

Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan for Former Commander Oil Terminal

December 2020

C130244 1 Commander Square Oyster Bay, New York 11771 Town of Oyster Bay, Nassau County

www.dec.ny.gov

Contents

Section	Page Number
1. What is New York's Brownfield Cleanup Program?	1
2. Citizen Participation Activities	2
3. Major Issues of Public Concern	7
4. Site Information	8
5. Investigation and Cleanup Process	9
Appendix A - Project Contacts and Locations of Reports and Information	n 13
Appendix B - Site Contact List	14
Appendix C - Site Location Map 18	
Appendix D - Brownfield Cleanup Program Process	20

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Revision Notes

Original Version Revision 0

• Initial submittal

Revision 1

• Revisions per November 27, 2020 NYSDEC Letter

October 2020

December 2020

Applicant: Commander Terminals Holdings, LLC Site Name: Former Commander Oil Terminal Site Address: 1 Commander Square, Oyster Bay, New York 11771 Site County: Nassau County Site Number: C130244

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:

http://www.dec.ny.gov/chemical/8450.html

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

- Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:
- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in **Appendix A**. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC website. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- Chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- Residents, owners, and occupants of the site and properties adjacent to the site;
- The public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in **Appendix A**. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See:

http://www.dec.ny.gov/chemical/61092.html

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- Notices and fact sheets help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in **Appendix A**.

For more information about TAGs, go online at:

http://www.dec.ny.gov/regulations/2590.html

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)	
Application Process:		
 Prepare site contact list Establish document repository(ies) 	At time of preparation of application to participate in the BCP.	
 Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period Publish above ENB content in local newspaper Mail above ENB content to site contact list Conduct 30-day public comment period 	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.	
After Execution of Brownfield Site Cleanup Agreement (BCA):		
Prepare Citizen Participation (CP) Plan	Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.	
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:		
 Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan Conduct 30-day public comment period 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.	
After Applicant Completes Remedial Investigation:		
Distribute fact sheet to site contact list that describes RI results	Before NYSDEC approves RI Report	
Before NYSDEC Approves Remedial Work Plan (RWP):		
 Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) Conduct 45-day public comment period 	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45- day public comment period.	
Before Applicant Starts Cleanup Action:		
Distribute fact sheet to site contact list that describes upcoming cleanup action	Before the start of cleanup action.	
After Applicant Completes Cleanup Action:		
 Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report Distribute fact sheet to site contact list approximate 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.	
 Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 		

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

• To date, no major issues of public concern have been identified.

Additional major issues of public concern may be identified during the course of the Site's investigation and cleanup process. If issues are identified, the public will be kept informed and mitigation measures will be implemented. Some of those issues may include truck-related traffic, odor and noise issues.

4. Site Information

Appendix C contains a map identifying the location of the site.

Site Description

The site is located at 1 Commander Square, Oyster Bay, New York. The site is located within the Town of Oyster Bay and Nassau County. The site is identified as Section 27, Block 16, Lots 2, 3, 4, and 5 in the Nassau County Tax Map.

The subject property measures approximately 3.17 acres and is occupied by a Major Oil Storage Facility (MOSF) operated by Global Commander Oyster Bay. The MOSF consists of 21 large capacity aboveground storage tanks (ASTs), a fueling rack, office building and garage building.

The property is zoned LI (Light Industry) and is surrounded by properties zoned as LI (light Industry), R1-2A (One Family Residence), R1-10 (One Family Residence), R1-6 (One Family Residence), and CB (Central Business).

A Site Location Map is included in **Appendix C**.

History of Site Use, Investigation, and Cleanup

Based on review of historic imagery (Sanborn fire insurance maps, aerial photos, topographic maps), the property was initially developed some time prior to 1897, which is the earliest available historical image of the site (topographic map and Sanborn map). Usage subsequent to 1897 is as follows:

- 1897 to 1909 the eastern and central portions of the property (Lots 2, 3 & 4) are used as a sawmill. The western portion of the property (Lot 5) is occupied by residential dwellings.
- 1915 to 1922 the central and eastern portions of the site (Lots 2, 3 & 4) are used as an ice plant and coal yard. The western portion of the site (Lots 5) is occupied by residential dwellings.
- 1928 the central and eastern portions of the site (Lots 2, 3 & 4) are used as an ice plant. The western portion of the site (Lot 5) is occupied by residential dwellings.
- 1938 to 1958 the eastern portion of the site (Lots 2 & 3) is occupied by Commander Oil with 12 ASTs containing fuel oil, gasoline and kerosene. The central portion of the site (Lot 4) is occupied by an ice plant and the western portion of the site (Lot 5) is occupied by residential dwellings.

• 1962 to present – the entire site (Lots 2 through 5) is occupied by a bulk fueling terminal with 21 ASTs present.

Based on investigations performed at the site to date, the primary contaminants of concern for the site are volatile organic compounds (VOCs) in soil and groundwater exceeding applicable NYSDEC standards.

Soil – soils beneath the site have been documented to contain petroleum related VOC and chlorinated volatile organic compound (CVOC) impact exceeding Unrestricted Use Soil Cleanup Objectives (SCOs). Petroleum related VOC impact is associated with the site's usage as an oil storage terminal. CVOC impact is typically associated with the use and storage of solvents; however, CVOC impact at this site appears to be associated with a coolant compound that was previously used at the site in the 1990s.

The primary CVOC source area in soil appears to be located along the northern property boundary near the central portion of the site, with CVOC impacted groundwater exceeding NYSDEC Ambient Water Quality Standards (AWQS) extending to the southeast from that area. Petroleum impacted soils have been identified throughout the central and southeastern portions of the site.

Groundwater – groundwater beneath the central and eastern portions of the site has been documented to contain petroleum LNPAL and dissolved petroleum impact exceeding NYSDEC AWQSs above the peat layer, and dissolved CVOC impact exceeding NYSDEC AWQSs both above and below the peat layer to a depth of at least 32 feet below grade.

Soil Vapor – to date, soil vapor samples have not been collected from the site.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for mixed use (commercial and residential) purposes.

To achieve this goal, the Applicant will conduct investigation and cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

Investigation

The Applicant will conduct an investigation of the site officially called a "remedial investigation" (RI). This investigation will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) Define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) Identify the source(s) of the contamination;
- 3) Assess the impact of the contamination on public health and the environment; and
- 4) Provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant submits a draft "Remedial Investigation Work Plan" to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public review during a 30day public comment period. When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a "significant threat," it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a "Certificate of Completion" (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a "Remedial Work Plan". The Remedial Work Plan describes the Applicant's proposed remedy for addressing contamination related to the site. When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the Final Engineering Report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional

control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

Appendix A -Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Mr. Thomas Cuff Project Manager NYSDEC Region 1 Division of Environmental Remediation 50 Circle Road Stony Brook, New York 11790-3409 thomas.cuff@dec.ny.gov Mr. William Fonda Public Participation Specialist NYSDEC Region 1 50 Circle Road Stony Brook, New York 11790 631-444-0350

Mr. Steven Berninger Project Manager New York State Department of Health (NYSDOH): Empire State Plaza Corning Tower, Room 1717 Albany, New York 12237 <u>steven.berninger@health.ny.gov</u>

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Oyster Bay - East Norwich Public Library 89 East Main Street Oyster Bay, New York 11771 Phone: 516-922-1212 Hours: Mon.-Thurs.: 9:30AM to 9PM Fri.: 9:30AM to 6PM Sat.: 9AM to 5PM Sun: 1PM to 5PM NYSDEC Region 1 50 Circle Road Stony Brook, New York 11790 Attn: Mr. William Fonda Phone: 631-444-0350 Hours: (call for appointment)

Town of Oyster Bay Department of Environmental Resources 29 Spring Street Oyster Bay, New York 11771 Phone: 516-677-5711 Hours: (call for appointment)

Appendix B - Site Contact List

1. Government Officials

Nassau County Executive Ms. Laura Curran Office of the County Executive 1550 Franklin Ave. Mineola, New York 11501 Phone: 516-571-3131

Nassau County Planning Commission Mr. Marty Glennon, Chairman 1550 Franklin Ave. Mineola, New York 11501 Phone: 516-571-9600

Town of Oyster Bay Supervisor Mr. Joseph Saladino Town Hall 54 Audrey Avenue Oyster Bay, New York 11771 Phone: 516-624-6350

Town of Oyster Bay Planning and Development Department Ms. Leslie Maccarone, Commissioner Town Hall West 74 Audrey Avenue Oyster Bay, New York 11771 Phone: 516-624-6200 Honorable James Gaughran New York State Senate 485 Underhill Blvd Suite 102 Syosset, NY 11791 Phone: (516) 922-1811

Honorable Charles D. Lavine New York State Assembly 1 School Street Suite 303-B Glen Cove, NY 11542 Phone: (516) 676-0050

2. Adjacent Properties

North: 2 & 44 Bayview Avenue Section 27, Block 16, Lots 9, 10 & 11 Owner Name: Bayview Shellfish LLC d/b/a Frank M. Flowers & Son Owner Address: 2 Bayview Avenue, PO Box 88, Oyster Bay, NY 11771

South: 4 South Street Section 27, Block 34, Lot 72 & 215 Owner Name: Island Properties LLC Owner Address: 255 South Street, Oyster Bay, NY11771

West: 2 South Street Section 27, Block A, Lot 16 Owner Name: Island Properties LLC Owner Address: 255 South Street, Oyster Bay, NY11771

10-14 Bay Avenue Section 27, Block A, Lot 21 Owner Name: Captain K's Realty Corp Owner Address: 12 Bayview Avenue, Oyster Bay, NY 11771

East: No Available Address Section 26, Block 16, Lot 8 (Note: this tax lot consists of land under water in the bay) Owner Name: Town of Oyster Bay Owner Address: 54 Audrey Avenue, Oyster Bay, New York 11771

3. Local News Media

David Schwartz Newsday 6 Corporate Center Drive Melville, New York 11747

Newsday Editorial Desk 6 Corporate Center Drive Melville, New York 11747

Assignment Desk News 12 Long Island 1 Media Crossways Woodbury, NY 11797

Editor Oyster Bay Guardian Richner Communications 2 Endo Blvd Garden City, NY 11530

4. Public Water Supplier

Oyster Bay Water District Mr. Robert McEvoy, Chairman 45 Audrey Avenue Oyster Bay, New York 11771 Phone: 516-922-4848

5. Requested

Oyster Bay Sewer District Mr. Thomas D. Galasso, Chairman 15 Bay Avenue Oyster Bay, New York 11771

6. School or Day Care Facilities

(Within Approx. 0.50 miles of Site)

Oyster Bay-East Norwich Central School District Office Dr. Laura Seinfeld, Superintendent 1 McCouns Lane Oyster Bay, New York 11771 Phone: 516-624-6500 Oyster Bay High School Ms. Sharon Lasher, Principal 150 East Main Street Oyster Bay, New York 11771 Phone: 516-624-6524

Theodore Roosevelt Elementary School Ms. Tami McElwee, Principal 150 East Main Street Oyster Bay, New York 11771 Phone: 516-624-6591

St. Dominic Elementary & Middle School Mr. Ronald Martorelli, Principal 35 School Street Oyster Bay, New York 11771 Phone: 516-922-4230

St. Dominic High School Mr. Ronald Martorelli, Principal 110 Anstice Street Oyster Bay, New York 11771 Phone: 516-922-4888

The Learning Tree Nursery School Ornella Pepe, Parent Board President 61 East Main Street Oyster Bay, New York 11771 Phone: 516-922-5999

Oyster Babies Director 15 Shore Avenue Oyster Bay, New York 11771 Phone: 516-922-1049

The Oyster Bay Preschool Director 60 East Main Street Oyster Bay, New York 11771 Phone: 516-922-2229

7. Document Repository

Oyster Bay - East Norwich Public Library Library Director: Michele Vaccarelli 89 East Main Street Oyster Bay, New York 11771 Phone: 516-922-1212

NYSDEC Region 1 50 Circle Road Stony Brook, New York 11790 Attn: Mr. William Fonda Phone: 631-444-0350

Town of Oyster Bay Department of Environmental Resources 29 Spring Street Oyster Bay, New York 11771 Phone: 516-677-5711

8. Community Board

None Identified

9. Community, Civic, Religious and Other Environmental Organizations

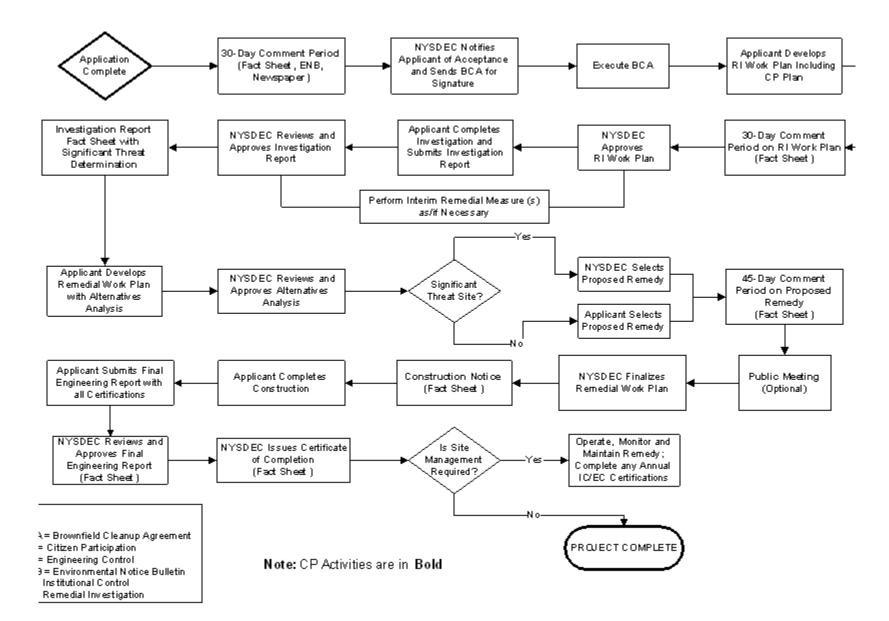
Friends of the Bay 2 Townsend Square Oyster Bay, New York 11771

Global Commander Oyster Bay 1 South Street Oyster Bay, New York 11771

Citizens Campaign for the Environment Long Island/Metro New York 225-A Main Street Farmingdale, NY 11735



Appendix C - Site Location Map



Appendix D– Brownfield Cleanup Program Process