



Brennan Environmental, Inc.
is now a part of J.S. Held

Sent Via FedEx & Email

(ph) (518) 402-9546
Michael.Squire@dec.ny.gov

March 24, 2020

Mr. Michael Squire
New York State Department of Environmental Conservation
Division of Environmental Remediation, Bureau C, 11th Floor
625 Broadway
Albany, New York 12233-7014

Re: Congers Colonial Plaza
285 Route 303
Congers, Clarkstown, Rockland County, New York
NYSDEC #V00456
JS Held #20020931
BEI #060141

Dear Mr. Squire:

Brennan Environmental, Inc. (BEI), now part of J.S. Held, LLC, was retained by 285 Route 303, LLC to conduct post-remedial monitoring for the above referenced subject property. Remedial activities at the subject property were conducted by RND Services, Inc. between 2001 and 2006 to address a discharge of tetrachloroethene (PCE) during the dismantling of a dry cleaning unit at the former First Class Dry Cleaners. Soil and groundwater remediation activities were conducted including soil excavation and several applications of in-situ remediation materials. Two (2) soil vapor extraction (SVE) systems were installed as part of the Engineering Controls (ECs) and Institutional Controls (ICs) were implemented to mitigate exposure to residual contaminant concentrations detected in subsurface soils and soil gas. Pursuant to the New York State Department of Environmental Conservation (NYSDEC) Decision Document dated December 2011, based on the effectiveness of the remediation activities, no further action was required for the subject property with the implementation of a Deed Restriction and ECs/ICs. Annual inspections are conducted to confirm the ECs/ICs are functioning in accordance with the Site Management Plan (SMP) dated December 2013.

Please find attached one (1) paper copy and one (1) electronic copy of the Periodic Review Report (PRR) which details the results of the inspection conducted on December 3, 2019. During the site inspection, one (1) of the SVE systems was not functioning. Therefore, a Corrective Measures Work Plan (CMWP), documenting the proposed repairs and subsequent system monitoring, is being submitted concurrently with the PRR. For more information, please contact me at (908) 918-1702 or jmccurdy@jsheld.com.

Regards,



Jeff McCurdy
Project Manager



BRENNAN ENVIRONMENTAL, Inc.
ENVIRONMENTAL CONSULTING SERVICES

Periodic Review Report

PER NYSDEC DER-10 6.3



Congers Colonial Plaza
285 Route 303
Congers, Town of Clarkstown, Rockland County, New York
Section 35.19 Block 2 Lot 11
March 2020
DEC Case #V00456
BEI Job #060141

Prepared for:
285 Route 303, LLC
c/o Mr. Anthony Siniscalchi
UFVS Management Company, LLC
287 Bowman Avenue
Purchase, New York 10577

Prepared by:
Brennan Environmental, Inc.
19 Chatham Road
Summit, New Jersey 07901

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EXECUTIVE SUMMARY

Brennan Environmental, Inc. (BEI), now a part of J.S. Held, LLC, was retained by 285 Route 303, LLC to prepare this Periodic Review Report (PRR) which documents the annual site inspection at the property identified as 285 Route 303, Section 35.19 Block 2 Lot 11, Congers, Town of Clarkstown, Rockland County, NY (Controlled Property). Remedial activities at the Controlled Property were conducted by RND Services, Inc. between 2001 and 2006 to address a discharge of tetrachloroethene (PCE) during the dismantling of a dry cleaning unit at the former First Class Dry Cleaners in October 2000. Soil and groundwater remediation activities were conducted including soil excavation and several applications of in-situ remediation materials. Two (2) soil vapor extraction (SVE) systems, identified as VES-1 and VES-2, were installed as part of the Engineering Controls (ECs) and Institutional Controls (ICs) were implemented at the Controlled Property to mitigate exposure to residual contaminant concentrations detected in soil and soil gas. Pursuant to the New York State Department of Environmental Conservation (NYSDEC) Decision Document dated December 2011, based on the effectiveness of the remediation activities, no further action was required for the Controlled Property with the implementation of a Deed Restriction and ECs/ICs. Annual inspections are conducted to confirm the ECs/ICs are functioning in accordance with the Site Management Plan (SMP) dated December 2013.

This PRR was prepared in accordance with the SMP and the NYSDEC's Technical Guidance for Site Investigation and Remediation (TGSIR), DER-10, and details the results of the inspection conducted on December 3, 2019. During the December 3, 2019 inspection, VES-1, located below the former First Class Dry Cleaners, was not functioning due to broken blades within the vacuum blower. Therefore, the blower on VES-1 is required to be replaced and the SVE system will be recommissioned.

1.0 SITE OVERVIEW

The Controlled Property is located in Congers, Town of Clarkstown, Rockland County, New York and is identified as Section 35.19 Block 2 Lot 11 on the Town of Clarkstown Tax Map. The site is an approximately 2.8-acre area bounded by undeveloped land to the north and west, Meola Road to the south beyond which are residential properties, and Route 303 to the east beyond which are commercial properties. The Controlled Property, identified as Congers Colonial Plaza, is currently improved with one (1) building which was constructed in 1990 as a multi-tenant commercial space. Prior to construction in 1990, the Controlled Property was vacant land. Tenant spaces at the Controlled Property generally are or have historically been occupied by retailers, doctor's offices, restaurants, and a dry cleaner. A site plan is included as Figure 1.

According to the Remedial Action Summary Report (RASR) dated August 2006 by RND Services Inc. (RND) of Nyack, New York, initial remedial activities were conducted at the Controlled Property to address a discharge that occurred during the dismantling of a dry cleaning unit at the former First Class Dry Cleaners in October 2000. Results of the indoor air sampling

event conducted by RND in the former First Class Dry Cleaners indicated that PCE concentrations were detected above the New York State Department of Health (NYSDOH) guideline.

In order to investigate the source of PCE contamination detected in indoor air, RND was on-site on February 7, 2001 to install test pits below the former First Class Dry Cleaner. Soil analytical results indicated that PCE was detected above the Recommended Soil Cleanup Objective (RSCO) of 1.3 ppm. Soil excavation activities were conducted for PCE-impacted soil below the basement of the former First Class Dry Cleaner in February and March 2001. Additionally, potassium permanganate injections were conducted at the Controlled Property to address the residual PCE concentrations in soil and groundwater. Prior to backfilling the excavation, two (2) SVE systems were installed at the Controlled Property to mitigate residual sub-slab soil gas vapors. One (1) system, VES-1, was installed in the basement of the former First Class Dry Cleaner and the second system, VES-2, was installed in the garage adjacent to the western side of the former Tutor Time tenancy.

Upon completion of the excavation activities, post-excavation soil sampling was conducted. Soil analytical results indicated that PCE concentrations remain above the RSCO of 1.3 ppm in three (3) of the six (6) sample locations. According to RND, no additional soil could be excavated without jeopardizing the structural integrity of the subject building. Therefore, the residual soil contamination was left in-place with a soil cover system, consisting of the concrete building slab, to prevent human exposure to the contaminated soil remaining at the site.

Pursuant to NYSDEC's Decision Document dated December 2011, no further action was required for the Controlled Property with the continued operation of the SVE systems to treat residual soil vapor contamination and the establishment of a deed restriction limiting the site use at the Controlled Property to restricted residential, commercial or industrial use. A SMP dated December 2013 was approved by NYSDEC and NYSDOH on June 12, 2014.

2.0 REMEDY PERFORMANCE, EFFECTIVENESS, & PROTECTIVENESS

The remedies implemented at the Controlled Property include ECs and ICs to protect human health and the environment. The ECs at the Controlled Property consist of a soil cover system and the SVE systems and the ICs consist of site use restrictions. Based on the December 3, 2019 site inspection, the remedy does not comply with the SMP since VES-1 is disabled. An evaluation of the ECs and ICs is provided below.

2.1 Engineering Control Systems

The ECs at the Controlled Property consist of a soil cover system and two (2) SVE systems. The soil cover system prevents exposure to residual soil contamination left in-place below the former First Class Cleaners tenant space at the Controlled Property. This cover system is comprised of the concrete building slab. The two (2) SVE systems, VES-1 and VES-2, are installed at the Controlled Property to mitigate PCE-impacted sub-slab soil gas. VES-1 is located in the

basement below the former First Class Dry Cleaners and VES-2 is located in a garage adjacent to the western portion of the former Tutor Time tenancy. The locations of the SVE systems are depicted on Figure 1. In accordance with the NYSDEC correspondence dated November 30, 2005, the SVE systems are required to be operated until PCE vapors in the indoor air, during non-operation of the VES, are below acceptable NYSDEC and NYSDOH levels.

BEI conducted a site inspection on December 3, 2019 to verify the operation of the SVE systems and the soil cover system. Tutor Time, a daycare facility which formerly operated on-site, ceased operations at the Controlled Property in 2017. Since their cessation of operations, their former tenant space has remained vacant. During the December 3, 2019 site inspection, the basement floor below the former Tutor Time and former First Class Dry Cleaner was inspected and no cracks or breeches were observed. Therefore, the soil cover system remains protective of human health and the environment. Upon inspection, VES-2 was functioning. However, VES-1 was not operating and could not be restarted. Therefore, the systems were inspected by AWT Environmental Services, Inc. (AWT), a remediation system installer, on December 9, 2019. Upon inspection of VES-1, AWT determined that several blades on the vacuum blower for the system were broken, disabling the SVE system. The blower is required to be replaced.

2.2 Institutional Control Systems

A series of ICs is required for the Controlled Property to: (1) implement, maintain and monitor EC systems; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and (3) limit the use and development of the site to restricted residential, commercial or industrial uses only.

The Controlled Property has a series of ICs in the form of site use restrictions. Adherence to these ICs is required by the Environmental Deed Restriction and is implemented under the SMP. The site use restrictions that apply to the Controlled Property are:

- The Controlled Property may only be used for restricted residential, commercial, or industrial use provided that the long-term Engineering and Institutional Controls included in the SMP are employed;
- The Controlled Property may not be used for a higher level of use, such as unrestricted residential use, without additional remediation and amendment of the Environmental Deed Restriction, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- The use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for intended use with the exception of the well currently used to provide water to washing machines at the on-site laundromat tenancy;
- The potential for vapor intrusion must be evaluated for any buildings developed at the Controlled Property, and any potential impacts that are identified must be monitored or mitigated;
- Vegetable gardens and farming on the property are prohibited; and

- The site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable.

During BEI's December 3, 2019 site inspection, the site use at the Controlled Property complied with the established ICs. The Controlled Property was operated for commercial use, an acceptable use pursuant to the ICs described above. No new structures have been constructed at the Controlled Property since the establishment of the Environmental Deed Restriction. No activities were conducted at the Controlled Property that disturbed the remaining contaminated material. The IC certification is attached as Appendix 1.

2.3 Conclusions

Based on BEI's initial site inspection on December 3, 2019, the site use at the Controlled Property was in compliance with the ICs detailed in the SMP. However, VES-1 was not functioning. Therefore, AWT was retained to inspect the system. During AWT's December 9, 2019 inspection, it was determined that the vacuum blower on VES-1 requires replacement. Based on this information, all SMP requirements are not being achieved and a Corrective Measures Work Plan (CMWP) is being submitted. The Institutional and Engineering Controls Certification Form is included as Appendix 1 and the General Site-Wide Inspection Checklist is included as Appendix 2.

3.0 MONITORING PLAN COMPLIANCE REPORT

The Monitoring Plan describes the measurements for evaluating the performance and effectiveness of the remedy to reduce or mitigate contamination at the site, the soil cover system, and all affected site media. Exposure to remaining contamination in soil at the Controlled Property is prevented by a soil cover system placed over the residually contaminated soil. This cover system is comprised of the concrete building slab. Pursuant to the SMP, the Monitoring Plan for the Controlled Property consists of an annual inspection of the soil cover at the Controlled Property. During each inspection, the integrity of the basement floor in the former Tutor Time and former First Class Dry Cleaner is evaluated. Soil cover monitoring is covered separately from the other ECs because it is a passive component of the site remedy. The Monitoring Plan for the active ECs is included with the Operation and Maintenance Plan for these systems in Section 4.0 below.

A site inspection was conducted by BEI on December 3, 2019. The concrete slab basement floor of the former Tutor Time and former First Class Dry Cleaner was inspected, and no cracks or

breeches were observed. The Institutional and Engineering Controls Certification Form is attached as Appendix 1 and the General Site-Wide Inspection Checklist is attached as Appendix 2.

4.0 OPERATION & MAINTENANCE PLAN COMPLIANCE

The Operation and Maintenance Plan for the Controlled Property describes the measures necessary to operate, monitor, and maintain the mechanical components of the remedy selected for the Controlled Property. Two (2) SVE systems are installed at the Controlled Property to mitigate PCE-impacted soil gas remaining below the subject building following soil excavation and in-situ remedial activities. VES-1 is located in the basement below the former First Class Dry Cleaners and VES-2 is located in the garage adjacent to the western portion of the former Tutor Time tenancy. Pursuant to the SMP, the Operation and Maintenance Plan for the Controlled Property consists of an annual inspection of the SVE systems. During each inspection, a visual inspection of the complete system is conducted, and the General Site-Wide Inspection Checklist is prepared. SVE system components to be monitored include, but are not limited to, the vacuum blower and general system piping.

During the December site inspections, both SVE systems were inspected. VES-2 was functioning properly. The vacuum blower for VES-1 was damaged disabling the SVE system. A CMWP will be submitted to NYSDEC outlining the plan to return the site to compliance with the SMP. The Institutional and Engineering Controls Certification Form and the General Site-Wide Inspection Checklist are included as Appendices 1 and 2, respectively.

5.0 CONCLUSIONS AND RECOMMENDATIONS

BEI conducted a site visit on December 3, 2019 and determined that VES-1 systems was not functioning. AWT conducted a supplemental inspection on December 9, 2019 to determine the cause of the system breakdown. AWT determined that several blades on the vacuum blower were broken, disabling the SVE system. The blower on VES-1 is required to be replaced. The site use at the Controlled Property was in compliance with the ICs detailed in the SMP. However, since VES-1 is disabled, the requirements set forth in the SMP are not being met. A CMWP will be submitted documenting the proposed repairs and system monitoring. The Institutional and Engineering Controls Certification Form is included as Appendix 1 and the General Site-Wide Inspection Checklist is included as Appendix 2.

FIGURE 1

Site Map

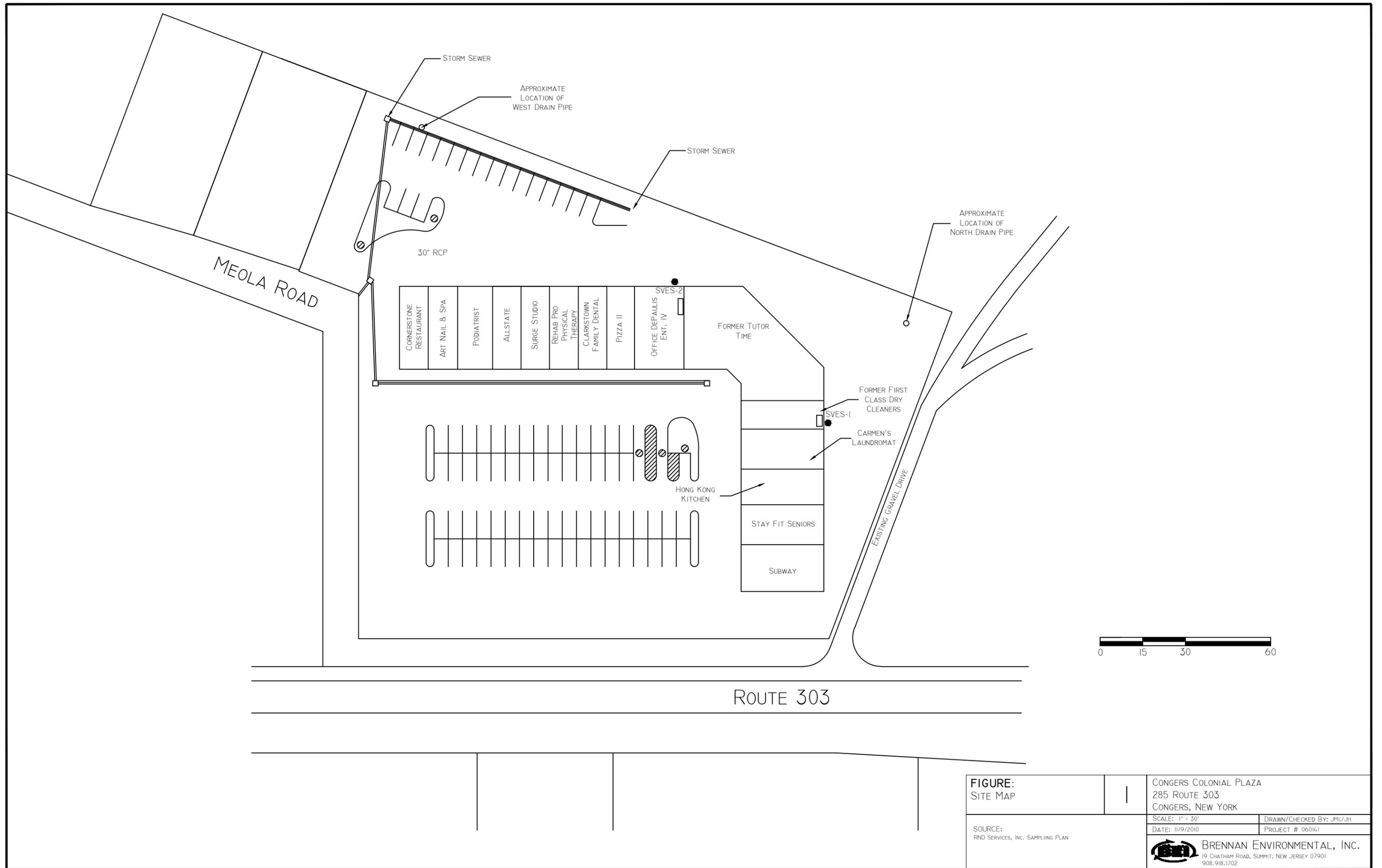


FIGURE: SITE MAP	CONGERS COLONIAL PLAZA 285 ROUTE 303 CONGERS, NEW YORK	
	SCALE: 1" = 30'	DRAWN/CHECKED BY: JMC/JH
SOURCE: RND SERVICES, INC. SAMPLING PLAN	DATE: 11/9/2010	PROJECT # 060141
 BRENNAN ENVIRONMENTAL, INC. 19 CHATHAM ROAD, SUMMIT, NEW JERSEY 07901 908.918.1702		

APPENDIX 1

Institutional & Engineering Controls Certification Form

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
35.19-2-11	285 Route 303, LLC and 119 Route 46, LLC	Ground Water Use Restriction Landuse Restriction Monitoring Plan Site Management Plan O&M Plan Soil Management Plan IC/EC Plan

The owner of the property shall prohibit the property from ever being used for purposes other than for restricted residential, commercial or industrial use without the express written waiver of such prohibition by the Department or Relevant Agency.

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 Department or Relevant Agency.

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.

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Control</u>
35.19-2-11	Vapor Mitigation Cover System
soil vapor extraction (SVE) Systems Cover System	

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

**IC CERTIFICATIONS
SITE NO. V00456**

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as _____ (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as a Qualified Environmental Professional for the _____
(Owner or Remedial Party)

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date

Institutional and Engineering Controls Certification Form
Congers Colonial Plaza
DEC Case #V00456
BEI Job #060141

- 4) Local building permits were issued for the subject property as part of the contemplated renovations in the former Tutor Time tenant space. The renovations are not associated with the SVE systems installed in the subject building and do not affect the protectiveness of the soil cover system engineering control.

APPENDIX 2

General Site-Wide Inspection Checklist

General Site-Wide Inspection Checklist

Date of Inspection: December 3, 2019

Inspector Name: Sarah Cascarino

Inspector Company: Brennan Environmental, Inc.

Inspector Position: ES

Site Name: Congers Colonial Plaza

Site Address: 285 Route 303, Congers, NY

	Yes	No	NA
1.0 Is all PVC piping in good condition with no breaks, cracks or leaks?	<u>X</u>	<u> </u>	<u> </u>
2.0 Are openings around the suction point piping penetrations of the slab properly sealed?	<u>X</u>	<u> </u>	<u> </u>
3.0 Are accessible openings around utility penetrations of the foundation walls and slab, test holes, wells and other openings in slabs properly sealed?	<u>X</u>	<u> </u>	<u> </u>
4.0 Are openings / cracks sealed where the slab meets the foundation wall (if appropriate)?	<u>X</u>	<u> </u>	<u> </u>
5.0 Is there adequate access to service the fan and other electrical services?	<u>X</u>	<u> </u>	<u> </u>
6.0 Is there a sump pit in the basement?	<u>X</u>	<u> </u>	<u> </u>

	Yes	No	NA
6.1 Is the sump pit installed with a sealed impermeable cover?	<u> x </u>	<u> </u>	<u> </u>
6.2 Are the penetrations through the cover sealed?	<u> </u>	<u> </u>	<u> x </u>
6.3 Does the cover have a clear view port to permit observations of conditions in the sump pit?	<u> </u>	<u> x </u>	<u> </u>
7.0 Does each suction point have a mechanism to measure vacuum?	<u> x </u>	<u> </u>	<u> </u>
7.1 Is the pressure reading from the latest commissioning clearly marked on the vent pipe?	<u> </u>	<u> x </u>	<u> </u>
7.2 Are the current diagnostic measurements within a 20% difference as compared to the system commissioning (baseline) values?	<u> </u>	<u> </u>	<u> x </u>
8.0 Does the mitigation system include an operational audible alarm to inform occupants of a system malfunction?	<u> </u>	<u> x </u>	<u> </u>
9.0 Is the exterior PVC piping in good condition with no breaks, cracks or leaks?	<u> x </u>	<u> </u>	<u> </u>

	Yes	No	NA
10.0 Is the fan functioning properly?	_____	_____X_____	_____
11.0 Are photographs from the inspection attached?	_____X_____	_____	_____
12.0 Are other documents such as copies of invoices for repair work, receipts for replacement equipment, etc. attached?	_____	_____X_____	_____
13.0 Were any maintenance activities required?	_____X_____	_____	_____
14.0 Are site records up to date?	_____X_____	_____	_____
15.0 Has site usage changed since the previous site inspection?	_____	_____X_____	_____

16.0 Additional Notes & Comments

The former Tutor Time tenant space remains vacant. VES-1 was inoperable upon inspection. VES-2 is running.

17.0 Site Sketch (if applicable)

See attached.

APPENDIX 3

Photographic Log



Photo 1: View of VES-2 during December 3, 2019 site inspection.



Photo 2: View of VES-1 during December 3, 2019 site inspection.



Photo 3: View of VES-1 during December 9, 2019 site inspection by AWT.



Photo 4: View of broken blades on blower of VES-1 during December 9, 2019 AWT site inspection.