

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Investigation/Feasibility
Study for an Inactive Hazardous Waste
Disposal Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by

ORDER
ON
CONSENT

INDEX #
W1-0722-95-03

Glaro Inc.
Respondent.

Site Code # 1-52-124

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is entered into pursuant to the Department's authority under ECL Article 27, Title 13 and ECL 3-0301.

2. Glaro Inc. ("Respondent"), a corporation organized under the laws of the State of New York, owns property located at 735 Old Willets Path, Hauppauge, New York, County of Suffolk 11788. As a result of regular business operations, water from a perchloroethylene recovery system that had been operated by Glaro was discharged on the property, causing contamination of the soil and, possibly, the ground water. The site is known as Glaro Inc., as listed in the New York Inactive Hazardous Waste Registry. A map of the site is attached as exhibit "A."

3. The Department maintains that the Site is an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2, and presents a significant threat to the public health or environment. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 152124. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.

4. A. Pursuant to ECL 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive

hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the department, at such site, and (ii) to implement such program within reasonable time limits specified in the order."

B. Any person under order pursuant to ECL 27-1313.3.a has a duty imposed by ECL Article 27, Title 13 to carry out the remedial program committed to under order. ECL Section 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

C. The Department also has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL 3-0301.1.i.

5. The Department and Respondent agree that the goals of this Order are for Respondent to develop and implement a Remedial Investigation/Feasibility Study ("RI/FS") for the Site.

6. Respondent, having waived Respondent's right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms.

7. Nothing in this Order shall be construed to limit Respondent's right to file a petition with the Commissioner pursuant to ECL 27-1305(4)(c) to de-list the site from the registry or to change its classification.

8. Notwithstanding Respondent's agreement to carry out the terms of this Order, Respondent does not admit or acknowledge any liability, fault or wrongdoing or violation of any law, regulation or permit of any kind whatsoever in any way related to the site.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Initial Submittal

Within 60 days after the effective date of this Order, Respondent shall submit to the Department all data within Respondent's possession or control regarding environmental conditions on-Site and off-Site, and other information

described below, unless the Department advises Respondent that such data have previously been provided to the Department. The data and other information shall include:

A. A brief history and description of the Site, including the types, quantities, physical state, location, and dates of disposal of hazardous waste including methods of disposal and spillage of such wastes;

B. A concise summary of information held by Respondent and Respondent's attorneys and consultants with respect to all persons, other than officers, directors and employees of Respondent, who may be potentially responsible for such disposal of hazardous wastes, including but not limited to names, addresses, dates of disposal and any proof linking each such person responsible with hazardous wastes identified pursuant to Subparagraph I.A; and

C. A comprehensive list and copies of all existing relevant reports within Respondent's possession or control with titles, authors, and subject matter, as well as a description of the results of all previous investigations of the Site and areas in the vicinity of the Site, including copies of all available topographic and property surveys, engineering studies and aerial photographs.

D. For purposes of the requirements for an initial submittal, "control" means within the possession of an agent or employee of Respondent and does not refer to items which might be obtainable from others by purchase or foil request.

II. RI/FS Work Plan Contents and Submittals

A. Within 60 days after the effective date of this Order, Respondent shall submit to the Department a detailed work plan describing the methods and procedures to be implemented in performing an RI/FS for the Site ("RI/FS Work Plan"). The scope of the work plan will be defined by the work plan outline as described in the March 30, 1995 letter from the Department to Michael B. Glass. A copy of the letter is attached as Exhibit "B". The letter shall be an enforceable part of this Order.

B. (1) The RI/FS Work Plan shall include, but not be limited to, the following:

a. A chronological description of the anticipated RI/FS activities together with a schedule for the performance of these activities.

b. A Sampling and Analysis Plan that shall include:

(i) A quality assurance project plan that describes the quality assurance and quality control protocols necessary to achieve the initial data quality

objectives. This plan shall designate a data validation expert and must describe such individual's qualifications and experience.

(ii) A field sampling plan that defines sampling and data gathering methods in a manner consistent with the "Compendium of Superfund Field Operations Method" (EPA/540/P-87/001, OSWER Directive 9355.0-14, December 1987) as supplemented by the Department.

c. A health and safety plan to protect persons at and in the vicinity of the Site during the performance of the RI/FS which shall be prepared in accordance with 29 CFR 1910 and all other applicable standards by a certified health and safety professional. Respondent shall add supplemental items to this plan necessary to ensure the health and safety of all persons at or in the vicinity of the Site during the performance of any work pursuant to this Order.

d. A citizen participation plan that is, at a minimum, consistent with the Department's publication, "New York State Inactive Hazardous Waste Site Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto, and 6 NYCRR Part 375.

(2) The RI/FS Work Plan shall incorporate all elements of a RI/FS as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") [42 U.S.C. 9601 et seq.], as amended, the National Contingency Plan ("NCP") of March 8, 1990 [40 CFR Part 300], the USEPA guidance document entitled "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA," dated October 1988, and any subsequent revisions to that guidance document in effect at the time the RI/FS Work Plan is submitted, and appropriate USEPA and Department technical and administrative guidance documents.

III. Performance and Reporting of Remedial Investigation

A. Respondent shall perform the Remedial Investigation in accordance with the Department-approved RI/FS Work Plan.

B. During the performance of the Remedial Investigation, Respondent shall have on-Site a full-time representative who is qualified to supervise the work done.

C. Within the time frame set forth in the RI/FS Work Plan, Respondent shall prepare a Remedial Investigation Report that shall:

(1) include all data generated and all other information obtained during the Remedial Investigation:

(2) provide all of the assessments and evaluations set forth in CERCLA, the NCP, and the guidance documents identified in Subparagraph II.B(2);

(3) identify any additional data that must be collected; and

(4) include a certification by the individual or firm with primary responsibility for the day to day performance of the Remedial Investigation that all activities that comprised the Remedial Investigation were performed in full accordance with the Department-approved RI/FS Work Plan.

IV. Feasibility Study

A. Within 60 days after receipt of the Department's approval of the Remedial Investigation Report, Respondent shall submit a Feasibility Study evaluating on-Site and off-Site remedial actions to eliminate, to the maximum extent practicable, all health and environmental hazards and potential hazards attributable to hazardous waste disposal at the Site. The Feasibility Study shall be prepared by and have the signature and seal of a professional engineer who shall certify that the Feasibility Study was prepared in accordance with this Order.

B. Respondent shall perform and prepare the Feasibility Study in accordance with the Department-approved RI/FS Work Plan and in a manner consistent with CERCLA, the NCP, and the guidance documents identified in Subparagraph II.B(2).

C. After the Department's approval of the Feasibility Study, Respondent shall cooperate and assist the Department in soliciting public comment on the RI/FS and on the proposed remedial action plan, in accordance with CERCLA, the NCP, the guidance documents identified in Subparagraph II.B(2), and with any Department policy and guidance documents in effect at the time the public comment period is initiated. After the close of the public comment period, the Department shall select a final remedial alternative for the site in a Record of Decision ("ROD"). The ROD shall be incorporated into and become an enforceable part of this Order.

V. Interim Remedial Measures

A. (1) Respondent may propose one or more IRMs for the Site.

(2) In proposing each IRM, Respondent shall submit to the Department a work plan that includes a chronological description of the anticipated IRM activities together with a schedule for performance of those activities (an "IRM Work Plan" for that Site).

(3) Upon the Department's determination that the proposal is an appropriate IRM and upon the Department's approval of such work plan, the IRM Work Plan shall be incorporated into and become an enforceable part of this Order; and Respondent shall submit to the Department for its review and (as appropriate) approval, in accordance with the schedule contained in the Department-approved IRM Work Plan, detailed documents and specifications prepared, signed, and sealed by a professional engineer to implement the Department-approved IRM. Such documents shall include a health and safety plan, contingency plan, and (if the Department requires such) a citizen participation plan that incorporates appropriate activities outlined in the Department's publication, "New York State Inactive Hazardous Waste Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto, and 6 NYCRR Part 375. Respondent shall then carry out such IRM in accordance with the requirements of the approved IRM Work Plan, detailed documents and specifications, and this Order. Respondent shall notify the Department of any significant difficulties that may be encountered in implementing the Department-approved work plan, detailed documents, or specifications and shall not modify any obligation unless first approved by the Department.

(4) During implementation of all construction activities identified in the Department-approved IRM Work Plan, Respondent shall have on-Site a full-time representative who is qualified to supervise the work done.

(5) Within the schedule contained in the Department-approved IRM Work Plan, Respondent shall submit to the Department a final engineering report prepared by a professional engineer that includes a certification by that individual that all activities that comprised the IRM were performed in full accordance with the Department-approved IRM Work Plan, detailed documents and specifications, and this Order.

(i) If the performance of the Department-approved IRM encompassed construction activities, the final engineering report shall include a detailed post-remedial operation and maintenance plan ("O & M Plan"); "as-built" drawings and a final engineering report (each including all changes made to the Remedial Design during construction); and a certification by a professional engineer that the IRM was implemented and all construction activities were completed in

accordance with the Department-approved detailed documents and specifications for the IRM. The O & M Plan, "as built" drawings, final engineering report, and certification must be prepared, signed, and sealed by a professional engineer.

(ii) Upon the Department's approval of the O & M Plan, Respondent shall implement the O & M Plan in accordance with the requirements of the Department-approved O & M Plan.

(6) After receipt of the final engineering report and certification, the Department shall notify Respondent in writing whether the Department is satisfied that the IRM was completed in compliance with the Department-approved IRM Work Plan and design.

VI. Progress Reports

Respondent shall submit to the parties identified in Subparagraph XIII.B in the numbers specified therein, copies of written monthly progress reports that: (i) describe the actions which have been taken toward achieving compliance with this Order during the previous month; (ii) include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent; (iii) identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month; (iv) describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site; (v) include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays; (vi) include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and (vii) describe all activities undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondent shall submit these progress reports to the Department by the tenth day of every month following the effective date of this Order.

Respondent also shall allow the Department to attend, and shall provide the Department at least seven days advance notice of, any of the following: prebid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.

VII. Review of Submittals

A. (1) The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal, except for the health and safety plan submittal discussed in Subparagraph II.B(1)(c) and the IRM health and safety plan submittal discussed in Subparagraph V.A(3). All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

(2) (a) If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. If Respondent requires clarification of any of the reasons specified by the Department for its disapproval, or disagrees with the stated basis for disapproval, Respondent shall request clarification in writing or request reconsideration of the denial for reasons stated by the respondent in writing, within 10 days after receiving written notice that Respondent's submittal has been disapproved. Within 30 days after receiving written notice that Respondent's submittal has been disapproved, or 30 days after receiving the Department's response to the request for clarification or reconsideration if same is made, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

(b) After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order and the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. Respondent has the right to object to any such request for reasons stated in writing within 5 days of receiving a written request from the Department that further work be performed. At that time, the Department and Respondent may pursue whatever rights and remedies which are

legally available.

VIII. Penalties

A. (1) Except as provided in paragraph VII of this Order with respect to submittals, Respondent's failure to comply in full with any term of this Order within 10 business days of receipt of a Department notice of violation shall be a violation of this Order and the ECL.

(2) Respondent shall be liable for payment to the Department of the sums set forth below as stipulated penalties for each day or part thereof that Respondent is in violation of the terms of this Order. All penalties begin to accrue on the first day Respondent is in violation of the terms of this Order and continue to accrue through the final day of correction of any violation. Such sums shall be due and payable within 15 days after receipt of notification from the Department assessing the penalties. If such payment is not received within 15 days after Respondent receives such notification from the Department, interest shall be payable at the annual rate of nine per centum on the overdue amount from the day on which it was due through, and including, date of payment. Penalties shall be paid by certified check or money order, made payable to "New York State Department of Environmental Conservation" and shall be delivered personally or by certified mail, return receipt requested, to the Director, Division of Environmental Enforcement, N.Y.S.D.E.C., 50 Wolf Road, Albany, New York 12233-5500. Payment of the penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order. Stipulated penalties shall be due and payable under Subparagraph VIII.A(2) pursuant to the following schedule:

<u>Period of Non-Compliance</u>	<u>Penalty Per Day</u>
First through 15th day	\$ 2,500
16th through 30th day	\$ 5,000
31st day and thereafter	\$ 7,500

B. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of war, riot, or an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence could not have prevented. Respondent shall, within five days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such five-day period constitutes a

waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order pursuant to Subparagraph VIII.B.

IX. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of the Respondent by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order.

X. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights including, but not limited to nor exemplified by, the following:

1. the Department's right to bring any action or proceeding against anyone other than Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;
2. the Department's right to enforce this Order against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns if Respondent fails to satisfy any of the terms of this Order;
3. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances or constituents at or from the Site or areas in the vicinity of the Site;
4. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to hazardous substances that are present at the Site or that have migrated from the Site;
5. the Department's right to bring any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;
6. the Department's right to require

Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns to develop and implement IRMs for the Site; and

7. the Department's right to gather information and enter and inspect property and premises.

8. the Department's right to bring any action or proceeding to recover its administrative costs and/or expenses related to the Site.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

C. Unless expressly stated herein to the contrary, nothing contained in this order shall be construed to be an admission by Respondent that it agrees with the Department that the Department has the rights set out above in paragraph X(A), nor shall this order be construed as a waiver by Respondent of any defense it may have to any attempt by the Department to exercise the rights which it purports to reserve in paragraph X(A).

XI. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent, and/or Respondent's directors, officers, employees, servants, agents, successors, and assigns.

XII. Public Notice

A. If Respondent proposes to convey the whole or any part of Respondent's ownership interest in the Site, or to lease the whole or any part of the site to a third party or parties, Respondent shall, not fewer than 60 days before the date of conveyance or lease, notify the Department in writing of the identity of the transferee or lessee and of the nature and proposed date of the conveyance or lease and shall notify the transferee or lessee in writing, with a copy to the Department, of the applicability of this Order.

XIII. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

Communication from Respondent shall be sent to:

Chittibabu Vasudevan, Ph.D,
New York State Department of Environmental
Conservation
Division of Hazardous Waste Remediation
50 Wolf Road
Albany, New York 12233-7010

with copies to:

1. Director, Bureau of Environmental
Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203
2. Raymond E. Cowen
Regional Director
New York State Department of Environmental
Conservation
Region 1 - S.U.N.Y. Bldg 40
Stony Brook, New York 11794
3. Louis P. Oliva, Esq.
New York State Department of Environmental
Conservation
Division of Environmental Enforcement
200 White Plains Road, 5th Floor
Tarrytown, N.Y. 10591-5805
4. Jeffrey Trad, P.E
Project Manager
New York State Department of Environmental
Conservation
Division of Hazardous Waste Remediation
50 Wolf Road
Albany, New York 12233-7010

B. Copies of work plans and reports shall be
submitted as follows:

1. Four copies (one unbound) to:

Chittibabu Vasudevan, Ph.D,
New York State Department of Environmental
Conservation
Division of Hazardous Waste Remediation
50 Wolf Road
Albany, New York 12233-7010

2. Two copies to:

Director, Bureau of Environmental
Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203

3. One copy to:

Ajay Shah, P.E.
New York State Department of Environmental
Conservation
Region 1 - S.U.N.Y. Bldg 40
Stony Brook, New York 11794

4. One copy to:

Louis P. Oliva, Esq.
New York State Department of Environmental
Conservation
Division of Environmental Enforcement
200 White Plains Road, 5th Floor
Tarrytown, N.Y. 10591-5805

C. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit to Chittibabu Vasudevan, Ph.D, a computer readable magnetic media copy of the approved report in American Standard Code for Information Interchange (ASCII) format.

D. Communication to be made from the Department to the Respondent shall be sent to:

Frederick Eisenbud, Esq.
Cahn Wishod & Lamb
534 Broad Hollow Road
Melville, NY 11747

E. The Department and Respondent reserve the right to designate additional or different addressees for communication or written notice to the other.

XIV. Miscellaneous

A. All activities and submittals required by this Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous waste at the Site. The Department does not release the Respondent from any liability the Respondent may have for the off-site migration of hazardous substances.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel and data validators acceptable to the Department to perform the technical, engineering and analytical obligations required by this Order. The experience, capabilities and qualifications of the firms or individuals selected by Respondent shall be submitted to the Department within 30 days after the effective date of this Order. The Department's approval of these firms or individuals shall be obtained prior to initiation of any activities for which Respondent and such firms or individuals will be responsible.

C. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent, and the Department also shall have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be conducted pursuant to this Order.

E. Respondent shall obtain whatever permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations are necessary to perform Respondent's obligations under this Order.

F. Respondent and its successors, and assigns shall be bound by this Order. Respondent, through its officers, directors, agents, servants, employees, successors and assigns, shall be responsible for implementing the terms of this Order. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order. Respondent shall oblige its officers, directors, employees, servants, and agents to comply with the relevant provisions of this Order in their performance of their designated duties on behalf of Respondent.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into hereunder upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this

Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work to be done under this Order in accordance with this Order.

H. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law.

I. All references to "days" in this Order are to calendar days unless otherwise specified.

J. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

K. (1) The terms of this Order shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.

(2) If Respondent desires that any provision of this Order be changed, Respondent shall make timely written application, signed by the Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to:

Louis P. Oliva, Esq.
New York State Department of Environmental
Conservation
Division of Environmental Enforcement
200 White Plains Road, 5th Floor
Tarrytown, N.Y. 10591-5805

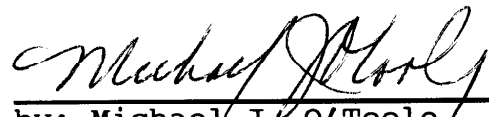
&

Jeffrey Trad, P.E.
Project Manager
New York State Department of Environmental
Conservation
Division of Hazardous Waste Remediation
50 Wolf Road
Albany, New York 12233-7010

L. The effective date of this Order shall be the date it is signed by the Commissioner or his designee.

DATED: 3/31/95 , New York
; 1995

Gary L. Spielmann
Acting Executive
Deputy Commissioner
New York State Department of
Environmental Conservation



by: Michael J. O'Toole
Director
Division of Hazardous Waste
Remediation
New York State Department of
Environmental Conservation

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-7010



Michael D. Zagata
Commissioner

ATTACHMENT B

March 30, 1995

Mr. Michael B. Glass
Chief Executive Officer
Glaro Incorporated
735 Old Willets Path
Hauppauge, N.Y. 11788

Dear Mr. Glass:

Re: Glaro Inc.
Site ID No. 1-52-124
Workplan Outline

Per our conversation today with your consultant, it was agreed that although the proposed Consent Order encompasses many possible courses of action and work tasks, it would be beneficial to define in a Work Plan Outline specific fieldwork which would be necessary to begin the Remedial Investigation. Below is the outline as discussed.

The fieldwork would be broken into source investigation and plume migration.

1) Source Investigation

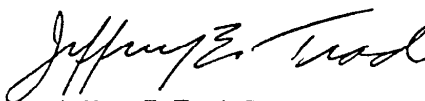
- Would require sampling to define the areal and vertical extent of soil contamination and groundwater location.
- If contamination is found during this sampling, either source removal, soil vapor extraction or a combination of both, whichever is the most technically practicable and cost effective method of remediation will be undertaken by Glaro, Inc.

2) Plume Investigation

- Geoprobe/soil gas survey (or similar technique) is proposed to define the areal extent of contamination migrating from the source. No more than three monitoring wells, two of approximately 100 foot depth and one of approximately 125 feet depth would be necessary to further define the areal and vertical extent of contamination from the source.
- Once the extent and concentration of contamination is defined, Glaro could then implement as an Interim Remedial Measure (IRM), the most technically practicable and cost effective method of remediation to remedy the site.

If you require any further information regarding this site, please contact me at (518) 457-1708.

Sincerely,



Jeffrey E. Trad, P.E.
Project Manager
Eastern Projects Section
Bureau of Eastern Remedial Action
Division of Hazardous Waste Remediation

cc: D. Kost
L. Oliva

bcc: S. Ervolina
C. Vasudevan
F. Eisenbud

JET:mfw
a:glass.jt