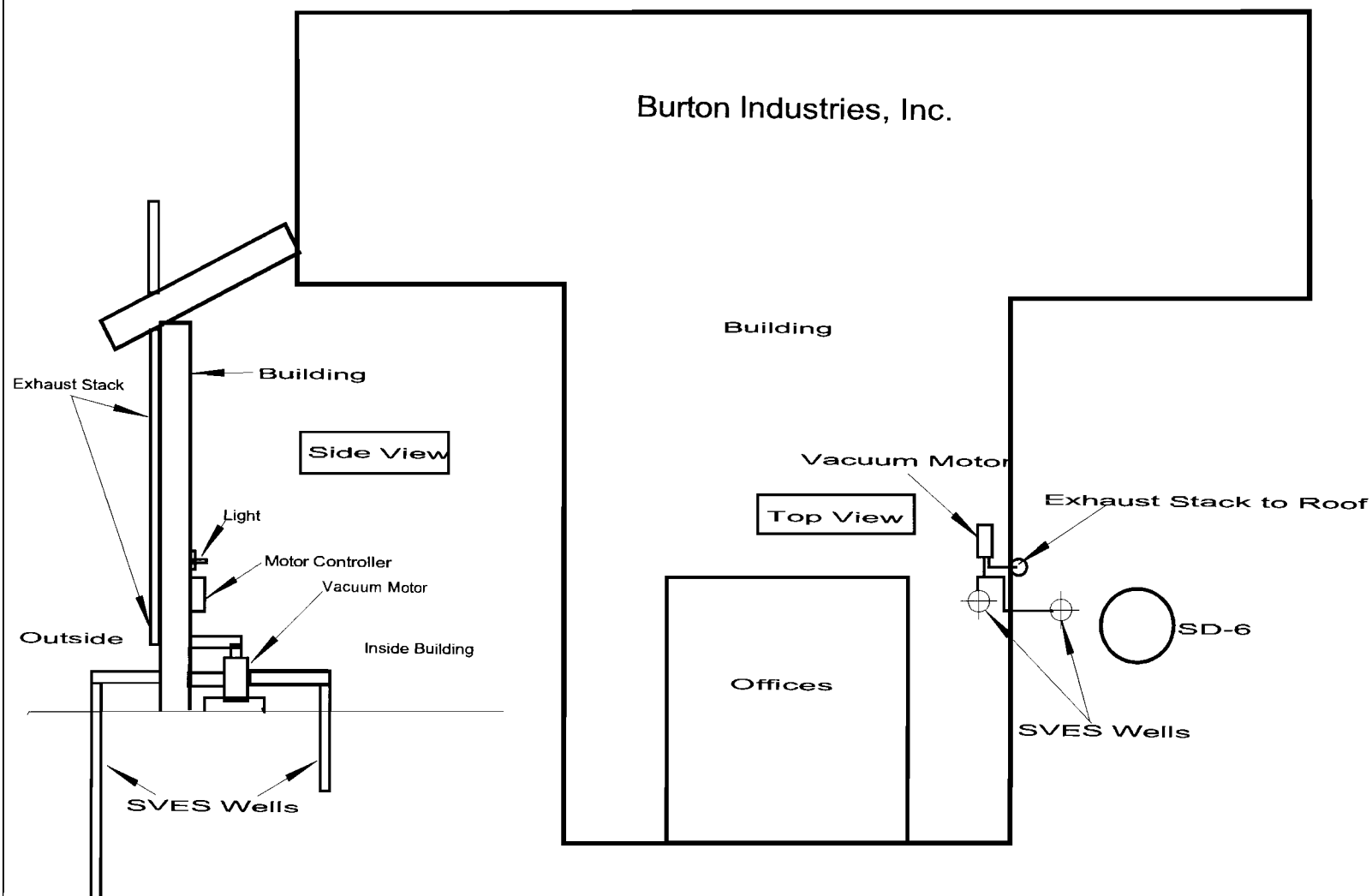


Figure 4A - Monitoring Well Installation/Groundwater Investigation -
Tasks 1 & 2

All elevations are in feet, msl, GW- groundwater.





Wyandanch Avenue



**Berninger
Environmental, Inc.**

groundwater consultants, engineers, geologists

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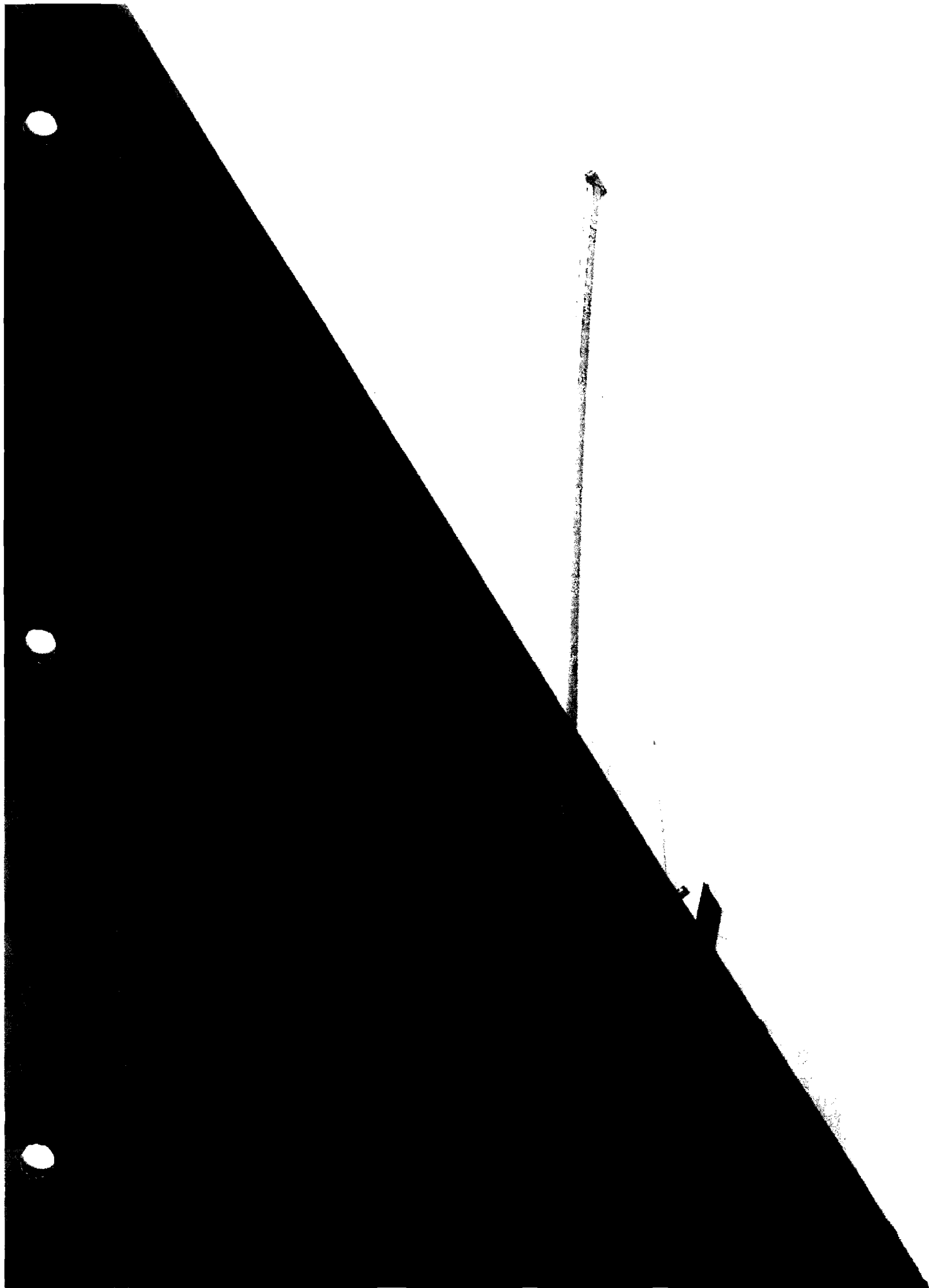
AS BUILT SVES SYSTEM

Figure #6

DRAWN BY: WB

**BURTON INDUSTRIES INC.
243 WYANDANCH AVENUE
NORTH BABYLON, NEW YORK**

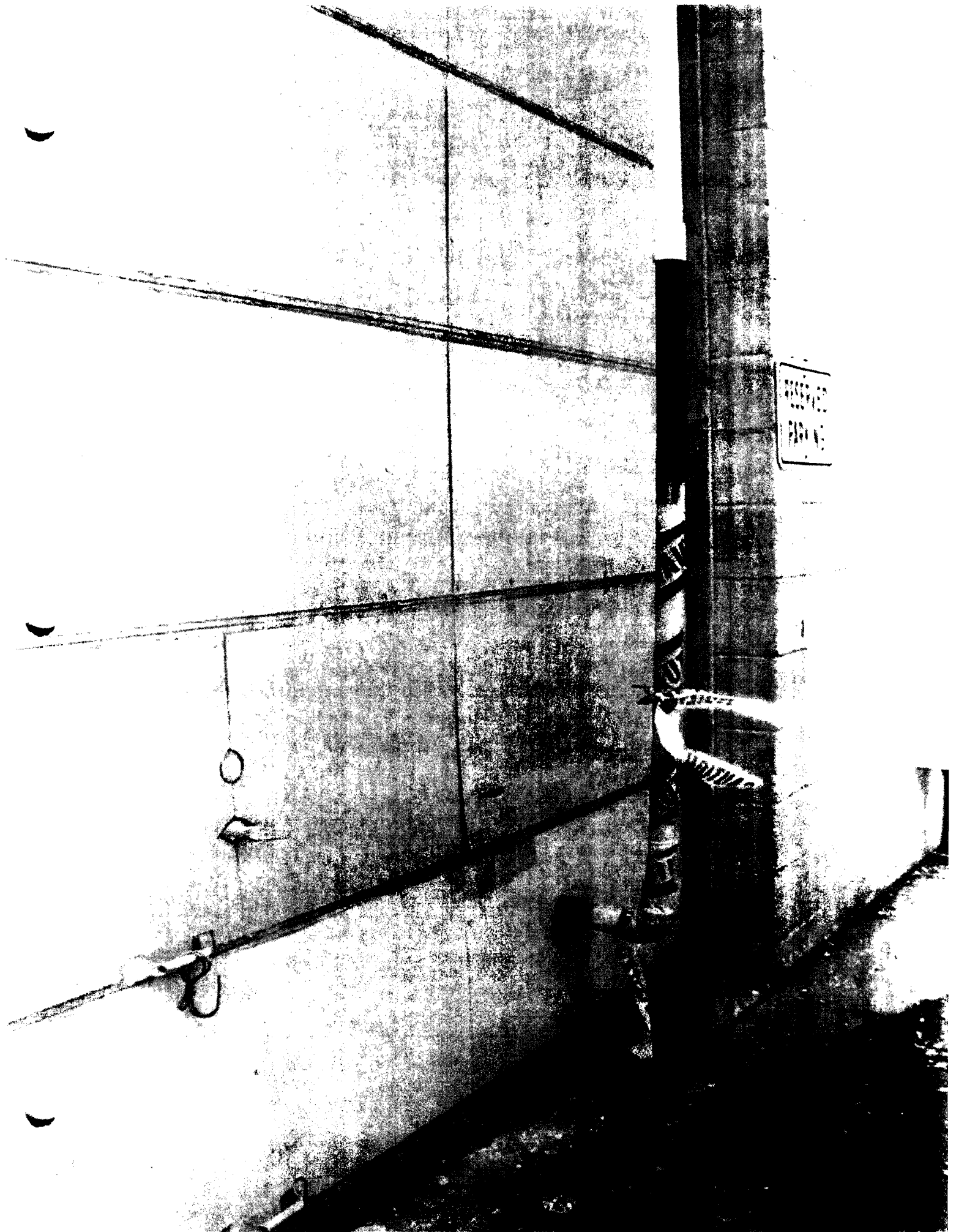
DATE: 12/09/09











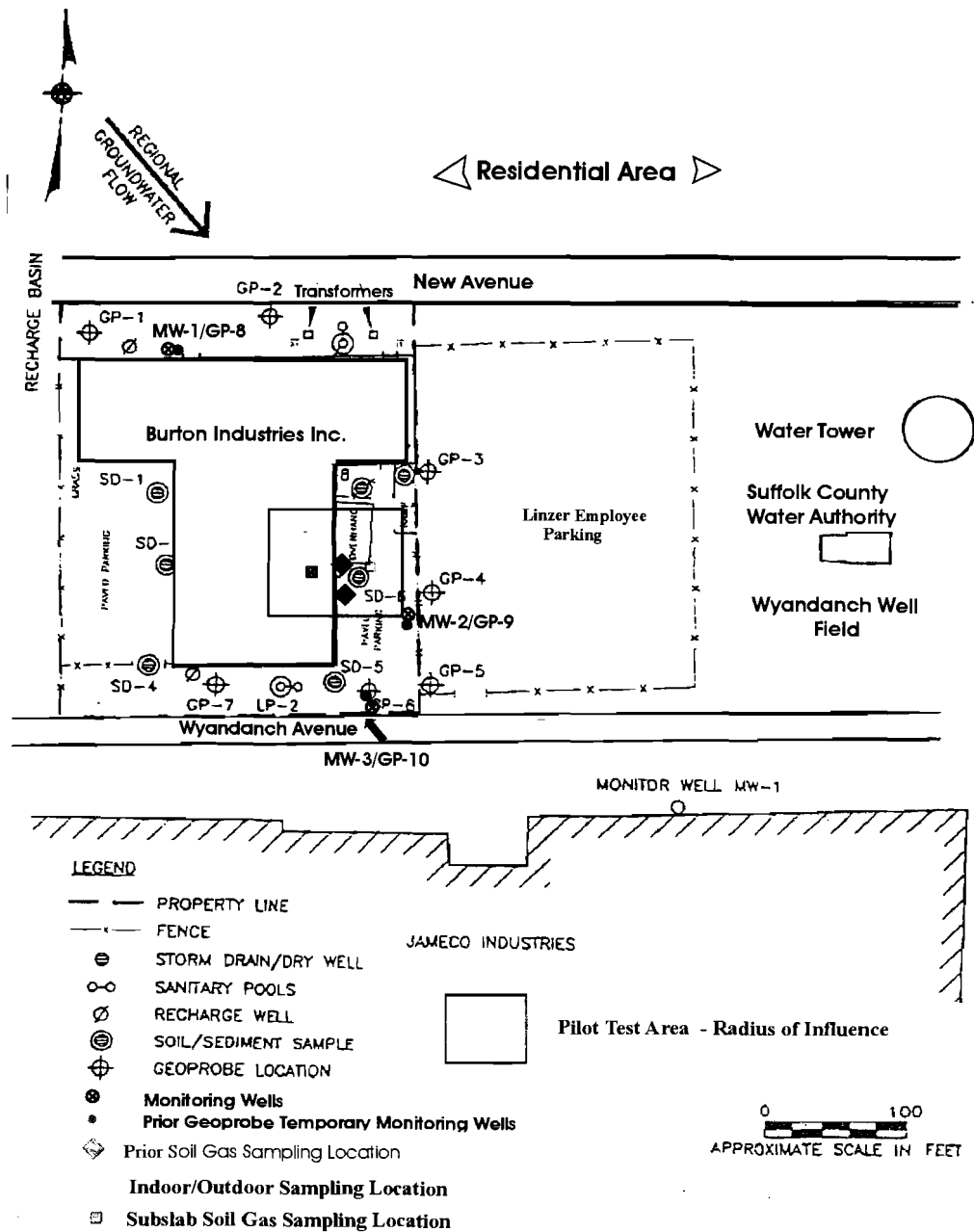


Figure 7 -Pilot Test Area and Radius of Influence for Soil Venting System

Transformers

Burton Industries Inc.

Oven

VP-75

VW

VP-15

VP-25

VP-40

Office

●SD-6

◁ Residential Area ▷

New Avenue

Transformers

Burton Industries Inc.

Over

VP-75

Office

VEW

VP-15

VP-25

VP-40

SD-6

Water Tower

Suffolk County
Water Authority

Wyandanch Well
Field

Wyandanch Avenue

Former Jameco (Linzer Products)

- Storm Drain
- Vacuum Well
- Vacuum Test Points

Burton Industries Inc.
243 Wyandanch Avenue
North Babylon, New York

FIGURE 1 - SITE PLAN
With Test Points

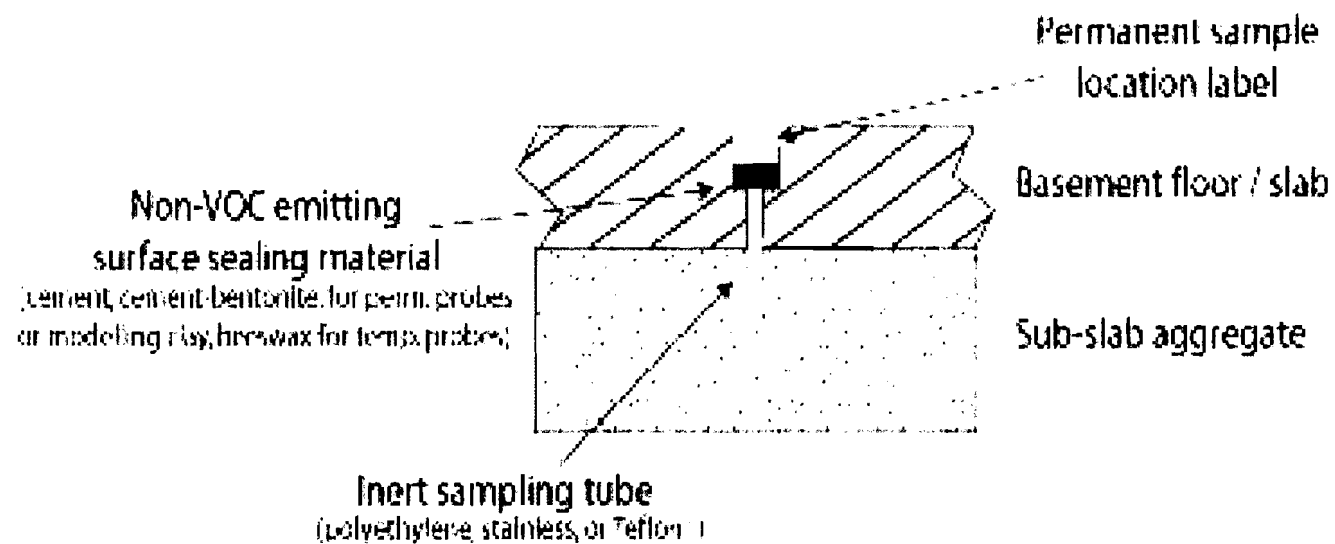


Figure 6 - Sub-Slab Vapor Monitoring Points

TABLES

Table 1

Comparison of Volatile Organic Compounds (VOCs) Detected and/or
Elevated Above the NYSDEC Ambient Water Quality Standards or Guidance Values at
at Monitoring Wells (MW-1, MW- 2 and MW- 3)
December 2003 and August 2004

VOCs (ug/L)	MW-1 12/03	MW-1 8/04	MW-1* 8/04	MW-2 12/03	MW-2 8/04	MW-2* 8/04	MW-3 12/03	MW-3 8/04	MW-3* 8/04	NYSDEC SGVs (ug/L)
1,2-dichloroethene (total)	ND	ND	ND	1 J/2J	ND	ND	11 J/8J	53	30	5
Trichloroethene	ND	ND	ND	ND	ND	ND	3 J/2J	9	5 J	5
Tetrachloroethene	1 J	ND	ND	6J/4J	2 J	1 J	39/19	87	38	5
MTBE	NA	NA	ND	NA	NA	1 J	NA	NA	ND	10
Total VOCs	1 J	--	--	7 J/3J	2J	1 J	53 J/29J	157	73 J	NA

* - Test results for sample split by the NYSDEC. NA - Not analyzed for.

ND - Not Detected. N/A - Not available. J - Estimated concentration.

Bold # indicates detected concentration exceeds NYSDEC Ambient Water Quality Standards or Guidance Values for Class Ga groundwaters (potable).

MW - monitoring well. Methylene chloride detected in the NYSDEC split samples as a blank containment; not listed here.

Table 1

**Comparison of Volatile Organic Compounds (VOCs) Detected and/or
Elevated Above the NYSDEC Ambient Water Quality Standards or Guidance Values at
Monitoring Well No. 3**

VOCs (ug/L)	MW-3 12/03	MW-3 8/04	MW-3* 8/04	MW-3 12/05	NYSDEC SGVs (ug/L)
1,2-dichloroethene (total)	11 J/8J	53	30	5	5
Trichloroethene	3 J/2J	9	5 J	1J	5
Acetone	39/19	87	38	2 BJ	50
Tetrachloroethene	NA	NA	ND	4 J	5
Total VOCs	53 J/29J	157	73 J	12 J	NA
Total TICs	10 NJ/-	10 NJ/-	10 NJ/-	--	NA

* - Sample split by the NYSDEC.

NJ - Not Detected. NA - Not available. J - Estimated concentration. N - Presumptive evidence for compound..

Bold # indicates detected concentration exceeds NYSDEC Ambient Water Quality Standards or Guidance Values for Class Ga groundwaters (potable).

Methylene chloride detected in the NYSDEC split samples as a blank containment; not listed here.

APPENDICES

APPENDIX A

Site Management Plan

VOLUNTARY CLEANUP PROGRAM

SITE MANAGEMENT PLAN

BURTON INDUSTRIES INC.

243 WYANDANCH AVENUE

NORTH BABYLON, NEW YORK 11704

Site No.: V-00239-1 Index No.: D1-0001-02-05



PREPARED FOR:
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
SUNY @ STONY BROOK
50 CIRCLE ROAD
STONY BROOK, NEW YORK 11790

PREPARED BY:
BERNINGER ENVIRONMENTAL, INC.

OCTOBER 2009
REVISED DECEMBER 2009
REVISED JANUARY 2010

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October 26, 2009

Mr. Jamie Ascher, Engineering Geologist 2
Division of Environmental Remediation, Region I
New York State Department of Environmental Conservation
SUNY @ Stony Brook
50 Circle Road
Stony Brook, New York 11790-2356

Re: **Site Management Plan**
Voluntary Investigation Program Site No.:V-00239, Index No.:D1-0001-02-05
Burton Industries Inc., 243 Wyandanch Avenue, North Babylon, NY

Dear Mr. Ascher:

Berninger Environmental, Inc., (BEI) respectfully submits for your review and consideration a Site Management Plan (SMP) for the completed Voluntary Investigation for the Burton Industries Inc. facility (Subject Property) located at 243 Wyandanch Avenue, North Babylon, New York.

This SMP has been developed for the Subject Property in accordance with the requirements specified in New York State Department of Environmental Conservation correspondence dated July 06, 2009.

The SMP was prepared relative to the engineering controls installed to mitigate any current and potential future impacts to indoor air quality within the Burton Industries facility. Potential impacts to indoor air quality were a result of the presence of residual volatile organic compounds (VOCs) in on-site soil gas. Based upon prior studies, the residual VOCs are associated with a remediated storm drain (SD-6), located exterior, at the east side the building. The selected remediation for the property was the installation of an active sub-slab mitigation system comprised of a soil venting system

Please review this document at your earliest convenience. Please feel free to give me a call with any questions.

Sincerely,
Berninger Environmental, Inc.

Walter Berninger
President/Consultant

cc: John Soderberg, P.E., Esq
207 Hallock Road
Suite 212
Stony Brook, New York 11790

Mr. Stanley Yoel
c/o Burton Industries, Inc.
243 Wyandanch Avenue
North Babylon, New York 11704

Ms Jacquelyn Nealon
Bureau of Environmental Exposure Investigation
New York State Department of Health
547 River Street
Troy, New York 12180

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Division of Environmental Enforcement
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

VOLUNTARY CLEANUP PROGRAM

SITE MANAGEMENT PLAN
For
BURTON INDUSTRIES INC.
243 WYANDANCH AVENUE
NORTH BABYLON, NEW YORK 11704
Site No.: V-00239-1
Index No.: D1-0001-02-05



PREPARED FOR

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
50 CIRCLE ROAD
STONY BROOK, NEW YORK 11790

PREPARED BY

BERNINGER ENVIRONMENTAL INC.



OCTOBER 2009
Revised December 2009
Revised January 2010

CERTIFICATION:

John V. Soderberg, P.E.

SEAL

Dated: January:~ 2010

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Burton Industries Inc.
Site No.: V-00239-1
Index No.: D1-0001-02-05**

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1.0 INTRODUCTION

A Site Management Plan has been developed for the completed Voluntary Investigation for the Burton Industries Inc. facility (Subject Property) located at 243 Wyandanch Avenue, North Babylon, New York. The Subject Property is further described as SCTM District 0100, Section 082.00, Block 03.00, Lot 019.006. (See attached figures). The site occupant and operator is Burton Industries Inc.

This SMP is required under the Voluntary Cleanup (VCP) Agreement dated November 8, 2002 between the New York State Department of Environmental Conservation (NYSDEC), Division of Environmental Remediation (DER), and the "Volunteer", Mr. Stanley Yoel, Property Owner.

This SMP provides summary data from all prior work plans, correspondence and reports previously provided, reviewed and approved by the New York State Department of Environmental Conservation (NYSDEC), Division of Environmental Remediation (DER) and the New York State Department of Health (NYSDOH) during the implementation of the VCP activities.

A RA Work Plan (RAWP) was implemented for the installation of engineering controls to mitigate any current and potential future impacts to indoor air quality within the Burton Industries facility. Potential impacts to indoor air quality were a result of the presence of residual volatile organic compounds (VOCs) in on-site soil gas. Based upon prior studies, the residual VOCs are associated with a remediated storm drain (SD-6), located exterior, at the east side the building.

The selected remediation for the property was the installation of an active sub-slab mitigation system (SVES) comprised of a soil venting system. The following presents a site description and history, a summary of previous remedial investigations, and the development and implementation of the site remedial requirements.

2.0 SITE DESCRIPTION

2.1 History

The Subject Property is an approximately 1.8 acre commercially developed lot, located on the north side of Wyandanch Avenue. The development at the subject property consists of a 32,200 ft² one-story slab-on-grade industrial building. The original portion of the building was a 10,000 ft² structure that was built circa 1971. Three building additions (10,000 ft², 6,700 ft², and 5,500 ft²) were constructed in 1976, 1978 and 1981, respectively.

The original occupant of the site was Burton Industries Inc. who at that time operated a manufacturing facility for the fabrication of aluminum parts for swimming pools. In 1978, the business was expanded to include the heat treatment of metals. This manufacturing operation primarily includes the heat treating of metals for the aerospace and defense industries. Heat treating occurs within furnaces to either decrease or increase the hardness of the metal. Between 1980 and 1984, Burton Industries Inc. went public under the name of Burton Energy and Solar Technology and the production of swimming pool parts ceased and the primary operational focus was on heat treating of metal parts and the development of solar panels. Since 1984 the primary business at the subject site has been the heat treatment of metals.

During prior historic operations (prior to the early 1990s), certain metal materials required either pre- or post

cleaning to remove cutting oils relative to the heat treatment process. This process was formerly performed in a small closed loop vapor degreaser system that utilized tetrachloroethene (PCE). No later than 1993, PCE and other solvent use was discontinued.

The Volunteer, Mr. Stanley Yoel, purchased the property in 1985. An additional tenant occupant (occupancy circa 1999-2000) is MFP, a sewing company who assembles woven materials into products such as adult diapers and hospital pads. This tenant occupies the western portion of the southern half of the building.

3.0 SUMMARY OF PAST INVESTIGATIONS

Records were made available to BEI from a Preliminary Site Assessment (PSA) performed by Dvirka & Bartilucci Consulting Engineers (D&B) dated April 1998. This PSA documents field investigatory work performed from December 16 to 23, 1996. The PSA was required apparently due to an earlier study¹ of another property (former Jameco Industries Inc.[Jameco]) located downgradient. Evidence of contamination had been reported in a Jameco on-site monitoring/supply well that might have migrated from an upgradient location. Site investigations prior to the PSA at the subject site included a Suffolk County Department of Health Services (SCDHS) routine inspection in December 1986. A summary of these investigations and subsequent remedial activities are provided below.

3.1 SCDHS Sampling Data 1986 to 1987

Liquid samples were collected from storm drains and sanitary leaching pools at the 243 Wyandanch Avenue, North Babylon property on November 13, 1986 and April 8, 1987. These liquid samples exhibited exceedances of Volatile Organic Compounds (VOCs) (Tetrachloroethylene (PCE) at 250 micrograms per Liter ($\mu\text{g/L}$), 1, 2-dichlorobenzene at 320 $\mu\text{g/L}$ and m-dichlorobenzene at 24 $\mu\text{g/L}$) relative to groundwater standards and were potentially indicative of unpermitted discharges. No bottom sediment samples were collected at that time.

3.2 Dvirka & Bartilucci April 1998 Preliminary Site Assessment

As part of the PSA, sediment/sludge samples were collected from the eight (8) stormwater drywells and two (2) primary cesspools comprising the two on-site sanitary systems. Additionally, groundwater was sampled from seven (7) temporary monitoring well locations via a Geoprobe² at multiple depths within the aquifer. Seven Geoprobe points (GP-1 through GP-7) were installed and two groundwater samples were collected from each sampling location. Two (2) temporary monitoring locations were installed upgradient with five (5) points located downgradient of the building.

The only groundwater samples which contained VOCs (1,2-dichloroethene [1,2-DCE, total], PCE and/or trichloroethene [TCE]) at concentrations above the NYSDEC Class GA Groundwater Standards or Guidance Values (SGVs) were as follows: GP-3 (23 feet bgs), GP-4 (7 feet bgs), GP-5 (7 feet bgs) and GP-6 (22 feet

¹ October 29, 1992 registry site classification decision: "Burton Industries Inc. is a likely source of the VOC contamination found in Jameco's supply well and other nearby wells installed by SCDHS".

² A Geoprobe is a truck mounted drilling system capable of collecting discrete soil, soil gas, and groundwater samples.

bgs). These four (4) groundwater sampling locations were located downgradient of the building based on projected regional groundwater flow to the southeast.

Sediment/sludge samples were collected from the two primary sanitary cesspools and the eight storm drains located on the Burton Industries property. VOCs were found in one of the storm drains, SD-6, at levels above NYSDEC Recommended Soil Cleanup Objectives (RSCOs). SD-6 is located just south of the overhang on the east side of the building. The compounds present at SD-6, which exceeded the RSCOs, were 1,2-DCE at 320 micrograms per kilogram (ug/kg), TCE at 1,100 ug/kg and PCE at 31,000 ug/kg. Toluene, ethylbenzene and xylenes were also detected in SD-6, however, at concentrations below the RSCOs. Based upon these results, the PSA concluded that SD-6 was the likely source of contamination reported in groundwater at GP-4, GP-5 and GP-6.

3.3 Remediation of SD-6

Based upon the findings, NYSDEC requested that Burton submit a work plan for the remediation of SD-6 which included the removal of bottom sediment material from SD-6, followed by end point sampling, to evaluate the effectiveness of the remediation. The NYSDEC also required further investigation of groundwater conditions. In the interim, an agreement was reached for the remediation of SD-6. Therefore, remediation of SD-6 was accomplished on September 30, 2000, in coordination with the NYSDEC DER. The remediation was performed by EarthCare/RGM. End point sampling of the remediated structure was performed on October 2, 2000 to accommodate split sampling by the NYSDEC. Eighteen yards of RQ hazardous waste solids ([PCE] F001, F002, D039) were removed from the storm drain and was transported off-site by Freehold Cartage, Inc. (NJD054126164) under Manifest No. NYG 2454543 for disposal at North East Environmental Services, Inc. located at 4123 Canal Road, Canastota, New York 13032.

On behalf of the property owner, an end point sample was collected by Anson Environmental Ltd. and analyzed by Eco Test Laboratories, Inc. The results of end point testing indicated the detection of only one residual VOC, PCE at 7 ug/kg, significantly below the RSCOs for same. The NYSDEC's split sample analytical testing results indicated similar data with very low level estimated concentrations of 2J ug/kg for PCE, 6JB ug/kg for methylene chloride and 7J ug/kg for acetone.

Correspondence from NYSDEC (August 17, 2001) confirmed that the end point sampling results demonstrated a successful remediation at SD-6.

4.0 VOLUNTARY SITE INVESTIGATION - SEPTEMBER 8 - 11, 2003

As per NYSDEC DER requirements, additional investigation was required to evaluate the September 2000 source area remediation at SD-6, specific to determine groundwater quality conditions, upgradient and downgradient of the remediated storm drain.

This investigative effort required the installation of three permanent monitoring wells to confirm site-specific groundwater flow direction. Then groundwater quality data was to be collected at either the permanent shallow wells and/or via temporary monitoring wells at multiple depths within the aquifer, at locations confirmed to be downgradient of the prior remediated source area, SD-6.

On September 8 -11, 2003, three (3) shallow groundwater monitoring wells were installed at the subject

property to determine the direction of groundwater flow. The wells were developed and casing elevations were determined by a New York State licensed surveyor. Depth to groundwater was measured at each well on October 3, 2003. Localized groundwater flow direction was determined to be to the southeast, consistent with the regional groundwater flow direction established by SCDHS water table maps. Based upon the direction of localized groundwater flow, three temporary monitoring wells were installed via Geoprobe.

Groundwater samples were collected from the three existing monitoring wells and the three temporary monitoring wells (GP-8, GP-9 and GP-10) at two discrete intervals on December 2, 2003 for analysis for Volatile Organic Compounds. Supplemental samples from MW-1, MW-2, MW-3 and GP-10 (22-24 ft bgs) were collected and submitted by the NYSDEC for TAL Inorganics.

The results of analytical testing confirmed two VOC compounds above their respective NYSDEC SGVs of 5 $\mu\text{g/L}$ at three of the nine sampling intervals: tetrachloroethene [6 J $\mu\text{g/L}$ at MW-2 (5-15 ft bgs)], [39 $\mu\text{g/L}$ at MW-3 (5-15 ft bgs)] and [11 $\mu\text{g/L}$ at GP-10 (24-26 ft bgs)]. 1,2-dichloroethene was reported above its respective SGVs at [11 J $\mu\text{g/L}$ at MW-3 (5-15 ft bgs)] and at [7J $\mu\text{g/L}$ GP-10 (24-26 ft bgs)].

Comparison with the 1996 data confirmed a substantial reduction in VOC concentrations. Furthermore, the 2003 VOC sampling data clearly demonstrates either non-detection or a decrease of VOCs with increased depth below grade at the subject property. This study confirmed that no unidentified remaining significant environmental concerns are present in on-site groundwater relative to SD-6, either shallow or deep.

Analysis for inorganic parameters by the NYSDEC indicated only two constituents (barium and manganese) present at concentrations elevated above their respective SGVs. No exceedances of chromium, which was the historic target compound of potential environmental concern, were reported at any of the sampling locations. Based upon the above, no significant environmental concerns relative to the presence of inorganic compounds were identified at the subject property.

5.0 SUPPLEMENTAL INVESTIGATION (AUGUST 23, 2004) - SOIL GAS & GROUNDWATER

Subsequent to the review of the VCP Remedial Investigation Report, the New York State Department of Health (NYSDOH) required that a limited soil gas sampling program be conducted to evaluate the potential for soil gas intrusion to impact indoor air quality. Two locations (SG-1 and SG-2) proximate to SD-6 were selected, outside the facility building, along the foundation wall. BEI collected discrete soil gas samples from below the asphalt pavement at 4 feet below grade surface [bgs] on August 23, 2004. The soil gas samples were submitted for analysis for VOCs. As part of the supplemental investigation, the three on-site monitoring wells were also re-sampled.

Soil Gas Sampling

Detections of VOCs identified in the soil gas sampling results represented concentrations of soil gas under the asphalt pavement. Seventeen reported VOCs included the following compounds at the concentration range indicated in parentheses: tetrachloroethene (2,140 to 6,550 $\mu\text{g/m}^3$); trichloroethene (60 to 601 $\mu\text{g/m}^3$); 1,2-dichloroethene (60 to 601 $\mu\text{g/m}^3$), 1,3,5-trimethylbenzene (15 to 24 $\mu\text{g/m}^3$); 1,2,4-trimethylbenzene (65 to 110 $\mu\text{g/m}^3$); and benzene (5.8 to 7.5 $\mu\text{g/m}^3$). Of these five compounds, the primary VOC of concern is tetrachloroethene due to its elevated concentration above its comparative basis.

Groundwater Quality Data

Four VOC compounds were quantified at two of the three groundwater sampling locations; however, only two were present at concentrations above its respective SGVs. Specifically, 1,2-dichloroethene (ND to 53 $\mu\text{g/L}$), trichloroethene (ND to 9 $\mu\text{g/L}$), and tetrachloroethene (1J to 87 $\mu\text{g/L}$) were reported at the MW-2 and MW-3 groundwater sampling locations at the range in concentration shown in parentheses. Of these detections, the following sampling locations reported concentrations of VOCs above their respective SGVs of 5 $\mu\text{g/L}$: tetrachloroethene (38 to 87 $\mu\text{g/L}$) at MW-3. 1,2-dichloroethene was reported above its respective SGV at 30 to 53 $\mu\text{g/L}$ at MW-3.

6.0 SUPPLEMENTAL VCP INVESTIGATION - DECEMBER 1, 2005

As required by NYSDEC and the NYSDOH, the following work was performed on December 1, 2005 - 1) the collection of a sub-slab soil gas sample and indoor and ambient (outdoor) air sample; 2) resampling of MW-3; and 3) development of updated localized groundwater flow maps.

The results of groundwater sampling noted that four VOC compounds were quantified at the MW-3. 1,2-dichloroethene (5 $\mu\text{g/L}$), trichloroethene (1J $\mu\text{g/L}$), and tetrachloroethene (4J $\mu\text{g/L}$) were reported at MW-3. The current concentration of VOCs at MW-3 was significantly less than that reported in December 2003 and August 2004.

The indoor sub-slab soil vapor and indoor/outdoor air sampling program was conducted to evaluate the prior elevated VOC concentrations exhibited at the soil gas sampling locations SG-1 and SG-2. These samples were required to provide supplemental data to evaluate the potential for future and/or current indoor air quality issues. A location interior to the building, in line with the former SG-1 and SG-2 sampling locations (and opposite remediated stormwater drywell [SD-6]), about ten feet interior of the foundation wall was selected for the collection of a sub-slab gas sample.

In order to evaluate the soil vapor data, comparison was made to both the NYSDOH indoor air quality database contained within the Draft February 2005 guidelines. Up to fifteen VOCs were present at the sub-slab soil gas sampling location (SSV-1). These VOCs included the following compounds at the concentration range indicated in parentheses: tetrachloroethene (1,400 $\mu\text{g/m}^3$); trichloroethene (12 $\mu\text{g/m}^3$); 1,1,1-Trichloroethane (8.7 $\mu\text{g/m}^3$); toluene (110 $\mu\text{g/m}^3$); ethylbenzene (17 $\mu\text{g/m}^3$); xylene (52 $\mu\text{g/m}^3$); 1,2,4-trimethylbenzene (23 $\mu\text{g/m}^3$); 4-ethyltoluene (16 $\mu\text{g/m}^3$); and benzene (11 $\mu\text{g/m}^3$). Of these compounds, the primary VOC of concern is tetrachloroethene due to its elevated concentration above its comparative basis and prior site-related presence. It was noted that the concentrations of VOCs at SSV-1 were significantly less than those quantified at SG-1 and SG-2, exterior to the building. No significant concentrations of VOCs were noted at either the indoor or outdoor air sampling locations.

An evaluation of the ratio of sub-slab soil vapor to indoor air (NYSDOH Matrix 2) indicated that the sub-slab concentration of tetrachloroethene required the mitigation of site conditions. Therefore, a combination of the following was proposed and implemented for the Subject Property: 1) sealing of any identified preferential pathways; 2) installation of a sub-slab depressurization system; and 3) evaluation of the need to change the pressurization of the building and monitoring as necessary. A Remedial Action Work Plan (RAWP) was submitted and approved for the installation of an active soil vapor mitigation system (SVES).

7.0 REMEDIAL ACTION PLAN - AUGUST 2006

7.1 Goals of Implemented Remedial Action - Engineering or Institutional controls

Goals for the remedial program were established through the remedy selection process stated in 6 NYCRR Part 375-1.10. At a minimum, the remedy selected must eliminate or mitigate all significant threats to public health and/or the environment presented by the hazardous waste disposed at the Site through the proper application of scientific and engineering principles. The remediation goals for the Subject Property were to eliminate or reduce to the extent practicable:

- The exposure of persons at or around the Subject Property to potential soil vapor intrusion of residual VOCs, via a concrete slab on grade.

The RAWP that was developed, approved and implemented at the site included the installation of an active Soil Vapor Extraction System (SVE). The installation of an active SVES system is considered an engineering control. This is the only engineering or institutional control required under the remedial program for the Subject Property. The Site Management of this engineering control is discussed below.

8.0 OPERATIONS, MAINTENANCE AND MONITORING

This Site Management Plan is being provided for the continual and proper operation, maintenance, and monitoring of the one engineering control employed at the Subject Property. The only engineering control for the Subject Property is the continued operation of the active SVES System.

The installation of an active Soil Vapor Extraction System (SVES) was completed at the Subject Property in July of 2008. A pilot-test of the SVE system relative to the sub slab beneath the slab-on-grade building was implemented to establish the radius of influence (ROI). Based upon that pilot test, one SVE well was installed inside the building (opposite the exterior SD-6) and another exterior to the building, directly to the west of SD-6. Both of these SVE wells were connected to a GAST blower for vacuum. The blower did not require an enclosure and was wired to an existing electric sub-panel and operated by a control box located in a secure area of the Burton building.

The active SVES system consists of one well located within an optimal location, interior to the eastern wall and one 2" well exterior where a prior soil/gas sample was obtained between the east building well and SD-6 of the Burton Facility. (Figure 3). Based on pilot testing results, this well exerts a substantial radius of influence that a significant vacuum is present beneath the concrete slab, such that it extends into the parking lot, between the building and SD-6. This ensures that any residual VOCs are captured and handled prior to any further infiltration into the building, sub-slab. An in-line sample port and airflow gauge was installed at a working height of approximately 5 feet above the SVE well head. The PVC piping was connected to the blower intake using flexible duct work. Flexible duct work was also used to connect the blower outlet or exhaust to the two-inch diameter air stack. The air stack extends to a height of approximately 10 feet above the roof line, allowing the

sub-slab soil gas to vent to the atmosphere, where it will undergo appropriate levels of dilution. The exhaust point was located away from the openings of other buildings and HVAC air intakes.

Subsequent to the initial installation and start-up of the system, weekly monitoring was conducted to evaluate the effectiveness of the system, as well as to ensure that the emission control system was operating effectively. It was ascertained that sufficient dilution is occurring, therefore, no treatment of air effluent is required. These efforts were conducted to ensure no inadvertent releases to the environment.

Subsequent to these determinations, routine airflow and concentration sampling of the SVES system occurs on a monthly basis. On behalf of the site owner, routine sampling at the SVES is performed, with the storage and management of data generated each month. Personnel mobilize to the site to collect airflow and bulk air concentration data. Airflow calculations for the SVES are generated using inline airflow rates and concentration data collected near the SVE well. In order to collect air concentration measurements, the SVES will be temporarily shut down to eliminate the vacuum on the system piping. Within 20 seconds of system shut-down, bulk VOC measurements will be measured with a Photoionization Detector (PID) via a sample port installed in the solid PVC piping. Once air concentration measurements are recorded, the system is returned to normal operation.

An alarm or system fault light was installed to indicate times that the system becomes inoperable due to equipment malfunction or power outages. A pressure gauge was included as a supplemental warning device of system malfunction or failure.

In summary, routine airflow and concentration sampling of the SVE system has been performed on a monthly basis since July of 2008 to June 2009, with periodic reporting to NYSDEC. As the project has entered the site management phase, the sampling frequency of the system's emissions and interior air will all be modified to semi-annually with the next sampling being performed during the heating season. Samples will be collected via summa canisters and analyzed for Volatile Organic Compounds (VOCs) per EPA Method TO-15. The minimum detection units will follow the New York State Department of Health requirements and reported in ug/m³. Once the system has been pulsed and asymptotic conditions are met, as determined by the NYSDEC and NYSDOH, sub-slab and indoor air samples will be collected with the SVES off to verify that there is no residual sub-slab vapors which could affect indoor air quality. Semi-annual reports to the department will include routine airflow and concentration data collected during each sampling event and calculated air emission estimates. Reports will also detail any system repairs or alterations that occurred between sampling events.

Both SVE wells were constructed as a five-foot long, slotted two-inch-diameter a 0.020-inch slot size PVC screen. The screened portion of the well extends from the underside of the slab to a depth of five feet below grade surface (bgs). The PVC screen was surrounded by highly permeable well screen sand to allow air to flow easily to the well. A 2-inch connector was used to connect to the SVE well to a solid two-inch-diameter PVC riser which is piped to the regenerative blower unit with the exhaust from the tower routed through the interior space along existing unfinished interior walls, up to the ceiling for venting purposes. The concrete slab was restored around the SVE piping to pre-existing conditions.

Routine operation of the active SVES includes primarily routine airflow and concentration sampling of the SVE system on a semi-annual basis, with periodic reporting to NYSDEC. Personnel checks the alarm/system fault light installed to confirm continued operation of the system. Personnel also check the pressure gauge included as a supplemental warning device of system malfunction or failure.

Routine maintenance will commence within 18 months after the system was installed and will generally be required every 12 to 18 months thereafter. During routine maintenance, the following activities will be conducted:

- a. A visual inspection of the complete system (e.g., vent fan, piping, warning device, labeling on systems, etc.);
- b. Identification and repair of leaks; and
- c. Inspection of the exhaust or discharge point to verify no air intakes have been located nearby.

As necessary, preventive maintenance (e.g., replacing vent fans), repairs and/or adjustments will be made to the system to ensure its continued effectiveness at mitigating exposures related to soil vapor intrusion. The need for preventive maintenance depends upon the life expectancy and warranty for the specific part, as well as visual observations over time. The need for repairs and/or adjustments depend upon the results of a specific activity compared to that obtained when system operations were initiated. If significant changes are made to the system or when the system's performance is unacceptable, the system may need to be redesigned and restarted.

Periodic operation, monitoring and maintenance (OM&M) inspection of the SVE system will be performed. A point of contact with the property manager has been made in the event that the system becomes inoperable ("system fault condition"). If a major repair requires the system to be offline for longer than a 24-hour period, the representative of the owner will contact the NYSDEC to discuss the problem and offer a schedule for repair.

In addition to the routine OM&M activities described here, the building's owner and tenants have been given information packages that explain the system's operation, maintenance and monitoring. Therefore, at any time during the system's operation, the building's owner or tenants may check that the system is operating properly.

The SVE will not be turned off without prior approval from the State, except in emergency situations. The SVE will remain operational until it is no longer needed to address current or potential exposures related to soil vapor intrusion. Termination of the mitigation system will comply with the procedures discussed in the NYSDOH guidance and with NYSDEC and NYSDOH concurrence.

As SVEs are considered engineering controls, the submission of an annual certification to the State is required. This certification will be prepared and submitted by a professional engineer or environmental professional acceptable to the State and affirm that the engineering controls are in place, are performing properly and remain effective. An annual certification submission will be provided to the State. This requirement will remain in effect until the State provides notification, in writing, that this certification is no longer needed.

9.0 HEALTH AND SAFETY PLAN

The Site-specific Health and Safety Plan (HASP) previously developed for the Subject Property will be utilized in the conduct of the SMP.

10.0 EMERGENCY CONTACTS

The following table contains the names and phone numbers of the emergency contacts including the local fire and police departments, ambulance, and hospital, along with other emergency phone numbers for the Study Area.

FIRE: Wyandanch Fire Station 911 (643-5300 business)

POLICE: Wyandanch Police Station 911 (854-8100 business)

AMBULANCE 911

Good Samaritan Medical Center (631) 376-3000

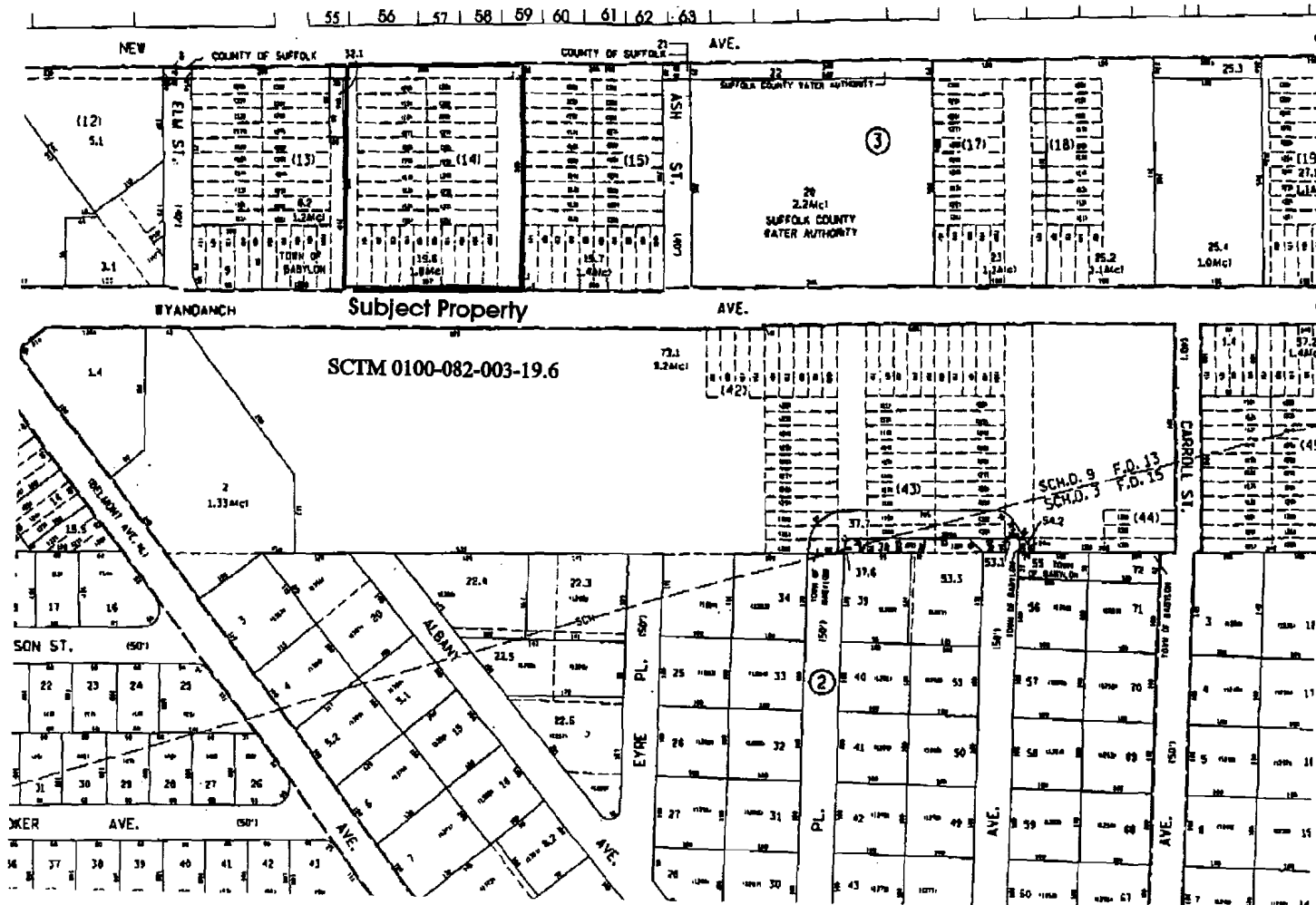
National Response Center/EPA (800) 424-8802

FIGURES

Residential Area

Section 083 Block 4

See Tax Map in Appendix F



No scale

Figure 1 - Tax Map and Location Of Subject Property

Reference: County Of Suffolk Real Property Tax Services
Town of Babylon Radius Map Report

No scale

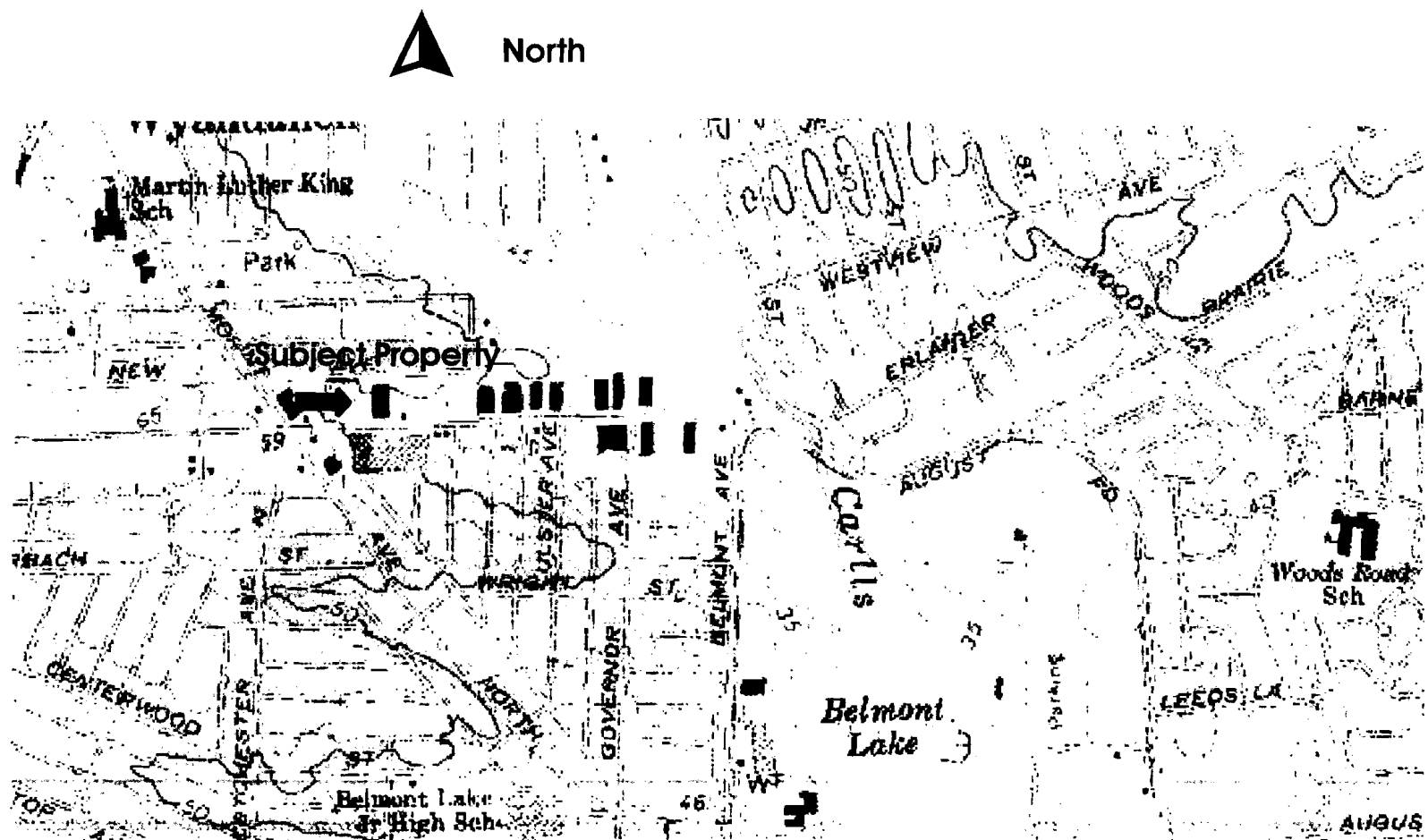
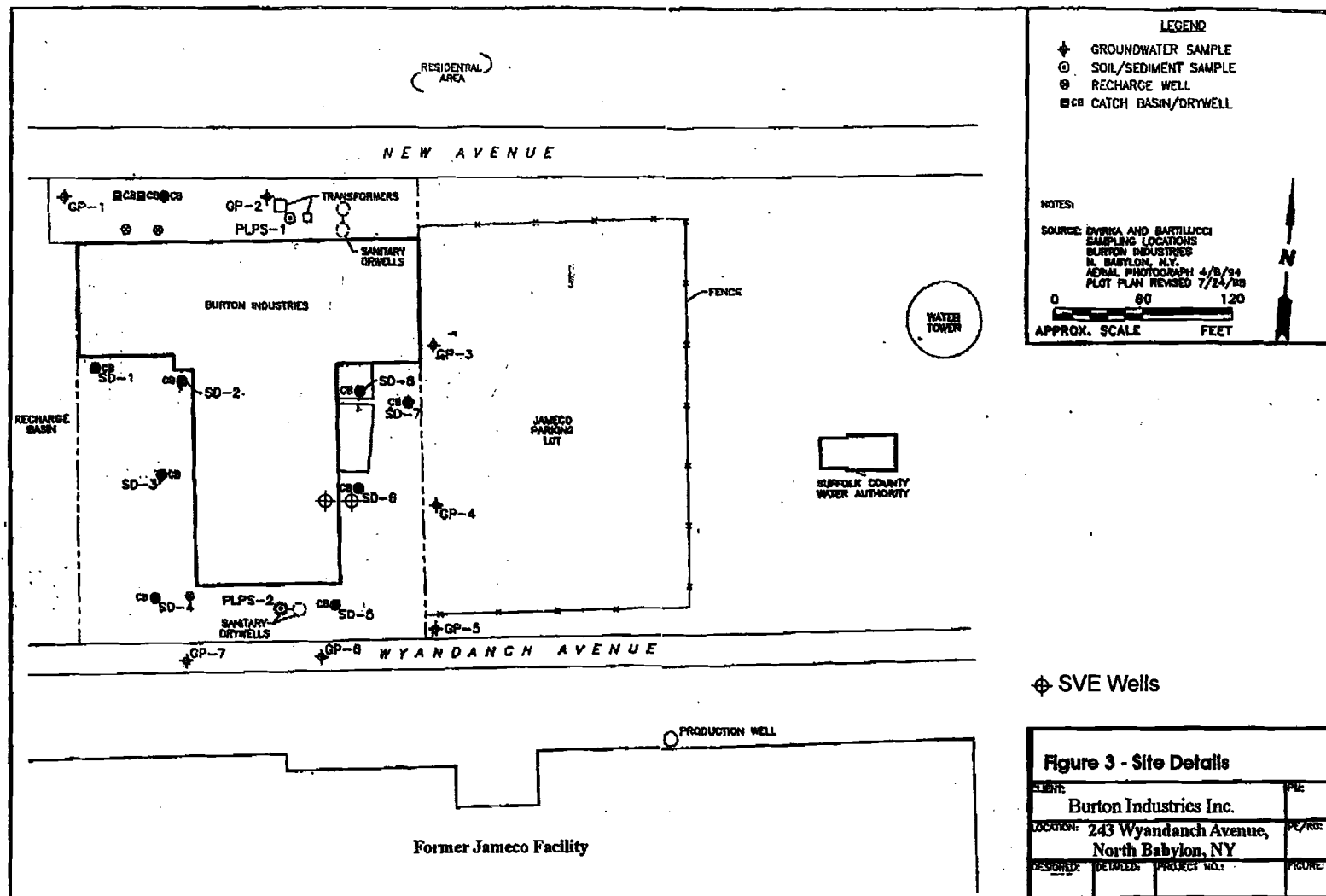


Figure 2 - Site Location and Topography

No scale



Notes:

1. Figure depicts one configuration utilizing 3"x4" metal downspout as the exterior stack. Other possible configurations using PVC piping as the stack are shown in a later figure.
2. Figure depicts stack being supported at rain gutter by strapping attached through outside lip of gutter. Other methods of support at the gutter, and against the fascia in the absence of a gutter, are shown in a later figure.
3. Electrical wiring to fan illustrated in later figure.

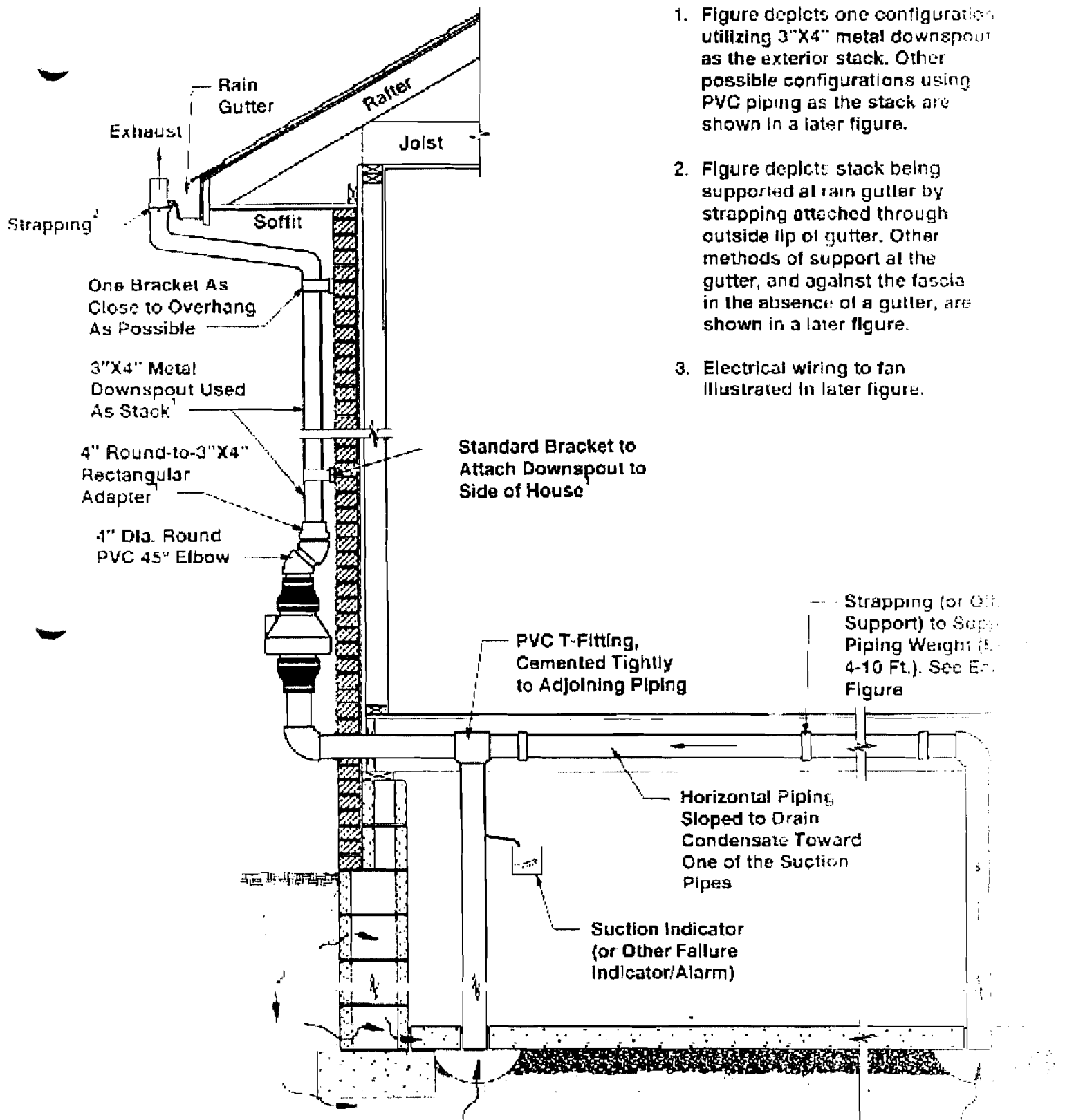


Figure 4 - Schematic of SVE/SSDS for slab-on-grade construction

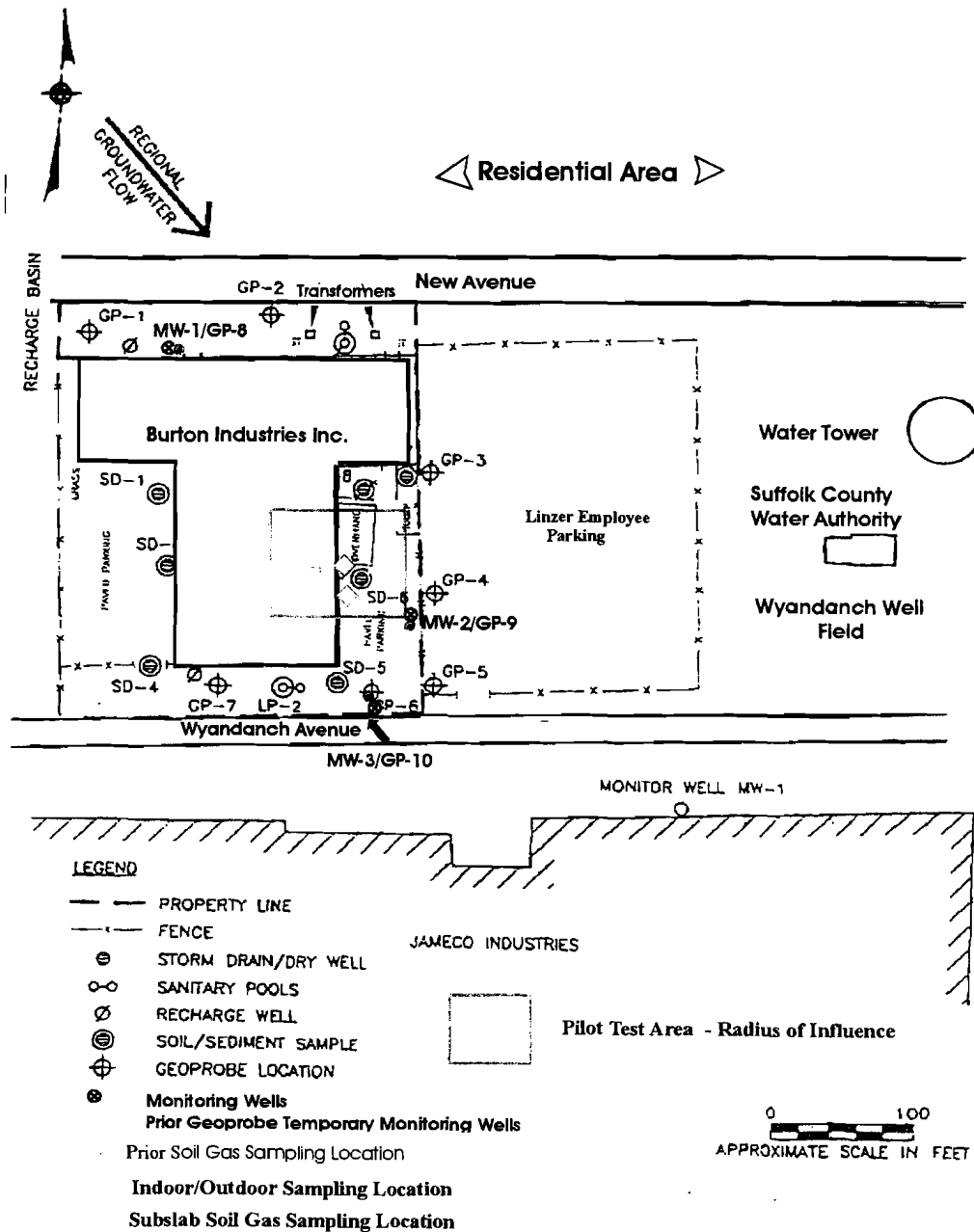


Figure 5 -Pilot Test Area and Radius of Influence for Soil Venting System

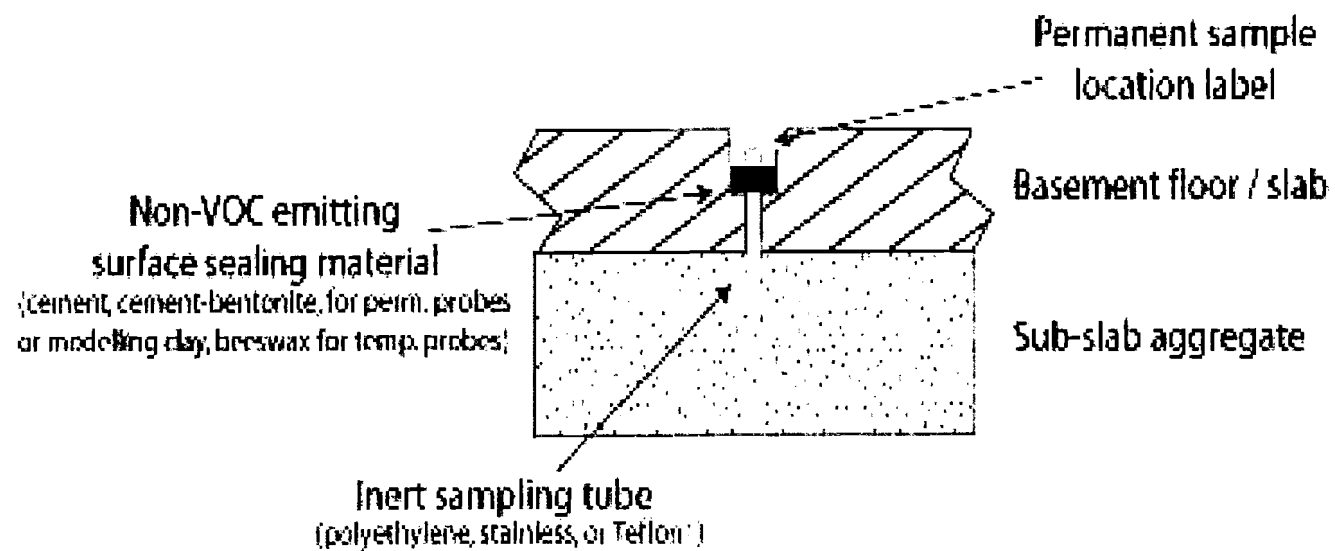


Figure 6 - Sub-Slab Vapor Monitoring Points

**New York State Department of Environmental Conservation
Division of Environmental Remediation, Region One**

Stony Brook University
100 Circle Road, Stony Brook, New York 11790-3409
Phone: (631) 444-0240 • **Fax:** (631) 444-0248
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 25, 2010

Mr. Walter Berninger
Berninger Environmental, Inc.
90 Knickerbocker Avenue, Unit B
Bohemia, NY 11716

**Re: Burton Industries #V00239
Site Management Plan: December 2009**

Dear Mr. Berninger,

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) have reviewed the referenced Site Management Plan (SMP) and provide the following comments:

- Sections 7.1, 7.2 & 7.3 of the SMP refer to the soil vapor extraction system (SVES) as a sub-slab depressurization system (SSDS). Although the SVES is capturing soil vapors, its design is not consistent with the construction of a traditional SSDS. Please revise this section to refer to the system only as an SVES.
- Section 8.0 should be re-titled, "Operation, Maintenance & Monitoring" and Sections 7.2 and 7.3 should become part of it.

Please revise the SMP and re-submit four copies for the NYSDEC's approval and distribution. Please remember to have the SMP stamped and signed by a New York State licensed Professional Engineer. If you should have any questions, feel free to contact me at (631) 444-0246.

Sincerely,

Jamie Ascher
Engineering Geologist 2

cc: W. Parish
J. Nealon
S. Yoel

APPENDIX B

Deed Restriction

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT, made the 24th day of DECEMBER 2009, by 241-243 Wyandanch Realty LLC, a New York State domestic limited liability company and having an office for the transaction of business at 1592 Rex Road, Wantagh, New York 11793:

WHEREAS, 241-243 Wyandanch Realty LLC is the owner of a parcel of real property located at 241-243 Wyandanch Avenue in the Town of North Babylon, County of Suffolk, State of New York, which is identified as Tax Map District 0100, Section 082.00, Block 03.00, Lot 019.006, and is shown on the survey map attached to this declaration as Exhibit "A", and hereinafter referred to as "the Property"; and

WHEREAS, the Property was previously owned by Stanley Yoel; and

WHEREAS, the Property, also known as the Burton Industries, Inc. Site No. V00239, is under the New York State Department of Environmental Conservation (the "Department") Voluntary Cleanup Program ("VCP") subject to Voluntary Cleanup Agreement, Index No. D1-001-02-05, executed by Stanley Yoel, in his then capacity as owner; and

WHEREAS, under the VCP, the Department approved the *Remedial Action Work Plan*, prepared by Berninger Environmental, Inc., dated February 2007 and revised February 2008; and

WHEREAS, the Department-approved remedy will eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants and to a Site Management Plan ("SMP").

NOW, THEREFORE, 241-243 Wyandanch Realty LLC, for itself and its successors and/or assigns, including Stanley Yoel, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions, is as shown on the survey map attached to this declaration as Exhibit "A" which is made a part hereof, and is more particularly described by the metes and bounds description attached as Exhibit "B" and made a part hereof; and

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained; where contamination remains at the Property subject to the provisions of the SMP, there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the remedy,

including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency:

- Measures to control excavation in residually contaminated soils and to manage such excavated soils,
- Operation of the Soil Vapor Extraction System,
- Any additional preventative measures to address the potential for soil vapor intrusion into the existing and future on-site structures, including confirmation that those measures are effective and remain effective as needed to eliminate the potential for exposures that may result from contaminated soil vapor, and
- Environmental media monitoring.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for commercial use as defined at 6 New York Codes, Rules and Regulations Part 375-1.8(g)(2)(iii) without the express written waiver of such prohibition by the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the SMP, approved by the Department. The SMP approved by the Department is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency.

Seventh, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Eight, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner, and its successors and assigns, consents to enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph X of the Agreement requires to be recorded, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Tenth, at such time as the closure criteria are achieved to the Department's or Relevant Agency's satisfaction, the owner of Property may petition the Department or Relevant Agency for consent to the termination of this Declaration of Covenants and Restrictions, and if such consent is given, the Department or Relevant Agency will deliver to the owner of the Property a document for recording which is sufficient to effectuate the termination.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

241-243 Wyandanch Realty LLC

By: Stanley Yoel
Stanley Yoel

Title: Sole Manager and Member

Date: 12/24/09

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

On the 24th day of DECEMBER, in the year 2009, before me, the undersigned, personally appeared STANLEY YOEL, 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.

Gail Grove
Signature and Office of individual
taking acknowledgment

GAIL GROVE
Notary Public, State of New York
No. 01604714039
Qualified in Nassau County
Commission Exp. Jan. 31, 2007

2011

Exhibit "A"

Survey Map

Note: The tax designation information included on the Survey Map has been superseded. The correct tax designation information is District 0100, Section 082.00, Block 03.00, Lot 019.006.

MAP of SURVEY

F/O LOT No.'S 1 TO 10 INCLUSIVE, LOTS 11 TO 20, INCLUSIVE, PART OF LOTS 21 TO 26, INCLUSIVE AND LOTS 27 TO 30, INCLUSIVE, ALL IN BLOCK 14, AND A PORTION OF BUSH STREET AND NEW AVENUE AND A PORTION OF FULTON STREET
 "MAP OF NORTH BABYLON PARK"
 FILED ON SEPTEMBER 22, 1908, AS MAP No. 308
 "MAP OF BELMONT HEIGHTS"
 FILED ON NOVEMBER 21, 1910, AS MAP No. 278

LOCATED AT:
 NORTH BABYLON, TOWN OF BABYLON,
 COUNTY OF SUFFOLK, STATE OF NEW YORK

TAX DESIGNATION:
 DISTRICT: 100. SECTION: 02. BLOCK: 3. LOT: 19.016

TITLE No.: SHAP 175875
 JOB NO.: 88-8891
 SURVEYED ON: JULY 3, 1988
 CERTIFIED TO: STEWART TITLE INSURANCE COMPANY
 THE MONEY STORE
 STANLEY TUBEL



ALEXANDER TRUEMAN N.Y.S. L.S. NO. 000188

30 0 30 60 90
 SCALE 1" = 30'

THE EXISTENCE OF RIGHT OF WAY AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.

THE OBJECTS OR PARCELS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND ARE NOT INTENDED TO BE A FINAL TITLE DEED.

UNPUBLISHED ADVERTISEMENTS IN CONNECTION WITH THIS SURVEY ARE A VIOLATION OF SECTION 108 OF THE NEW YORK EASEMENT ACT. COPIES OF THIS SURVEY MAP NOT BEING THE LAND SURVEYOR'S OWN MAP OR SURVEYED MAP, SHALL NOT BE CONSIDERED TO BE A FINAL TITLE DEED.

CONVEYANCE BY DEED OR OTHER INSTRUMENT SHALL NOT BE VALID UNLESS THE FEE FOR THIS MAP IS PAID TO THE STATE OF NEW YORK.

THEY ARE NOT TO BE USED FOR ANY OTHER PURPOSE AND TO THE EXTENT OF THE LATEST SURVEYING, CONVEYANCE AND NOT BE CONSIDERED TO BE A FINAL TITLE DEED.

INSTRUCTIONS ON SURVEYING OFFICE.

LEONARD J. STRANDBERG AND ASSOCIATES,
 CONSULTING ENGINEERS AND LAND SURVEYORS, P.E.
 1000 ATLANTIC AVENUE, BALDWIN, N.Y. 11510
 516-378-2084 • 516-378-2111 • 516-378-0848

EXHIBIT A

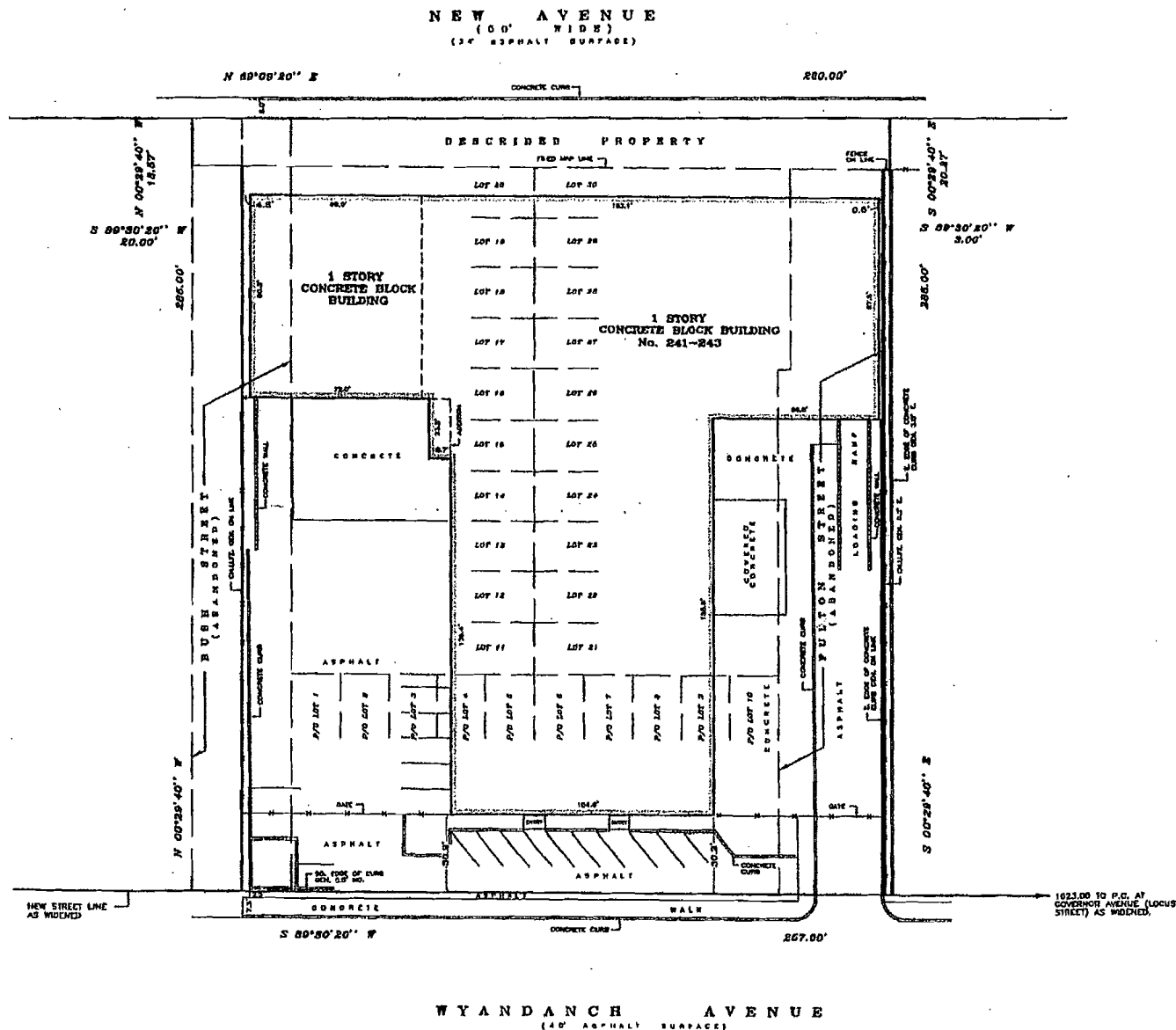


Exhibit "B"

Metes and Bounds

EXHIBIT B

ALL that certain plot, piece or parcel of land, situate, lying and being at Wyandanch, Town of Babylon, County of Suffolk and State of New York, known and designated as part of Lots 1 to 10, inclusive, Lots 11 to 20, inclusive, part of Lots 21 to 26, inclusive, Lots 27 to 30, inclusive, all in Block 14, a portion of Bush Street and New Avenue and a portion of Fulton Street as shown on a certain map entitled "Map of North Babylon Park, Property of the Manhattan Real Estate Company, Madison Avenue, New York City", and filed in the Office of the Clerk of the County of Suffolk on September 22, 1908 as Map No. 368, and on a second map entitled "Map of Belmont Heights, Wyandanch, Long Island, Property of Manhattan Real Estate Company, Herron Bayley, President, Marbridge Building, 47 West 43rd Street, New York City", and filed in the Office of the Clerk of Suffolk County on November 21, 1910 as Map No. 278, the said lots, portions of lots, streets and avenue being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Wyandanch Avenue, as widened, which point is distant 1,623.00 feet as measured in a westerly direction along the northerly side of Wyandanch Avenue from the southerly end of a point of curve connecting the northerly side of Wyandanch Avenue with the westerly side of Governor Avenue (Locust Street) as widened, which point of beginning is also distant 37.00 feet as measured in an easterly direction along the northerly side of Wyandanch Avenue from the intersection of the easterly line of Lot 10 with the northerly side of Wyandanch Avenue, as widened, and from said point of beginning;

RUNNING THENCE South 89 degrees 30 minutes 20 seconds West and along the northerly side of Wyandanch Avenue, 257.00 feet;

THENCE North 00 degrees 29 minutes 40 seconds West, 285.00 feet to a point;

THENCE South 89 degrees 30 minutes 20 seconds West, 20.00 feet to a point;

THENCE North 00 degrees 29 minutes 40 seconds West, 18.57 feet to a point on the southerly side of New Avenue;

THENCE North 89 degrees 09 minutes 20 seconds East and along the southerly side of New Avenue, 280.00 feet;

THENCE South 00 degrees 29 minutes 40 seconds East, 20.27 feet;

THENCE South 89 degrees 30 minutes 20 seconds West, 3.00 feet;

THENCE South 00 degrees 29 minutes 40 seconds East, 285.00 feet to the northerly side of Wyandanch Avenue at the point or place of BEGINNING.

*For conveyancing only,
if intended to be conveyed.*

{ Together with all right, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

Bargain and Sale Deed with Covenant against Grantor's Acts

**THIS INDENTURE, made the 1st day of May, in the year 2003
BETWEEN STANLEY YOEL residing at 1592 Rex Road Wantagh, New York**

party of the first part, and 241-243 WYANDANCH REALTY LLC with offices located at 1592 Rex Road, Wantagh, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs and successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE ATTACHED SCHEDULE "A"

Being and intended to be the same premises conveyed to the party of the first part by deed dated April 26, 1985 and recorded on June 18, 1985 in Liber 9813 page 375

PREMISES known as: 241-243 Wyandanch Avenue, North Babylon, New York

~~TOGETHER with all right, title and interest, if any, of the party of the first part, in~~ and to any streets and roads abutting the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and the rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

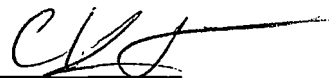
Lawrence Repetto

Stanley Yoel
Stanley Yoel

State of New York, County of Suffolk)ss:

On the 1st day of May in the year 2003 before me, the undersigned, personally appeared Stanley Yoel personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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.

CHRISTOPHER BASTARDI
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01046053381
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES SEPT. 10, 2005



Notary Public

**Acknowledgement Form For Use Outside New York State Only:
(Out of State of Foreign General Acknowledgement Certificate)**

.....)ss:

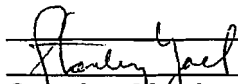
On the 12 day of May in the year 2003
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), 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, and that such individual made such appearance before the undersigned in the

(Insert the city or political subdivision and the state or country or other place the acknowledgement was taken).

BARGAIN & SALE DEED
with covenants against grantor's acts

TITLE NO.


Stanley Yoel

to

241-243 Wyandanch Realty LLC

Section 082.00
Block 03.00
Lot 019.005
County or Town - Suffolk
Premises: 241-243 Wyandanch Ave.
No. Babylon, N.Y.

RECORD & RETURN TO:

Thomas F. Assail P.C.
4 Gettysburg Drive
Port Jefferson Sta., N.Y. 11776

SCHEDULE "A"

ALL those certain plot, pieces, or parcels of land, situate, lying and being at Wyandanch, Town of Babylon, County of Suffolk and State of New York, known and designated as part of lots 1 to 10 inclusive, lots 11 to 20 inclusive all in Block 14, and a portion of Bush Street and New Avenue, and a portion of Fulton Street, on a certain map entitled, "Map of North Babylon Park, Property of the Manhattan Real Estate Company, Madison Avenue, New York City,:" and filed in the Office of the Clerk of the County of Suffolk on September 22, 1908, as Map No. 368, and on a second map entitled, "Map of Belmont Heights, Wyandanch, Long Island, Property of Manhattan Real Estate Company, Herron Bayley, President Marbridge Building, 47 West 43rd Street, New York City," and filed in the Office of the Clerk of Suffolk County on November 21, 1910, as Map No. 278, and said lots, portions of lots, streets and avenue being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Wyandanch Avenue, which point is distant 1623 feet as measured in a westerly direction along the northerly side of Wyandanch Avenue from the southerly end of a point of curve connection the northerly side of Wyandanch Avenue with the westerly side of Governor Avenue (Locust Street) as widened;

WHICH point of beginning is also distant 37 feet as measured in an easterly direction along the northerly side of Wyandanch Avenue from the intersection of the easterly line of Lot 10 with the northerly side of Wyandanch Avenue;

AND from said point of beginning South 89 degrees 30 minutes 20 seconds west and along the northerly side of Wyandanch Avenue 257 feet;

THENCE northerly 0 degrees 29 minutes 40 seconds West 285 feet to a point;

THENCE South 89 degrees 30 feet 20 minutes West, 20.00 feet to a point;

THENCE North 0 degrees 29 minutes 40 seconds west 18.57 feet to a point on the southerly side of New Avenue;

THENCE North 89 degrees 09 minutes 20 seconds east and along the southerly side of New Avenue 280.00 feet;

THENCE South 0 degrees 29 minutes 40 seconds east 20.27 feet;

THENCE South 89 degrees 30 minutes 20 seconds west 3.00 feet;

THENCE South 0 degrees 29 minutes 40 seconds east 285.00 feet to the northerly side of Wyandanch Avenue at the point or place of BEGINNING.

APPENDIX C

Manifest

NYG 245454

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS

HAZARDOUS WASTE MANIFEST
P.O. Box 12820, Albany, New York 12212

(Hazardous Waste Manifest 1/5/89)

Please type or print. Do not staple

In case of emergency or spill immediately call the National Response Center (800) 424-8802 and the NYS Department of Environmental Conservation (518) 457-7362

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Doc. No.		2. Page 1 of		Information within heavy bold line is not required by Federal Law.	
		NYD065946642		34543					
3. Generator's Name and Mailing Address				Burton Industries, Inc. 243 Wyandanch Avenue North Babylon, NY 11703		A. NYG 2454543			
4. Generator's Telephone Number (631) 643-6660				6. US EPA ID Number		B. Generator's ID			
5. Transporter 1 (Company Name)				NJ D 0 5 4 1 2 6 1 6 4		C. State Transporter's ID AA 393 E			
7. Transporter 2 (Company Name)				8. US EPA ID Number		D. Transporter's Telephone (732) 462-1001			
9. Designated Facility Name and Site Address				10. US EPA ID Number		E. State Transporter's ID			
North East Environmental Services, Inc. 4123 Canal Road Canastota, NY 13032				WY D 0 5 7 7 7 0 1 0 9		F. Transporter's Telephone ()			
11. US DOT Description (Including Proper Shipping Name, Hazard Class and ID Number)				12. Containers		13. Total		14. Unit	
				Number		Quantity		Wt/Vol	
a. RO, Hazardous Waste Solids, H.O.S., 9, NA3077, PG III, (Tetrachloroethylene) (P001, P002, D039)				001		00018		Y	
b.								I. Waste No.	
								EPA P001*	
								STATE	
								EPA	
								STATE	
								EPA	
								STATE	
								EPA	
								STATE	
J. Additional Descriptions for Materials listed Above				K. Handling Codes for Wastes Listed Above					
a. Tetrachloroethylene				c		a		T	
b.				d		b			
15. Special Handling Instructions and Additional Information				24 hour emergency telephone: Earth Care					
11a) ADU1 *P002, D039				631-536-0002					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and state laws and regulations.				5512-1-W					
If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.									
Printed/Typed Name				Signature		Mo.		Day	
Richard J. Santos						10		11	
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature		Mo.		Day	
David Van...						1		11	
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature		Mo.		Day	
19. Discrepancy Indication Space				C = 0416456 ME					
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.									
Printed/Typed Name				Signature		Mo.		Day	
David J. ...						10		13	

APPENIX D

NYSDEC Letter (Remediation of Pool Complete)

**New York State Department of Environmental Conservation
Division of Environmental Remediation, Region One**

Building 40 - SUNY, Stony Brook, New York 11790-2356

Phone: (631) 444-0240 • FAX: (631) 444-0248

Website: www.dec.state.ny.us



August 17, 2001

Mr. Stanley Yoel
Burton Industries Inc.
243 Wyandanch Avenue
North Babylon NY 11704

**RE: Burton Industries Site #V00239
243 Wyandanch Avenue, North Babylon NY**

Dear Mr. Yoel,

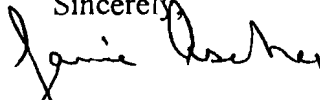
In September 2000 and October 2000, a contaminated leaching pool located at the referenced site was remediated and post excavation confirmatory soil samples were acquired. The New York State Department of Environmental Conservation's (NYSDEC) confirmatory soil samples from that pool revealed that residual contamination in soil beneath the pool was below those levels prescribed in the Department's Technical Administrative Guidance Memorandum #4046. The NYSDEC has received no record or report of your consultant's split sample analyses relating to the remedial activities conducted at the site. In a June 15, 2000 letter to your consultant, the NYSDEC outlined some additional investigative needs which should be undertaken at the site. In light of the source remediation which was undertaken at the site, you should now prepare and submit to the Department an investigation work plan which includes the following:

- In December 1996, the NYSDEC conducted a state funded preliminary site assessment (PSA) at the Burton Industries site. On-site groundwater was sampled and was found to be contaminated with volatile organic compounds. In order to demonstrate that the source remediation undertaken in September 2000 has successfully led to decreasing contaminant levels in on-site groundwater and in order to confirm the site specific groundwater flow direction, three permanent on-site groundwater monitoring wells (one upgradient, two downgradient) must be installed at the water table. The PSA also revealed that groundwater quality was impacted 15 feet below the water table. For that reason, groundwater quality 15 feet and 30 feet below the water table should be evaluated. These samples may be acquired via geoprobe or hydropunch sampling or through the construction of permanent monitoring wells screened at these discrete depths. A contaminant list for the laboratory analysis of groundwater will be developed utilizing the definition of existing contamination found in the voluntary cleanup agreement.

- A receptor assessment should be conducted to determine the presence of any environmental receptors, public or private drinking water wells, or production wells within a one mile radius of the site. Identify the location of any potential receptors on a scaled map with a north arrow.
- Enclosed are the NYSDEC's Quality Assurance Guidelines and Guidance for the Development of Data Usability Summary Reports to be incorporated into the draft investigation work plan as well as the New York State Department of Health's Community Air Monitoring Plan.
- A Health and Safety Plan should be developed which would identify a site health and safety officer, designated work zones, levels of protection, personal protective equipment, emergency care and treatment, nearest hospital route, etc.

If you should have any questions regarding any of these issues, please feel free to contact me at (631) 444-0246.

Sincerely,



Jamie Ascher
Engineering Geologist 2

cc: W. Parish
D. Desnoyers
R. Fedigan