NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. Site Name: LiTungsten Site **DEC Site ID No.** 1-30-046

II. Contact Information of Person Submitting Notification:

Name: Myralee Machol

Address1: Executive Director, Glen Cove CDA/Administrative Director, Glen Cove IDA

Address2: City Hall, 9 Glen Street, Glen Cove, New York 11542

Phone: 516-676-1625, Ext. 102 E-mail: mmachol@glencovecda.org

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- [x] Change in Ownership or Change in Remedial Party(ies)
- [ ] Transfer of Certificate of Completion (CoC)
- [x] Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 3 /17 /2015

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

The change involves the conveyance and use of a right of way ("ROW") land area owned by the Glen Cove Industrial Development Agency to the City of Glen Cove, along Herb Hill Road adjoining the Site (63 Herb Hill is Site address), in order to widen the road to facilitate redevelopment and renewal of the area. Conveyance specifics related to the ROW are enclosed as PDF File Map Nos 7, 8, 9, 16 "LiTungsten".

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

The ROW will include a change in use in so far as a portion of Site No. 1-30-046 will become a NYS Department of Transportation-approved paved road, and include accompanying sewer, water and other utilities. NYSDOT, NYSDEC and the City of Glen Cove have been working cooperatively with respect to this ROW project. Road/utility design, construction, environmental and worker health and safety are being coordinated among NYSDOT, NYSDEC and City representatives. The road project is not expected to affect the Site's completed remedial program.

V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: Myralee Machol (Signature) 3/18/15 (Date)

Myralee Machol (Print Name)

Address1: City of Glen Cove

Address2: City Hall, 9 Glen Street, Glen Cove, NY 11542

Phone: 516-676-1625, Ext. 102 E-mail: mmachol@glencovecda.org

VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☑ Prospective Owner ☐ Prospective Remedial Party ☑ Prospective Owner Representative

Name: City of Glen Cove

Address1: c/o Myralee Machol

Address2: City Hall, 9 Glen Street, Glen Cove, NY 11542

Phone: 516-676-1625, Ext. 102 E-mail: mmachol@glencovecda.org

Certifying Party Name: RXR Glen Isle Partner LLC (Redeveloper)

Address1: 625 RXR Plaza

Address2: Uniondale, NY 11556

Phone: 516-506-6600 E-mail: tgraham@rxrrealty.com

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at http://www.dec.ny.gov/chemical/54736.html. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at http://www.dec.ny.gov/chemical/54736.html (see §375-1.9(f)).

Name: Myralee Machol (Signature) 3/18/15 (Date)

Myralee Machol
(Print Name)

Address1: City of Glen Cove

Address2: City Hall, 9 Glen Street, Glen Cove, NY 11542

Phone: 516-676-1625, Ext. 102 E-mail: mmachol@glencovecda.org

Continuation Sheet

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

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Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

SPECIAL NOTE – SOIL CHARACTERIZATION INFORMATION FOR THE HIGHWAY RECONSTRUCTION PROJECT HERB HILL ROAD/GARVIES POINT ROAD LOCATED IN THE CITY OF GLEN COVE, LONG ISLAND, NEW YORK

CONTRACT NO. PW 2009-001

1. Soil and other materials excavated within the project limits may exceed regulatory standards and/or have special handling requirements. The contract has been separated into two categories with respect to material handling. The first category includes properties governed by Site Management Plans (SMPs) that dictate specific material handling and disposal requirements within adjacent/underlying properties. The SMP areas are hatched on the Hazardous Materials Plans (HZM drawings). The second category is located outside the SMP areas ("Non-SMP" areas) and is represented as follows:
   a. Non-SMP Areas, Handling/Reuse :
      i. Non-SMP Area Reuse Material (Impervious Areas Only): Unhatched areas, outside the SMP areas but within project limits, that are below Part 375 Commercial Soil Cleanup Objectives (SCOs) and suitable for reuse within Non-SMP areas below impervious surfaces (sidewalk and pavement) only (pay item 205.0601).
   b. Non-SMP Areas, Disposal Items:
      i. Non-SMP Area Contaminated, Non-Hazardous Soil: Hatched areas above Part 375 Commercial but below Resource Conservation and Recovery Act (RCRA) regulated hazardous waste limits (pay item no. 205.0502).
      ii. Non-SMP Area Contaminated, Hazardous Waste Soil: Hatched areas above RCRA regulated hazardous waste limits (pay item no. 205.0501).
2. Documents incorporated into project Contract Documents. The Contractor's attention is directed to the following documents included in the contract bid documents in Portable Document Format (pdf):
   a. Contaminated Materials Assessment Report (CMAR) dated February 9, 2015 – Gannett Fleming Engineers, P.C.
   b. Field Investigation Findings Report dated July 2010 – Gannett Fleming Engineers, P.C.
   c. Supplemental Field Investigation Findings Report dated September 2010 – Gannett Fleming Engineers, P.C.
   d. Garvies Point Road Boring Results – Glen Isle Waterfront Redevelopment Site dated April 2, 2014 – P.W. Grosser Consulting
   e. Site Management Plans (SMPs):
      i. Ferry Terminal Site
      ii. 10 Garvies Point Road (Doxey) Site
      iii. Captains Cove Site
      iv. Gladsky Marine Site
      v. Li Tungsten Site
3. Non-SMP Areas:
   a. The Contractor shall assume that material excavated from Non-SMP areas at a minimum exceeds NYSDEC Part 375 Unrestricted Use SCOs.

b. Non-SMP Reuse Items: Refer to Section 1.a. Note that excavated material segregated and sampled as part of Non-SMP Disposal Items (pay item nos. 205.0501 and 205.0502) may be considered for reuse within Non-SMP Areas only per the review/approval of the Owner/Engineer if it is determined that the material meets the reuse standards identified above based on the results of the Contractor's waste characterization sampling. Reuse is also subject requirements of Section 4 below.
c. Non-SMP Hatched areas: Field screening is required in accordance with NYSDOT Standard Specifications Section 205. Soil determined to be contaminated by photoionization detector (PID), flame ionization detector (FID), x-ray fluorescence monitor, staining, or odor shall be segregated from non-contaminated soil and stored pending sampling, analysis, and disposal. In addition, due to the nature of contaminants within the project area, soil determined to be contaminated by x-ray fluorescence monitor shall be segregated from non-contaminated soil and stored pending sampling, analysis, and disposal. The Contractor shall provide a Field Organic Vapor and Metals Monitoring Plan that addresses procedures and equipment for x-ray fluorescence monitoring in addition to standard PID/FID requirements. Field monitoring work shall be performed as directed by the Engineer and shall be payable under pay item 205.03.
d. Material indicated through the contractor's waste characterization sampling to be above Part 375 Commercial SCOs must be disposed of off-site as Contaminated, Non-Hazardous Waste Soil (pay item 205.0502), or Contaminated, Hazardous Waste Soil (pay item 205.0501) as appropriate.

4. Reuse of material from Non-SMP areas (pay item 205.06):
   a. Reuse is contingent upon the materials being considered suitable as defined under NYSDOT Standard Specifications Section 203-1.08. Material not suitable for reuse will be properly disposed of.
   b. No reuse of material is allowed within SMP areas (see section 5 below).
   c. Contractor's waste characterization sampling of materials from Non-SMP hatched areas may allow reuse as follows:
      i. Material found below Part 375 Commercial SCOs may be reused within Non-SMP areas below impervious surfaces (sidewalk and pavement) only and subject to the requirements above.
      ii. Material found to be below the Part 375 Restricted-Residential SCOs may be reused anywhere within Non-SMP areas within the Project Limits if covered by clean soil, top soil, or other material, and subject to the requirements above.
5. SMP Areas:
   a. The SMP areas are regulated by the NYSDEC and/or USEPA. Contractor shall review and fully comply with the requirements of all SMPs.
   b. All material excavated from SMP areas cannot be reused within the project limits and must be legally disposed of off-site.
   c. It is anticipated that excavation within the SMP areas will be limited to that material generated by clearing, grubbing and rough grading and as required for the installation of utility service lines.
   d. Advance Notification Letters: The Contractor shall prepare and submit **for approval** Advance Notification Letters (Letters) to the Engineer and appropriate regulatory agencies

at least 30 calendar days prior to commencing work in SMP areas. The Letters shall include a brief description of the work to be performed as well as planned endpoint sampling locations. The Contractor shall additionally provide copies of approved Letters to the Glen Cove Volunteer Fire Department.

i. Standard Specifications Section 205 requirements for Letters shall continue to apply in Non-SMP areas.

e. Upon completion of any excavation greater than depths noted below, the Contractor shall perform endpoint sampling in accordance with SMP requirements applicable in that area. If material above the applicable SMP-required SCOs is encountered, the Contractor shall continue excavation activities under pay item 203.02 and conduct further endpoint sampling as required and as directed by the Owner/Engineer up to the limit of the Permanent or Temporary easement (project limits). In the event that residual contamination exceeding applicable SMP-required SCOs is encountered at the project limits based on the results of endpoint samples collected, the Contractor shall immediately notify the City of Glen Cove and appropriate regulatory agencies of such conditions.
   i. Li Tungsten SMP area: Endpoint sampling will be required after excavations to any depth, unless remediation of the SMP area by others is completed in advance of contract work within the area.
   ii. Other SMP areas: Endpoint sampling will be required after excavations extending below the demarcation barrier or two feet below grade, whichever is shallower.

f. Waste characterization results and letters of commitment from intended disposal facilities must be provided for regulatory review and approval prior to disposing any excavated materials off-site.

g. Upon completion of excavation and endpoint sampling activities within SMP areas the Contractor shall prepare a Post-Excavation Summary Report detailing the following:
   i. Any deviations from the approved Advance Notification Letter;
   ii. Documentation of disposal of excavated material;
   iii. Surveyed extents and depths of excavations;
   iv. Surveyed locations of endpoint sampling.

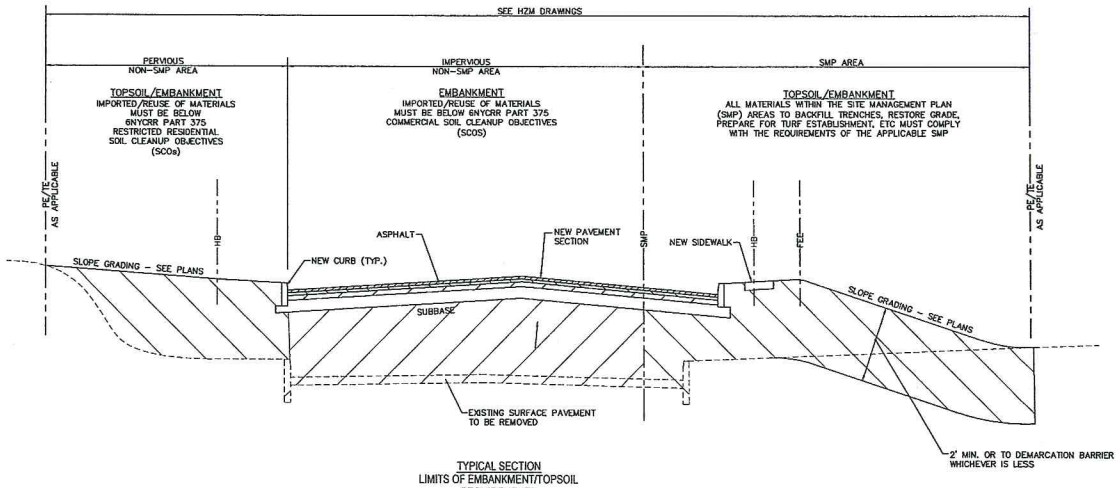
h. All material to be used within the SMP areas to backfill trenches, restore grade, prepare for turf establishment, etc. must come from a NYSDEC-approved source and conform to the requirements of the applicable SMP.

i. The Contractor shall allow 30 days for Owner/regulatory review of analytical results, starting from receipt of final analytical data, and shall make no claims due to stoppage of work while awaiting associated Owner/regulatory review and approvals.

6. <u>Sampling Requirements</u>

a. Endpoint sampling will be conducted as directed by the Engineer and will be payable under the following NYSDOT pay items, as applicable:
   i. 205.0401 Petroleum Contamination Parameter Analysis
   ii. 205.0402 Laboratory Analysis for Hazardous Waste RCRA Toxicity Characteristic
   iii. 205.0403 Laboratory Analysis for Ignitability
   iv. 205.0404 Laboratory Analysis for pH
   v. 205.0405 Laboratory Analysis for Polychlorinated Biphenyls (PCBs)

b. The Contractor shall include in unit costs for laboratory analyses any additional costs for expedited delivery of results that it deems necessary to prevent any delays in construction.



TYPICAL SECTION
LIMITS OF EMBANKMENT/TOPSOIL
REQUIREMENTS
N.T.S.

PREPARED BY: ON:	ALTERED BY: ON:
FRANK J. ANTETOMASO, P.E. NYSPE LIC. NO. 68668 PARTNER SIDNEY B. BOWNE & SON CONSULTING ENGINEERS DATE	

AS BUILT REVISIONS
DESCRIPTION OF WORK:

SIGNATURE DATE

COUNTY: Nassau

PIN 0759.34

PS&E DATE

BRIDGES

CULVERTS

ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED

CITY OF GLEN COVE
TYPICAL SECTION
HERB HILL ROAD

CONTRACT NUMBER

DRAWING NO. TS-1
SHEET NO. 5

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPING ARCHITECT, OR A LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPING ARCHITECT, OR A LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION REGION 10
DOCUMENT NAME:

FILE NAME = T:\City\Glen Cove\77350-GarviesPointRoadReconstruction - NAD83 SPC\dwg\ContractDwg\SB-TypSec2.dwg(TS-1(5(
DATE/TIME = Mar 07, 2015
USER = hkaplan

DESIGN SUPERVISOR Joseph Castagna JOB MANAGER Joseph Castagna DESIGNED BY Joseph Castagna CHECKED BY Joseph Castagna ESTIMATED BY Joel Warhaftig DRAFTED BY Howard Kaplan CHECKED BY Joseph Castagna