

New York State Department of Environmental Conservation

Division of Environmental Remediation, Region 2

47-40 21st Street, Long Island City, NY 11101-5407

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Joe Martens
Commissioner

October 6, 2011

Fyn Paint and Lacquer Co., Inc.
157 Midgely Drive
Hewlett, NY 11557

Re: **Fyn Paint and Lacquer Co., Inc.**
EPA ID #: NYD001270867
230 Kent Ave., Brooklyn, NY 11211
RCRA Closure Plan (May 2011)

Dear Sir/Madam:

On July 7, 2011 the New York State Department of Environmental Conservation (the Department) approved the Closure Plan for the Hazardous Waste Storage Areas at Fyn Paint & Lacquer Co., Inc. (the Closure Plan) dated May 2011, which was prepared by LBG Engineering Services, P.C. on your behalf.

The approved Closure Plan contains a schedule for completing six tasks. To date, there has been a failure to implement and/or complete three of the six tasks outlined in the schedule. Specifically, the following deadlines have passed:

- Task 2 – develop an inventory of the waste stored and the list of Constituents of Concern (OCs). This task was due to be completed within 20 days of the approval of the Closure Plan (i.e., on or before July 27, 2011).
- Task 3 – clean, decommission and recycle the process equipment and tanks. This task was due to be completed within 30 days after the completion of Task 2 (i.e., on or before August 27, 2011).
- Task 4 – remove the plywood flooring. This task was due to be completed within 10 days after the completion of Task 3 (i.e., on or before September 7, 2011).

The failure to timely implement the Closure Plan represents a violation of Environmental Conservation Law (ECL) Article 27 Title 9, as well as 6NYCRR Part 373-3.7. You are hereby directed to submit the list of COCs within 20 days of the date of this letter, with remaining tasks outlined in the Closure Plan to follow in the timeframes laid out in the approved schedule.

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Furthermore, this matter has been referred to the Department's Office of General Counsel for enforcement.

Sincerely,

A handwritten signature in cursive script that reads "Jane H. O'Connell". The signature is written in black ink on a white background.

Jane H. O'Connell
Regional Hazardous Waste Remediation Engineer

ec: R. Rusinko, H. Hussein, I. Munteanu - NYSDEC
D. Hettrick - NYSDOH
K. Roberts
D. Buzea, S. Groszkowski - LBG Engineering Services, P.C.