



April 24, 2009

Mr. Frank Sowers, P.E.
NYSDEC, Region 8
6274 East Avon-Lima Road
Avon, NY 14414-9519

Re: Additional Vapor Intrusion Investigation
Former AMSF Building
12 Pixley Industrial Parkway
Former ITT Rochester Form Machine Facility
Site #8-28-112
Town of Gates, Monroe County
Order on Consent: Index # B8-0614-02-05

File: 3356/35273

Dear Mr. Sowers:

On April 6, 2009, on behalf of ITT Corporation ("ITT"), we submitted to the New York State Department of Environmental Conservation (NYSDEC) a Work Plan for the additional vapor intrusion investigation at the former Alliance Metal Stamping and Fabricating (AMSF) building located at 12 Pixley Industrial Parkway adjacent to the Former ITT Rochester Form Machine (RFM) Facility (#8-28-112) in the Town of Gates, New York. The Work Plan was approved by NYSDEC in a letter dated April 9, 2009. The approved Work Plan proposed to analyze the samples for the compounds that were evaluated for other vapor intrusion investigations for this site.¹ Subsequently, on April 23, 2009, counsel for Maguire Family Properties ("MFP"), the current owner of the former AMSF property, sent a letter to counsel for ITT. In that letter, MFP informs ITT that it is denying ITT and its consultants access to the property to conduct the additional vapor intrusion sampling unless the analysis of the slab and indoor air samples are limited to the following six compounds only::

- 1,1,1-Trichloroethane (TCA)
- Tetrachloroethene (PCE)
- 1,1-Dichloroethane (DCA)
- 1,1-Dichloroethene (1,1-DCE)
- cis-1,2-Dichloroethene (cis-1,2-DCE)
- Trichloroethene (TCE)

¹ "Remedial Investigation Phase II Work Plan Addendum," Appendix A, O'Brien & Gere Engineers, Inc. August 2007.

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While ITT believes that the samples should be analyzed for the full suite of chemical compounds as set forth in the April 6, 2009 Work Plan (including compounds beyond the six compounds listed above that have previously been detected at the property in prior sampling events), ITT obviously can not do such if MFP denies ITT access to the property to conduct such analysis of the samples. As a result of this limitation imposed on ITT by MFP, if ITT is to go forward with the additional vapor intrusion sampling on the MFP property in accordance with its obligations under the Consent Order, it will only be able to analyze the samples for the six compounds listed above under the access rights that MFP is willing to grant to ITT for this sampling event. Other than this restriction, the remainder of the investigation would be conducted in accordance with the approved Work Plan and the clarifications you made in your letter dated April 9, 2009.

Please let us know whether the NYSDEC and New York State Department of Health (NYSDOH) will permit ITT and its consultants to conduct the additional vapor intrusion sampling on the MFP property with this restriction imposed on ITT by MFP. If we are able to obtain your approval soon, we should be able to schedule the sampling to take place on April 30, with sub-slab probe installation to occur the day before.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark A. Distler
Vice President

cc: T. Olmsted & L. Hall – ITT Corporation
K. Comerford – NYSDOH
J. Kosmala – Monroe County Dept. of Public Health (electronic copy only)
J. Hausbeck – NYSDEC
M. Peters – Stockli Greene Slevin & Peters, LLP
G. Swenson – O'Brien & Gere
D. Maguire – Maguire Family Properties, Inc.
J. Danzinger – Day Environmental, Inc.