

Connell Foley LLP  
875 Third Avenue  
21st Floor  
New York, NY 10022  
P 212.307.3700 F 212.542.3790

**George C. D. Duke**  
Partner  
Direct Dial 212.542.3772  
GDuke@connellfoley.com

April 15, 2024

**Via Email Only**

Syed H. Rahman, P.E.  
Regional Materials Management Engineer  
[Syed.Rahman@dec.ny.gov](mailto:Syed.Rahman@dec.ny.gov)  
NYS Department of Environmental Conservation  
50 Circle Road – SUNY @ Stony Brook  
Stony Brook, New York 11790

Craig L. Elgut, Esq.  
Regional Attorney  
[Craig.Elgut@dec.ny.gov](mailto:Craig.Elgut@dec.ny.gov)  
NYS Department of Environmental Conservation  
50 Circle Road – SUNY @ Stony Brook  
Stoney Brook, New York 11790

**Re:** Withdrawal of Part 360 Permit Application  
NYSDEC Application Number 1-4736-00057/00001  
4 OLD COUNTRY ROAD, LLC  
76 North Summit Boulevard  
Westhampton, NY 11977

Dear Mr. Rahman and Mr. Elgut,

As you know, we represent 4 Old Country Road, LLC (the “4OCR”) in the above-referenced matter. 4OCR submitted a Part 360 Permit Application (the “Application”) on March 10, 2023 for the property located at 76 North Summit Blvd., (previously referred to as 51 Old Country Road), Westhampton, New York (the “Subject Property”) as required by an Order on Consent DEC No. RI-20080616-207, originally executed on January 28, 2010, amended on December 1, 2022, and further amended on April 10, 2024 (“Order”) between the Department of

April 15, 2024

Page 2

Environmental Conservation and 4OCR.

The April 10, 2024 amended Order required that the Applicant “shall withdraw, without prejudice, the Part 360 permit application seeking authorization to allow for onsite grade adjustment for redevelop[ment] of the Site.” Accordingly, this letter serves as notification that 4OCR is hereby withdrawing the Application.

Please let us know if you have any questions regarding this notification.

Very truly yours,

CONNELL FOLEY LLP

By:   
George Duke

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

---

In the Matter of the Violations of Articles 23 and 27 of  
the Environmental Conservation Law of the State of New  
York, and Parts 360 and 420 et seq. of Title 6 of the  
Official Compilation of Codes, Rules and Regulations of  
the State of New York, by

4 OLD COUNTRY ROAD, LLC  
for site restoration

(Suffolk County)

Respondent.

**MODIFICATION OF  
ORDER ON CONSENT**  
DEC No. R1-20080616-207

Order on Consent “R1-20080616-207”, originally executed on January 28, 2010 (“2010 Order”), and modified on December 1, 2022 (2022 Modified Order”), is further modified as below.

Pursuant to the 2022 Modified Order, Respondent 4 OLD COUNTRY ROAD, LLC was substituted as respondent (hereinafter “Respondent”) solely for the purpose of carrying out restoration of 76 North Summit Blvd., (previously referred to as 51 Old Country Road), Westhampton, New York (hereinafter “Facility” or “Site”). Respondent remains responsible for restoration of the Site as set forth herein.

The Compliance Schedule set forth in the 2022 Modified Order, identified as Attachment B - pages 5-9, is fully replaced by the Modified Compliance Schedule, annexed hereto as Compliance Schedule A, and Environmental Restoration Plan prepared by P.W. Grosser Consulting, Inc., dated March 2024 (hereinafter “Restoration Plan”).

Failure to comply with the provisions of this Order including the Modified Compliance Schedule and Restoration Plan, attached hereto and made a part hereof, shall subject Respondent to the following stipulated penalties:

- a) Day 1 through 10: a \$500 penalty per day and per violation.
- b) Beyond 10 days: A \$1,000 penalty per day and per violation.

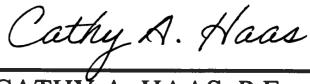
In the event that the Department determines that Respondent is in noncompliance, the Department will serve Respondent with an Inspection Report setting forth items of noncompliance. Unless a time frame is dictated by statute or regulations, or otherwise agreed to by the Department, Respondent will have a seven (7) calendar day period, from receipt of the Inspection Report, to cure noncompliance. Failure to cure will be met with the Department serving upon Respondent a Demand for Stipulated Penalties, identifying items of noncompliance together with the calculation of the stipulated penalties due, accompanied by an invoice. Respondent shall deliver the full stipulated penalty amount due to the Department within five (5) business days of receipt of the Department’s Demand for Stipulated Penalties.

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

It is agreed by the parties to this modification that all the terms and conditions of the Order, unless specifically modified, shall remain in full force and effect. It is further agreed that the provisions, terms, and conditions of this modification are incorporated into and become a part of the Order and are enforceable in accordance with the terms of the Order.

Stony Brook, New York  
Dated: 04/10/2024

BASIL SEGGOS  
Commissioner of Department of  
Environmental Conservation

By:   
\_\_\_\_\_  
CATHY A. HAAS, P.E.  
Regional Director

TO: George C. D. Duke, Esq., P.G.  
CONNELL FOLEY, P.C.  
875 Third Avenue  
21st Floor  
New York, New York 10022  
[gduke@connellfoley.com](mailto:gduke@connellfoley.com)

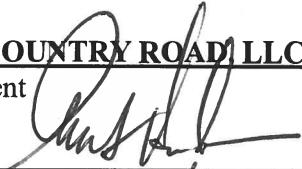
MODIFICATION OF ORDER ON CONSENT R1-20080616-207  
4 OLD COUNTRY ROAD, LLC

**CONSENT BY 4 OLD COUNTRY ROAD, LLC**

Respondent, **4 OLD COUNTRY ROAD, LLC**, acknowledges the authority and jurisdiction of the Commissioner of the Department of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in the matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof and agrees to be bound by the provisions, terms and conditions contained therein.

**4 OLD COUNTRY ROAD, LLC**

Respondent

By: 

Name: Grant Hendricks

Title: Member

an individual duly authorized by the respondent to sign on behalf of the limited liability company and who may bind the entity to the terms and conditions contained herein.

**ACKNOWLEDGMENT**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

On the 1<sup>st</sup> day of April in the year 2024, before me personally came Grant Hendricks, to me known, who, being duly sworn did depose and say that they are the owner/member (Title) of the **4 OLD COUNTRY ROAD, LLC**, described herein and which executed the above instrument; and that they signed their name thereto with full authority so to do.

Sworn to before me this

1<sup>st</sup> day of April, 2024

Megan Elizabeth Mazur  
Notary Public

MEGAN ELIZABETH MAZUR  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MA0013472  
Qualified in Suffolk County  
Commission Expires September 13, 2027

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

**Schedule A**  
**Modified Compliance Schedule**  
**4 Old Country Road, LLC**  
**DEC No. R1-20080616-207**  
**76 North Summit Blvd., Westhampton, New York 11977**  
**(“Facility” or “Site”)**

**I. General Compliance**

Immediately, except for regulated activities authorized by this Order, Respondent is not authorized to undertake any activity regulated under the ECL or implementing regulations without first obtaining the required permit or other authorization.

**II. Obligations Regarding Various Material Stockpiles throughout the Site and Backfilled Areas in the Northeast and Southeast Mine Pit Corners and Eastern Side of the Facility**

**A.** Respondent shall not accept, process, or market any solid waste, as defined in 6 NYCRR 360.2 at the Site without first obtaining written authorization from New York State Department of Environmental Conservation (“DEC”).

**B.** Respondent submitted a Site Investigation Work Plan (SIWP) and performed all activities required under the DEC approved SIWP in April 2021. After the receipt of all test results performed pursuant to the SIWP, Respondent submitted a Site Investigation Report (SIR), prepared by GEI Consultants and dated May 2021, summarizing, and characterizing the tested materials.

DEC reserves the right to request and obtain from Respondent additional sampling at greater/deeper soil depths to establish the extent of all contaminated soils consistent with Subpart 375-6 Remedial Program Soil Cleanup Objectives and DER-10.

**C.** Material from the following stockpiles will be removed from the Site based on both chemical and visual characterization of these stockpiles indicating that this material does not meet general fill criteria:

- Backfilled Northeast Corner (NEC) (est. 10,417 CY)
- Dredge Material (DM) (est. 2,252 CY)
- Stockpile 2 (SP-2) (est. 555 CY)
- Stockpile 4 (SP-4) (est. 1,041 CY)
- Stockpile 5 (SP-5) (est. 11,762 CY)
- Stockpile 6 (SP-6) (est. 65 CY)

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

If visually impacted fill, including PCS is identified beyond the initial proposed limits of excavation, the materials will be removed from the stockpile and consolidated with other materials designated for off-site disposal.

The total proposed volume of materials of materials designated for off-site reuse or disposal is estimated at 26,092 CY. Respondent will remove 250 CY of unusable materials per week, on average, and a minimum of 1,000 CY per month, until unauthorized materials are removed from the site, a period of approximately 2 years.

- D. Respondent submitted an Environmental Restoration Plan prepared by P.W. Grosser Consulting, Inc., dated March 2024 (hereinafter “Restoration Plan”), annexed hereto and referenced as Attachment B. The Restoration Plan addresses how all the materials will be managed.
- E. This plan details proposed procedures and best management practices (BMPs) that will be used during the excavation, handling and processing, consolidation of materials for onsite reuse or for off-site disposal, and the process to accept incoming material for the purposes of environmental restoration. This document and the procedures and BMPs outlined in it will be implemented and managed by the Operator in conjunction with oversight by a qualified environmental professional (QEP).
- F. Respondent shall commence activities required under the Restoration Plan. Respondent shall contact DEC and obtain additional authorizations for any other solid waste management activities or any identified additional waste materials which was not included in the approved Restoration Plan.
- G. Respondent shall submit to DEC a daily log which at a minimum identifying quantity, material type, and destination of material removed, and all disposal tickets, tracking documents or similar documents associated with the disposal of the waste off site or the marketing of reusable materials. Disposal tickets shall be submitted by the 10th of each month for the prior calendar month.
- H. Respondent shall submit petitions for any beneficial use determinations and/or applications for other authorizations as needed for use of the tested materials in the existing piles at offsite locations. Any material that does not qualify for a beneficial use or use on Site via other DEC authorization must be sent for disposal.

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

- I. Respondent shall withdraw, without prejudice, the Part 360 permit application seeking authorization to allow for onsite grade adjustment for redevelop of the Site.
- J. Any proposed grade adjustment fill must meet the physical and chemical criteria of being general fill, concrete, brick, or a combination of these or meet the DEC-authorized criteria consistent with a beneficial use determination or other DEC authorization.
- K. By March 1 of each year, Respondent shall submit to DEC an annual report updating the activities performed under this Order.

**III. Grade Adjustment Material Protocol**

**1. Material prescreening requirements**

- a. If a site is anticipated to generate more than 10 loads or 350 cubic yards of material, the permittee shall provide a written description of the generator which includes the following applicable information:
  - i. Name of the generator of the material and contact information.
  - ii. The exact location of the generating site.
  - iii. Type of generating site such as excavation, building demolition/ deconstruction site, solid waste management facility, road work, etc. If the site is a solid waste management facility, provide the facility's permit number or registration number.
  - iv. Description of the site history such as industrial, commercial, residential, road construction, solid waste management facility, etc.
  - v. Any analytical results performed at the generating site accompanied by any other reports prepared by the generating site engineer, if done at the generating site.
  - vi. Amount and type of the material that the site will generate.
  - vii. Anticipated start date of the project, number of loads each day, and completion date.
  - viii. Any other information as deemed necessary by the Department to make a proper determination.
- b. Any project within New York City generating more than 10 cubic yards of excavated material must have the fill material properly classified prior to acceptance in accordance with Sections 360.13 (e) and (f). The sampling rate shall be no less than one sample per 1,000 cubic yards, unless otherwise deemed acceptable by the Department. Notification must include the information described in items (i) through

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

(viii) of paragraph (a) of this condition and be certified by a Qualified Environmental Professional (QEP).

c. If a generator of any amount of material is from a site classified as the Department regulated brownfield or remediation project or is providing dredged material (ie: material removed from waterways and wetlands pursuant to a Department permit), the Respondent must comply with items (i) through (viii) of paragraph (a) of this condition. The Respondent must also ensure any required approvals from the Division of the Department overseeing the project. This paragraph is also applicable for similar projects from out of state locations. A QEP must certify all fill material emanating from a brownfield or remediation project as meeting the requirements of the Order.

d. If a site is generating less than 10 loads or 350 cubic yards of material, other than those identified in paragraphs (a) and (b) of this condition, a written description is not required, however the Respondent must be able to provide the information described in items (i) through (viii) of paragraph (a) of this condition to the Department at any time, immediately upon request.

e. All information must be presented in a manner prescribed by or otherwise deemed acceptable to the Department.

f. The Department reserves the right to deny the use of any material, if the information provided is inadequate, or based on any requirement of the Order.

**2. Tracking document requirements**

All loads accepted must be accompanied by a complete tracking document acceptable to the Department. The tracking document must provide the following information: a) Generator of material, b) Quantity and description of material, c) Hauler of material, and d) name of onsite personnel receiving the material. All tracking documents must have legibly printed names and signatures from the generator, hauler, and receiving facility.

**3. Onsite Analytical Sampling Requirements**

Based on the information provided by the Respondent regarding the generating site or observations made during inspection of the material, the Department may require analytical sampling for material from specific sites.

Proposed fill material from each site that requires sampling at the site shall be stored separately and distinctly. Generally, sampling shall be done at a rate of one composite per 1000 cubic yards, unless another sampling frequency is determined acceptable by

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

the Department, except for volatile organic compounds (VOCs) which must be grab samples of the most suspect areas. All analytical sampling events shall be coordinated with the Department to allow the Department the opportunity to observe the sampling or split samples. If the applicant fails to coordinate sampling with the Department, the applicant may be required to resample the material, at the permittee=s expense, in the presence of Department staff.

In the event that material requiring analytical sampling becomes commingled with material that does not require analytical sampling, then all the subject material will require sampling. Based upon the results, the Department will approve or reject the material.

**4. Fill Material Acceptance Procedures**

All material must be approved by the Department before it is placed as grade adjustment material. The procedures below outline the steps that must be followed when accepting material:

**Step 1:** The Respondent must inspect each load prior to offloading material on-site to confirm it is acceptable, and reject unacceptable material. All material accepted shall be recorded in a daily log, and tracking documents inspected for completeness. Each load must be individually staged in the designated staging area, and allow for Department staff to safely walk in between the loads. All stockpiled loads shall be clearly marked for identification in a manner acceptable to the Department.

**Step 2:** The incoming stockpiled loads shall be inspected by Department staff, and approved or rejected.

**Step 3:** The approved material may be processed, if analytical sampling is not required, and processed material staged in another designated area to await final placement. Otherwise, processing shall only be done after analytical results are reviewed and approved by the Department.

**Step 4:** The material must remain in the designated staging area until the Department staff inspects and authorizes the use of the material for reclamation.

**5. Fill Material Rejection by Department Staff**

Any material that is rejected by Department staff shall be segregated upon discovery, removed from the site by the applicant within 10 days, and brought to a facility approved by the Department to handle the material. The Respondent shall provide the Department

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

with disposal receipts for the rejected material. The reasons for rejection may include, but are not limited to, incoming loads not accompanied by an accurate and complete tracking document, as required by this permit; insufficient documentation regarding generator; the material is determined to be contaminated or unsuitable; or material is commingled with unauthorized solid waste.

**6. Video Surveillance**

Video cameras must be accessible to the Department via the internet and during site visits. Cameras must be acceptable to the Department and show the view of the whole site. Cameras must be able to show a minimum of one week of video and must constantly record the site.

**IV. Continued Funding of Environmental Monitor**

The environmental monitor shall continue to be funded in accordance with the following:

- A. The Respondent shall fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this Order.
- B. The Respondent shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Order or until the environmental monitoring services are no longer necessary, whichever comes first.
- C. The Respondent shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this Order is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.
- D. The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel,

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors. Upon written request by the Respondent, the Department shall provide the Respondent with a written explanation of the basis for any revisions.

- E. Prior to making its annual payment, the Respondent will receive, and have an opportunity to review and request adjustment to, an annual environmental monitoring work plan that the Department will undertake during the year. The Department will provide a final annual work plan that the Department will undertake during the year.
- F. Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the Respondent will provide information regarding to whom payments should be made payable and the address to which payments should be sent.
- G. Failure to make the required payments shall be a violation of this Order. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- H. The environmental monitor shall, when present at any of the Respondent's facilities, abide by all of the Respondent's health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.
- I. The environmental monitor shall receive from the Respondent all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor routinely receives from the Department.

**MODIFICATION OF ORDER ON CONSENT R1-20080616-207**  
**4 OLD COUNTRY ROAD, LLC**

- J. The Respondent shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Respondent shall furnish to the environmental monitor the health and safety and operational requirements and policies.
- K. The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. The Respondent may request the data and images collected from areas where confidentiality is a concern be considered confidential information if appropriate. Copies of the data or images collected from areas where confidentiality has been determined to be a concern shall be provided to the Respondent.
- L. It will remain the responsibility of the Respondent to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.

IV. Any and all communications, submittals and notices that are required by this Order shall be sent to the Department as follows:

E-mail and a copy by regular mail as below:

Syed H. Rahman, P.E., Regional Materials Management Engineer  
[Syed.Rahman@dec.ny.gov](mailto:Syed.Rahman@dec.ny.gov)  
New York State Department of  
Environmental Conservation  
50 Circle Road – SUNY @ Stony Brook  
Stony Brook, New York 11790-3409

and

Craig L. Elgut, Esq., Regional Attorney  
[Craig.Elgut@dec.ny.gov](mailto:Craig.Elgut@dec.ny.gov)  
New York State Department of  
Environmental Conservation  
50 Circle Road - SUNY @ Stony Brook  
Stony Brook, New York 11790-3409

**4 OLD COUNTRY ROAD, LLC  
STOCKPILE SEGREGATION  
76 NORTH SUMMIT BLVD.  
WESTHAMPTON, NEW YORK 11977**

**ENVIRONMENTAL RESTORATION PLAN  
REV.2**

**4 OLD COUNTRY ROAD, LLC  
76 NORTH SUMMIT BOULEVARD  
WESTHAMPTON, NEW YORK 11977**

**Prepared For:**



ATTN: Syed Rahman, P.E., Craig Elgut, Esq.  
New York State Department of Environmental Conservation, Region 1

SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, New York 11790

**Prepared By:**



P.W. Grosser Consulting, Inc.  
630 Johnson Avenue, Suite 7  
Bohemia, New York 11716  
Phone: 631-589-6353  
Fax: 631-589-8705

PWGC Project Number: IGC2101

**MARCH 2024**



ENVIRONMENTAL RESTORATION PLAN  
4 OLD COUNTRY ROAD, LLC.  
WESTHAMPTON, NY

TABLE OF CONTENTS	PAGE
<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>2.0 SITE DESCRIPTION AND HISTORY.....</b>	<b>2</b>
<b>3.0 ENVIRONMENTAL RESTORATION PLAN .....</b>	<b>3</b>
3.1 Environmental Restoration Plan .....	3
3.2 Consolidation and Staging .....	5
3.3 Current Site Conditions.....	6
3.4 Site Restoration Adjustment Materials.....	7
3.5 Export Materials .....	7
3.5.1 <i>Backfilled Northeast Corner (NEC)</i> .....	8
3.5.2 <i>Dredge Material (DM)</i> .....	9
3.5.3 <i>Stockpile 2</i> .....	9
3.5.4 <i>Stockpile 4</i> .....	9
3.5.5 <i>Stockpile 5</i> .....	10
3.5.6 <i>Stockpile 6</i> .....	10
<b>4.0 IMPORTED MATERIAL.....</b>	<b>11</b>
<b>5.0 REPORTING REQUIREMENTS.....</b>	<b>14</b>

---

## FIGURES

Figure 1	Sample and Excavation Locations
Figure 2	Proposed Processing and Consolidation Plan
Figure 3	Existing Site Conditions (November 2023)
Figure 4	Proposed Environmental Restoration Plan
Figure 5	Proposed Phased Progression Plan- Key Map
Figure 6	Proposed Phased Progression Plan- Phase 1
Figure 7	Proposed Phased Progression Plan- Phase 2
Figure 8	Proposed Phased Progression Plan- Phase 3

---

## APPENDICES

Appendix A	Civil3D Cut & Fill Report
------------	---------------------------



## 1.0 INTRODUCTION

P.W. Grosser Consulting, Inc. (PWGC) has prepared this Environmental Restoration Plan (ERP) on behalf of 4 Old Country Road, LLC (4OCR) for the former Westhampton Mining Aggregates facility located at 76 North Summit Boulevard, Westhampton, New York 11977 (the "Site" or "Property").

This ERP outlines the plan for completing environmental restoration at the site including the management of existing soil and material stockpiles at the Site and importation of material to complete environmental restoration activities pursuant to an amended consent order with the New York State Department of Environmental Conservation (NYSDEC). This plan details proposed procedures and best management practices (BMPs) that will be used during the excavation, handling and processing, consolidation of materials for onsite reuse or for off-site disposal, and for process to accept incoming material for the purposes of environmental restoration. This document and the procedures and BMPs outlined in it will be implemented and managed by the Operator in conjunction with oversight by a qualified environmental professional (QEP).



## 2.0 SITE DESCRIPTION AND HISTORY

The Site includes seven (7) irregularly shaped parcels totaling approximately 47 acres. A review of historical aerial photos identifies mining operations prior to the issuance of the permit, with activity on-site dating back to at least 1962. Mining operations continued on the Site pursuant to a NYSDEC Mined Land Reclamation Permit (MLRP) that was issued in 1984. Mining operations continued through 2008, when the last issued permit expired. During the time, that the prior owner, Westhampton Mining Aggregates, was operating the Site and also accepted certain materials pursuant to NYSDEC issued Beneficial Use Determinations (BUD). It has been reported that Westhampton Mining Aggregates did not manage the accepted materials consistent with the BUDs, and there are several existing stockpiles of soils/aggregates at the Site which may not have been adequately processed by Westhampton Mining Aggregates.

A NYSDEC draft Consent Order agreement was issued to the prior owner, Westhampton Mining Aggregates, on January 28, 2010, to address bringing existing environmental and administrative concerns at the Site into compliance. It has been reported that Westhampton Mining Aggregates did not implement the Consent Order measures and much of the Property remained unused, and many of the stockpiles remained untouched and stabilized in vegetation during the past decade.

The Property was recently purchased, in 2020, by 4OCR and the company has committed to reclaiming and redeveloping the Property. Since taking ownership, 4OCR conducted multiple rounds of investigations, under oversight from NYSDEC, including the collection and analysis of numerous sediments and groundwater samples, which have indicated there have been no negative impact to groundwater resulting from the placement and staging of soil and aggregate stockpiles as documented in the May 2021 Site Investigation Report (SIR) prepared by GEI.

4OCR is planning to complete environmental restoration activities in accordance with this ERP to address NYSDEC's concerns related to previously imported BUD sediments. The following sections detail how the existing material stockpiles on Site and incoming material needed for environmental restoration activities will be managed.



### **3.0 ENVIRONMENTAL RESTORATION PLAN**

The purpose of this ERP is to identify methods for completing environmental restoration activities on site including reuse of existing stockpiled material for Site grade adjustment or disposed of off-Site and to import material to complete environmental restoration activities.

#### **3.1 Environmental Restoration Plan**

The property presently contains a 40' deep pit and various aggregate stockpiles associated with prior site operations. The base of the pit is within several feet of the groundwater table, and the bottom and walls of the pit are un-stabilized and unvegetated. Additionally, the current grade does not naturally flow with the surrounding property elevations. The site does not currently offer substantial habitat or native plant species, is not protective of groundwater and surface waters, and does not enhance the health, safety or welfare of the people of the state. In sum, the site is not currently protective of the region's significant natural, agricultural, historical, cultural and recreational resources for current and future Long Island residents.

Following discussions with NYSDEC, and in accordance with the Consent Order, 4OCR proposes to complete the following activities that will enable the property to be remediated and restored consistent with applicable New York State Department of Environmental Conservation ("NYSDEC") regulations and guidance. These activities include:

1. Segregation and off-site removal of impacted materials
2. Off-site removal of aggregates not suitable for beneficial use pursuant to applicable laws and regulations;
3. Processing, screening, and regrading of existing stockpiled aggregate;
4. Regrading of pit slopes for stabilization and to reduce erosion;
5. Utilization of approved existing materials and imported fill materials for regrading of base elevation, to an elevation ten (10) feet above water table elevation to minimize potential groundwater impacts,
6. Installation of a 6" topsoil layer on finished grade to support vegetative growth and habitat restoration; and
7. Introduction of native plantings to aide in erosion resistance and habitat creation.

All of the above activities will assist in the recovery of the ecosystem which has been degraded, damaged, or destroyed by the site's prior use and operations. The segregation and off-site removal of contaminated materials (No. 1); processing, screening, and regrading of existing stockpiled aggregate (No. 3); and off-site removal of aggregates not permissible for re-use (No. 2) are necessary for the full delineation and removal of impacted or contaminated substances on-site. The regrading of the pit slopes (No. 4) and regrading of the pit base elevation (No. 5) will establish a restorative buffer to both prevent the further migration of contamination both on-



and off-site, reduce erosion, and assist in the filtering and treatment of precipitation and runoff. As such, all of these activities constitute necessary remedial activities intended to directly address the contamination presently on-site.

The remaining activities identified above, including the installation of a 6" topsoil layer (No. 6) and introduction of native plantings (No. 7) on side slopes are necessary for stabilization of slopes and the environmental restoration of the site. These activities will allow for the flourishing of natural vegetation on-site and establish a new habitat for local and migratory species.

Utilizing the USGS Long Island Depth to Water and Hydrologic Condition Viewer, the estimated depth to water at the site along the railroad tracks along the southern border ranged from 28 to 35 feet above mean sea level between 2006 and 2016. Utilizing an average depth to water of 32 feet below the railroad tracks as a high-water indicator, and an elevation of the railroad tracks in this area as 46-48 feet above mean sea level, based upon surveys of the site, the high-level groundwater elevation at the southern portion of the site has been approximately 16 feet above mean sea level since 2006. This is consistent with the fact that the lowest base elevation of the pit has been approximately 17-18' AMSL historically which would indicate that past mining practiced stopped several feet above the water table to maximize volumes removed while still allowing for vehicles to traverse the site. Based upon these USGS measurements and mine site elevations, is estimated that the high-level groundwater elevation at the site is approximately 15 feet AMSL.

NYSDEC has historically recommended maintaining a minimum 10-foot soil buffer between the base elevation and high-water table elevation at both mine sites and vegetative organic recycling facilities in Suffolk County as a means to provide a protective sediment filter and minimize potential impact to the water table. This 10-foot buffer is frequently a required element of restoration by NYSDEC during restoration of mine sites and in vegetative organic recycling facilities within Suffolk County. Using these USGS groundwater elevations and NYSDEC recommendations, the site will be restored to a floor base elevation of 24 feet AMSL to 26.5 feet AMSL through the site.

As described above, all the activities identified herein result in invaluable benefits to the environment; will enhance the health, safety or welfare of the people of the state; and will be protective of the region's significant natural, agricultural, historical, cultural and recreational resources for current and future Long Island residents.



### 3.2 Consolidation and Staging

In discussions with NYSDEC, 4OCR received permission to screen, crush, or otherwise process on-site concrete washout to begin site reclamation prior to the finalizing a Consent Order agreement and began these activities under NYSDEC oversight in January 2022. To aid in the preparation of the Site for necessary environmental restoration, stockpiled materials that exceed the Part 375-6.8 Protection of Groundwater Soil Cleanup Objective (PGSCO) and/or Residential Use Soil Cleanup Objective (RUSCO) criteria will be and has started to be relocated, consolidated, and stockpiled in a temporary designated contained staging area (the "CSA"). These materials are located in the previously backfilled northeast corner, within the dredge materials stockpile, and within stockpiles 2, 4, 5, and 6. These materials and limits of the excavations are illustrated in the attached figure, **Figure 1 – Sample and Excavation Locations**. The CSA will be constructed by developing a 200-foot by 200-foot Jersey Block containment area located in the approximate area currently occupied by Stockpile JFK-1. Because no impacted materials have been documented at the JFK-1 and JFK-2 stockpiles, they will be/have been moved to the southeast portion of the Site and incorporated into the existing graded slope to allow for an expanded area large enough to construct the CSA. Refer to **Figure 2 – Proposed Processing and Consolidation Plan** for this designated CSA.

Because the exceedances are located in sample clusters, PWGC recommended the removal of targeted hot spots to remove questionable material. Based upon the delineations developed, proposed, and displayed in **Figure 1- Sample and Excavation Locations**, it is estimated that up to approximately 25,191 cubic yards (CY) may be removed from existing stockpiles and temporarily stored in the designated area until they can be properly processed, resampled, as set forth in Section 3.3 below, and reused or disposed at an approved off-site facility. The exact volume may change based upon recyclable and reusable materials to be screened from these impacted sediments. Limits of excavation will be based upon visual observations of contaminated materials, resampling of materials for beneficial reuse as set forth in Section 3.3, and direction from NYSDEC.

The remaining materials left in stockpiles will be used at the Site to help complete Site grade adjustments as follows. Prior to grade adjustment, remaining materials from stockpiles qualified for reuse will be clearly flagged and delineated and accessible around all sides for visible inspection by NYSDEC subsequent to removal of hot spot materials and consolidation of impacted materials in the CSA. If this material contains constituents other than recognizable uncontaminated concrete, brick, or soil then it will be subjected to additional processing. This may entail the use of a scalper/screener or by handpicking to remove contaminants. Once debris is removed, it will then be eligible for on-site reuse for grade adjustments. The volume of



materials remaining, after the unusable material is exported, is estimated at approximately 188,882 CY.

Materials consolidated within the CSA will be covered with a tarpaulin or equivalent cover to prevent leaching potential of materials. Because materials will continue to be added to the CSA on a daily basis throughout the extraction and consolidation process, tarpaulin will be applied at the conclusion of daily site activities.

### 3.3 Current Site Conditions

As detailed in section 3.2, in accordance with NYSDEC direction and oversight, 4OCR received permission to screen, crush, or otherwise process on-site concrete washout to begin site reclamation prior to the finalizing a Consent Order agreement and began these activities under NYSDEC oversight in January 2022. These activities have been documented in weekly progress reports submitted to NYSDEC and confirmed during NYSDEC site inspections. To date, several of the stockpiles have been excavated, processed, re-stockpiled for off-site disposal, and redistributed and regraded through the site in accordance with prior approvals in an effort to complete environmental restoration activities. Specifically, clean reusable materials have been excavated, processed and regarded in the southern and eastern of the pit, while contaminated material has been excavated and stockpiled in the CSA for off-site disposal. The current site plan, including stockpile locations, and contours is attached as **Figure 3 – Existing Site Conditions (November 2023)**.

As of November 10, 2023, approximately 1,170 CY of material has been shipped off-site to the Posillico Wash Plant, 210 CY of debris have been shipped off-site for disposal with Winters Bros, 420 CY of various metals have been shipped off-site of scrap recycling.

To complete the environmental restoration of the facility, 4OCR proposes to restore the site elevations and grades as illustrated in **Figure 4 – Proposed Environmental Restoration Site Plan**. This includes adjusting the based grade to an elevation of approximately 25' AMSL and sloping the pit sidewalls to a 2:1 slope or as directed by NYSDEC technical staff, which is consistent with NYSDEC requirements for mined land reclamation slopes.



### 3.4 Site Restoration Adjustment Materials

In an effort to restore the Property, the grade will be adjusted utilizing existing on-site materials and additional materials to be imported to the Site.

The following stockpiles will be used to complete site grade restoration adjustments (refer to **Figure 1**):

- Concrete Wash
- Reserved Topsoil
- Stockpile 1
- Stockpile 3
- JFK-1
- JFK-2

This material will be used in grade restoration adjustments that are proposed across the Site concurrently as targeted hot spots are excavated and placed at the CSA as set forth in Section 3.1, above. This ERP allows only for the Site grade restoration adjustments for the purpose of environmental restoration in accordance with the Consent Order and/or limited consolidation of the existing stockpiles within the boundaries of the Property, as set forth herein.

### 3.5 Export Materials

Material from the following stockpiles will be removed from the Site based on both chemical and visual characterization of these stockpiles indicating that this material does not meet general fill criteria (refer to **Figure 2**):

- Backfilled Northeast Corner (NEC) (est. 10,417 CY)
- Dredge Material (DM) (est. 1,351 CY)
- Stockpile 2 (SP-2) (est. 555 CY)
- Stockpile 4 (SP-4) (est. 1,041 CY)
- Stockpile 5 (SP-5) (est. 11,762 CY)
- Stockpile 6 (SP-6) (est. 65 CY)

If visually impacted fill, including PCS is identified beyond the initial proposed limits of excavation, the materials will be removed from the stockpile and consolidated with other materials designated for off-site disposal.

The total proposed volume of materials of materials designated for off-site reuse or disposal is estimated to be up to 25,191 CY. 4OCR will agree to remove 250 CY of unusable materials per week, on average, and a minimum of 1,000 CY per month, or other volumes as to be approved by NYSDEC, until unauthorized materials are removed from the site, a period of approximately 2 years.



Notification will be provided to the NYSDEC a minimum of five (5) days prior to planned Site activities involving the extraction and consolidation of materials.

### *3.5.1 Backfilled Northeast Corner (NEC)*

The Backfilled Northeast Corner generally consists of sand with silt, gravel, cobbles, and/or boulders and minor to moderate amounts of concrete, brick, wood, metal, glass, porcelain, tile, and plastic, and the majority of the Backfilled Northeast Corner consisted of apparent dredge material composed of sand with clay, gravel, cobbles, and boulders and moderate amounts of concrete, brick, metal, glass, wood, plastic, organics, and shells at a depth between 10 to 25 feet below the graded surface. Mercury and lead exceeded the PGSCOs and RUSCOs, barium and indeno(1,2,3-cd)pyrene marginally exceeded the RUSCOs, and acetone exceeded the PGSCOs in the NEC-2B sample. No exceedances of the general fill criteria, with the exception of acetone, were noted in other seven samples surrounding the ET-SB-2 and ET-SB-3 locations, where SVOC, metals, and acetone impacts were previously identified during a previous investigation by Envirotrac in 2012. The ET-SB-2 and ET-SB-3 impacts are fully delineated. These reported exceedances are located in the north half of the backfilled area, which encompasses materials examined in borings NEC-2, NEC-3, ET-SB-2, NEC-4, NEC-5, NEC-6, NEC-7, and ET-SB-3. No impacted materials were observed in borings ET-SB-1, NEC-1, or NEC-8, therefore no excavation is proposed in the south half of this area. Refer to **Figure 2** for approximate limits of excavation.

Brown sand was observed at the surface near NEC-2. Materials exhumed from grade to a depth of 15-feet will be discretely stockpiled and screened for potential reuse of materials. If materials potentially meet General Fill criteria, as determined by visual analysis, exhumed materials will be resampled at the frequency prescribed in Part 360.12 Table 1. Assuming an approximate volume of 16,000 CY, it is anticipated that four (4) composite samples and eight (8) discrete VOC grabs will be collected to confirm materials meet General Fill criteria. The actual limit of excavation will be based upon visual observations of the grey/black colored dredge soils and endpoint sampling. 4 Old Country Road, LLC proposes to visually delineate and remove these visually impacted materials. Grey/black dredge spoils below this stratum will be excavated to an anticipated depth up to 25 feet which corresponds to the reported elevated concentration of lead and/or mercury at ET-SB-2 and ET-SB-3, however exceedances were only observed in samples collected on the 15-20' interval and the 20-25' interval. Because contamination was only observed in these intervals, 4 Old Country Road proposes to remove materials from 15 feet to 25 feet. Based up the subsurface observations included in the 2012 Envirotrac Investigation, it is anticipated that imported materials had been backfilled to a depth of approximately 36.5 feet at soil boring ET-SB-2. NYSDEC has requested that non-native materials deposited beneath the 15-25-foot layer should be qualified in accordance with Part 360.12 Table 1. The estimated volume of fill materials beneath the limits of excavation at depths between 25 feet to 36.5 feet is 11,980 CY, resulting in



the collection of four (4) composite samples and eight (8) discrete VOC grabs to adequately characterize materials. Should the materials beneath the 15-25 stratum meet visual criteria of General Fill, test pits will be installed to characterize and facilitate collection of composite samples. If fill materials containing some degree of inert C&D constituents are identified, these materials will be stockpiled and screened as proposed for materials exhumed from the 0 to 15 foot interval. If samples collected from the 25-foot to 36.5-foot stratum do not meet General Use criteria, additional soils will be removed until suitable material remains.

### *3.5.2 Dredge Material (DM)*

Mercury exceeded the RUSCOs and PGSCOs, trivalent chromium exceeded the RUSCOs, and acetone exceeded the PGSCOs in the DM-4 sample. Mercury also marginally exceeded the PGSCO in the DM-3 and DM-5 samples. Lead marginally exceeded the RUSCO and PGSCO in the DM-7 sample. No exceedances were reported in the DM-1, DM-2, DM-6, and DM-8 samples.

At the advisement of NYSDEC Division of Materials Management staff, 4 Old Country Road, LLC agrees to remove all 2,252 CY, which will be placed in the consolidation stockpile and disposed of at a disposal facility. Refer to **Figure 2** for approximate limits of excavation.

### *3.5.3 Stockpile 2*

The exceedances of the PGSCOs and RUSCOs identified at Stockpile 2 are limited to a relatively thin layer of underlying apparent dredge material at grade in the northeast corner of the pile. When comparing on-site topography to previously identified stockpiles, it appears that there is no clear delineation of Stockpiles 1 & 2, therefore the aggregate volume of the two stockpiles is listed below.

A visual delineation of observed contamination indicates that contamination was limited to a 75-foot by 50-foot area with a mean depth of 4 feet. This visual delineation supports the removal of this isolated segment, an estimated volume of 555 CY, which will be placed in the consolidation stockpile and disposed of at a disposal facility. The actual limit of excavation will be based upon visual observations of the dark colored dredge spoils. Refer to **Figure 2** for approximate limits of excavation.

### *3.5.4 Stockpile 4*

Stockpile sampling results documents in the SIR indicate that the vast majority of materials in Stockpiles 4 meets General Fill criteria with the exception for sample SP-4-6.

A visual delineation of observed contamination indicates that contamination was limited to an approximately 75-foot by 75-foot area with a mean depth of 5 feet. The visual delineation of this



isolated segment supports the removal of approximately 1,041 CY, which will be placed in the consolidation stockpile and disposed of at a disposal facility. The actual limit of excavation will be based upon visual observations of the dark colored dredge spoils. Refer to **Figure 2** for approximate limits of excavation, which are contingent upon confirmation of initial findings by NYSDEC from sample event performed on July 20, 2022.

### *3.5.5 Stockpile 5*

Several SVOCs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene, exceeded the PGSCOs and RUSCOs and lead and/or mercury exceeded the PGSCOs and RUSCOs in the SP-5-4 through SP-5-9 samples. This is consistent with exceedances previously identified in the SP-5-2 and SP-5-3 samples from the Due Diligence Investigation. These test pits are located along the eastern and northern perimeter of the stockpile. The center of the stockpile, where test pit SP-5-10 and previous test pit SP-5-1 were located, was noted to contain less concrete, brick, wood etc. and no exceedances of the general fill criteria were identified in both samples.

A visual delineation of observed contamination indicates that contamination was observed in two clusters located on the north and east sides of the stockpile sidewalls, although anticipated contamination extends beyond the boundaries of observed contamination. It is anticipated that approximately 70% of materials within Stockpile 5, or 11,762 CY, and will be placed in the consolidation stockpile and disposed of at a disposal facility. The actual limit of excavation will be based upon visual observations of historic fill and C&D debris. Only fill materials containing majority clean soils will be considered for potential reuse. These materials will be discretely stockpiled for reuse, screened free of any residual inert C&D contaminants, and resampled in accordance with Part 360.12 Table 1. Considering that approximately 30% of the stockpile may remain after removal of visually contaminated materials, it is estimated that up to 5,041 CY will be considered for potential beneficial reuse on-site, resulting in the collection of three (3) composite samples and six (6) VOC grab samples. Refer to **Figure 2** for approximate limits of excavation.

### *3.5.6 Stockpile 6*

Several SVOCs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene exceeded the PGSCO and/or RUSCOs in the SP 6-3 sample collected during the Due Diligence Investigation. This test pit is located along the eastern perimeter of the stockpile. This sample location was the only sample collected at SP-6 that exceeded General Fill criteria.

A visual delineation of observed contamination indicated that contamination was limited to an approximately 37.5-foot by 37.5-foot area with a mean depth of 1.25 feet. The visual delineation



of this isolated segment supports the removal of approximately 65 CY, which will be placed in the consolidation stockpile and disposed of at a disposal facility. The actual limit of excavation will be based upon visual observations of the dark colored dredge spoils. Refer to **Figure 2** for approximate limits of excavation.

#### **4.0 IMPORTED MATERIAL**

This ERP includes the importation of material necessary to complete the environmental restoration and grade adjustment of the Property. This facility proposes to accept inert C&D materials including soil, concrete, brick, and natural stone materials to incorporate into the site restoration adjustment. Up to approximately 30-35 trucks are anticipated to haul beneficial reuse materials to the Facility per day. Importation of suitable materials may occur for a period of up to three (3) years, or until the proposed grade has been reached, whichever comes first.

The Facility will accept inert C&D material, including brick, concrete, soil, and natural stone materials, which may include marble, granite, and limestone. Soil that is imported shall meet Fill Types 1, 2, or 3 criteria, and may contain brick, concrete, and rock. Inbound and outbound traffic will be via the Facility's main entrance on the east side of North Summit Boulevard. An on-site security camera system has been installed at the Facility entrance to record materials hauled to/from the Site. Additional cameras have been installed to view areas of interest, including the C&D processing area and staging area. The camera system will be operational 24 hours per day, seven (7) days per week and video recordings of the feed will be available to the NYSDEC during site visits and will be accessible via an internet portal. Video recorded from the on-site security system will be stored on a local server that maintains at least one week's worth of recorded video. Installed camera system will remain stationary and will be deployed at a location that ensures that the whole site can be viewed by the camera system. Incoming materials will be documented in a daily log and inspected by a trained 4OCR employee to verify contents and to ensure that unauthorized materials are not accepted at the Facility. Trucks will then be directed to the appropriate tipping area and will be reinspected for hidden contents by an equipment operator. Additionally, loads accepted at the Facility will be individually and discretely staged in the phased working area, with a numbered identification flag placed on each pile which corresponds with loads listed in Facility Log and associated manifests. Loads deposited in the tipping area will be discretely staged to ensure each load can be evaluated individually. These loads will remain in place until a NYSDEC representative approves loads are acceptable for incorporation in grade adjustment. Loads containing unauthorized materials will be rejected upon discovery of contents. If di minimis amounts of readily removable materials are accepted, they will be separated by manual or mechanical means and inspected by an authorized NYSDEC representative before incorporation into grade adjustment.



Aggregates contained within the accepted loads must be appropriately sized to ensure adequate compaction and no voids. Although the use of unprocessed imported materials is preferable, the operator may entail the use of a scalper/screener to ensure that proper compaction of materials can be achieved. Materials imported to the site will only be used for site restoration practices and will not be developed for off-site commercial use.

Based upon volume cut and fill calculations and the estimated volume of material likely to leave the site for off-site disposal, it is anticipated that approximately 300,767 CY of incoming material may be needed to complete the environmental restoration activities detailed above. The exact volume of material to be imported for restoration activities may change based upon existing site conditions and the volume of impacted material and debris to leave the site for off-site disposal. The proposed finish grade is illustrated in **Figure 4 – Proposed Environmental Restoration Site Plan**. This includes adjusting the base grade to an elevation of 26.5 feet AMSL at the north end of the pit and 24 feet AMSL at the south end of the pit and sloping the pit sidewalls to a 2:1 slope, or as approved by NYSDEC. The proposed base grade elevations in the pit were determined by establishing a 10-foot restorative buffer above the water table when compared to the publicly available United States Geological Survey (USGS) Long Island Hydrologic Conditions application developed for 2010.

The restoration of the pit floor and sidewalls will begin at the south end of the mined pit. Phase 1 restorative operations will occur in the southern third of the mined pit and will raise the base floor between 24 to 25 ft AMSL and restore the slopes of the sidewalls maintain a 2:1 slope. The existing rampway at the southwest corner of the pit will remain intact. Phase 1 restorative operations are scheduled to occur in 2024-2025.

Phase 2 restorative operations will occur in the central third of the mined pit and will raise the base floor to 25 ft AMSL and restore the slopes of the sidewalls maintain a 2:1 slope. Phase 2 restorative operations are scheduled to occur in 2025. Upon completion of this Phase, much of the contaminated debris will have been removed from the site, allowing for the deconstruction of the CSA and progression into Phase 3.

An access rampway is proposed to be built in the northeast corner of the pit to ensure access to the area identified as the “Backfilled Northeast Corner”, which well above the base floor of the pit. To complete removal of contaminated materials from the backfilled northeast corner, 4OCR will need to excavate the materials from the backfilled area and transport materials to the CSA prior to removal from the site. This effort will progress over several Phases of work.



Phase 3 restorative operations will occur in the northern third of the mined pit and will raise the base floor to 26.5 ft AMSL and restore the slopes of the sidewalls maintain a 2:1 slope. Phase 3 restorative operations are scheduled to occur in 2026. Upon completion of this Phase, the site restoration activities will be completed.

These materials are proposed to be imported in order to fill in the scalloped areas or the valleys in the side walls and maintain a 10-foot restorative buffer from the seasonal high groundwater table.

The volume of materials required to perform the proposed restoration is 275,576 CY. Considering that 25,191 CY of impacted materials will be removed from the site, up to 300,767 CY of clean soil and inert materials will be imported.

The calculations were completed using AutoCad Civil 3D software using and existing and a proposed 3-D model of the site. Once the model is generated, the software calculates the volumes directly, therefore no calculations have been performed. A Cut & Fill report has been exported from Civil3D and is included as **Appendix A**.



## 5.0 REPORTING REQUIREMENTS

All of the above activities will assist in the recovery of the ecosystem which has been degraded, damaged, or destroyed by the site's prior use and operations. In accordance with the Consent Order, 4OCR will provide written notification at least 30 days prior to the anticipated final receipt of materials.

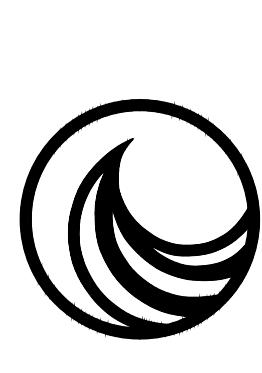
4OCR will maintain a daily log which at a minimum identifying quantity, material type, and destination of material removed, and all disposal tickets, tracking documents or similar documents associated with the disposal of the waste off site. A weekly progress report will be submitted to NYSDEC, and disposal tickets shall be submitted by the 10th of each month for the prior calendar month.

By March 1 of each year, the Facility will submit a current site survey to the Department, which will display the current elevations at the time of the survey, an estimate of materials used since the previous survey, and the volume of material required to complete the proposed site restoration.

Within 30 days of completion of site restoration activities, a site survey will be prepared, which demonstrates that the site restoration has been performed in compliance with the proposed plan.



## FIGURES



# PWGC

CLIENT DRIVEN SOLUTIONS

**P.W. GROSSER CONSULTING ENGINEER  
& HYDROGEOLOGIST, P.C.**

630 Johnson Avenue. • Suite 7  
Bohemia • NY • 11716-2618  
Phone: (631) 589-6353 • Fax: (631) 589-8705

E-mail: I CONSULTANTS

Number	Revision Description	Signed By	Date Submitted	Date Created
7				
6				
5				
4				
3				
2				
1				

object:

# PROPOSED ENVIRONMENTAL RESTORATION SITE PLAN

# WESTHAMPTON BEACH, TOWN OF SOUTHAMPTON NIEKOK COUNTY NEW YORK

ments.dwg (Existing)

# EXISTING SITE CONDITIONS

## - NOVEMBER 2023

卷之三

PROPERTY BOUNDARY FROM NEW YORK STATE GIS CLEARINGHOUSE - SUFFOLK  
COUNTY TAX MAP PARCELS.  
TOPOGRAPHY AND ORTHOIMAGERY DERIVED FROM A DRONE FLIGHT PERFORMED BY  
WGC USING A DJI INSPIRE 2, DATED NOVEMBER 6, 2023.

FILE NAME: J:\Projects\EL-101	
DATE/TIME: Mar 08, 2024 23:19	
Project Number: IGC2101	
Sheet 1 of 1	
<b>FIGURE 1</b>	

Unauthorized alteration or addition  
to this drawing and related documents

**EXISTING SITE CONDITIONS  
(NOVEMBER 2023)**

SCALE: 1" = 100'  
0 100 200

SCALE: 1" = 100'  
0 100 200

Aerial map showing the existing site conditions for November 2023. The map includes contour lines indicating the topography of the site. Existing structures are shown in various colors, and proposed site boundaries are indicated by dashed lines. A scale bar in the bottom right corner shows 0, 100, and 200 units, with a note that 1" represents 100'. A north arrow is located in the bottom left corner.

The legend is located on the left side of the map. It consists of a vertical black bar on the left and a white area on the right. The white area contains four entries: 'PROPERTY LINE' with a dashed line icon, 'EXISTING CONTOURS - MINOR' with a thin solid line icon, 'EXISTING CONTOURS - MAJOR' with a thick solid line icon, and '25' BUFFER' with a thick dashed line icon.



**PWGC**  
CLIENT DRIVEN SOLUTIONS  
P.W. GROSSER CONSULTING ENGINEER  
& HYDROGEOLOGIST, P.C.  
630 Johnson Avenue, Suite 7  
Bohemia, NY 11716-2617  
Phone: (631) 583-8555, Fax: (631) 583-8705  
Email: INFO@PWGCER.COM

CONSULTANTS

Number	Revision Description	Review Date
1		
2		
3		
4		
5		
6		
7		

**PROPOSED ENVIRONMENTAL RESTORATION SITE PLAN**  
76 NORTH SUMMIT BLVD.  
WESTHAMPTON, NY 11977  
AS SHOWN

WESTHAMPTON BEACH, TOWN OF SUFFOLK COUNTY, NEW YORK  
Project Address:  
Coop. # in Map Number \_\_\_\_\_  
Regulatory Reference Number \_\_\_\_\_  
Title of Drawing: \_\_\_\_\_  
Drawing Number: \_\_\_\_\_

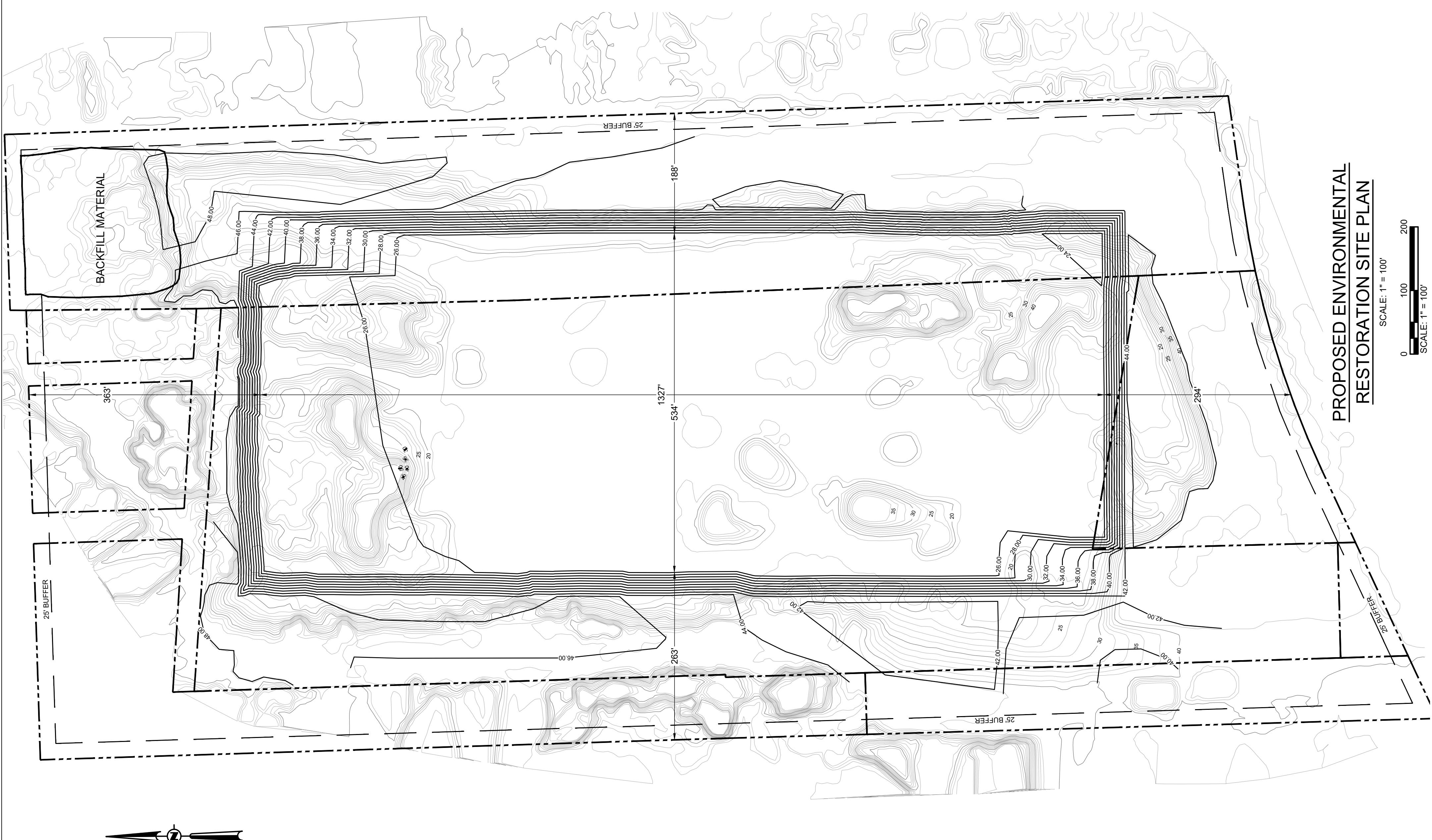
**PROPOSED ENVIRONMENTAL RESTORATION PLAN**  
FIGURE 2  
PWGC Project Number: IGC2101

**MAP REFERENCES**

1. PROPERTY BOUNDARY FROM NEW YORK STATE GIS CLEARINGHOUSE, SUFFOLK COUNTY TAX MAP PARCELS.  
2. TOPOGRAPHY DERIVED FROM A DRONE FLIGHT PERFORMED BY PWGC USING A DJI INSPIRE 2 DATED NOVEMBER 6, 2023.  
3. PROPOSED BASE ELEVATION = 10' ABOVE GROUNDWATER PER USGS 2010 HYDROLOGIC CONDITIONS.  
4. STABILIZED SLOPES PROPOSED TO BE AT A 2H:1V SLOPE.  
5. ALL INFERIOR STOCKPILES TO BE REMOVED/GRADED TO PROPOSED BASE ELEVATION.

**PROPOSED ENVIRONMENTAL RESTORATION SITE PLAN**  
SCALE: 1" = 200'

0 100 200  
SCALE: 1" = 100'





CLIENT DRIVEN SOLUTIONS  
P.W. GROSSER CONSULTING ENGINEER  
& HYDROGEOLOGIST, P.C.

630 Johnson Avenue, Suite 7  
Bohemia, NY 11716-2617  
Phone: (631) 583-8555, Fax: (631) 583-8705  
Email: INFO@WGRGROSSER.COM

CONSULTANTS

Number	Revision Description	Revised Date
1		
2		
3		
4		
5		
6		
7		

PROPOSED  
ENVIRONMENTAL  
RESTORATION SITE PLAN  
4 OLD COUNTRY ROAD LLC  
76 NORTH SUMMIT BLVD.  
WESTHAMPTON, NY 11977  
AS SHOWN

Project Name:

Co-Op. No.:

Regulatory Reference Number:

File Drawing:

Sheet Number:

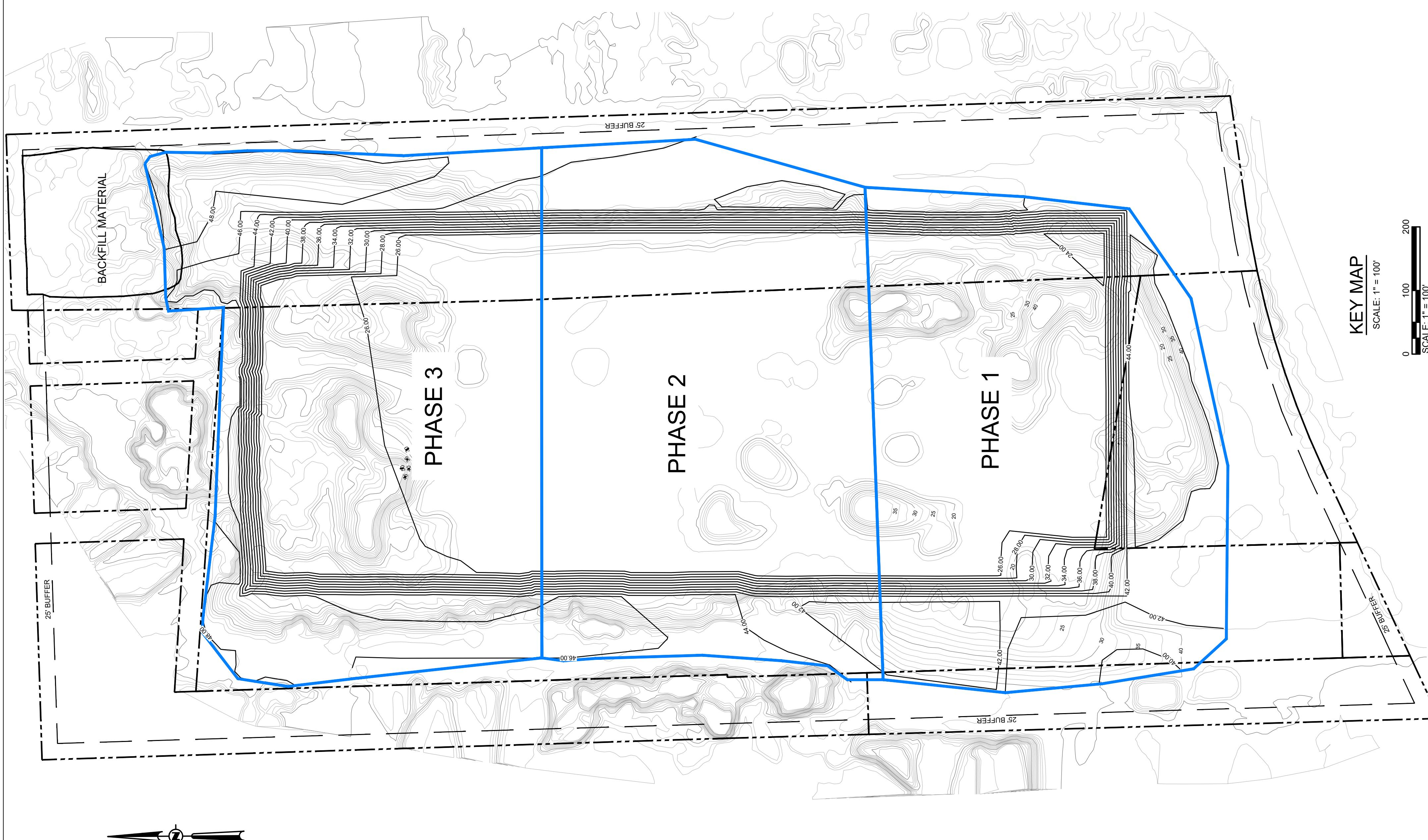
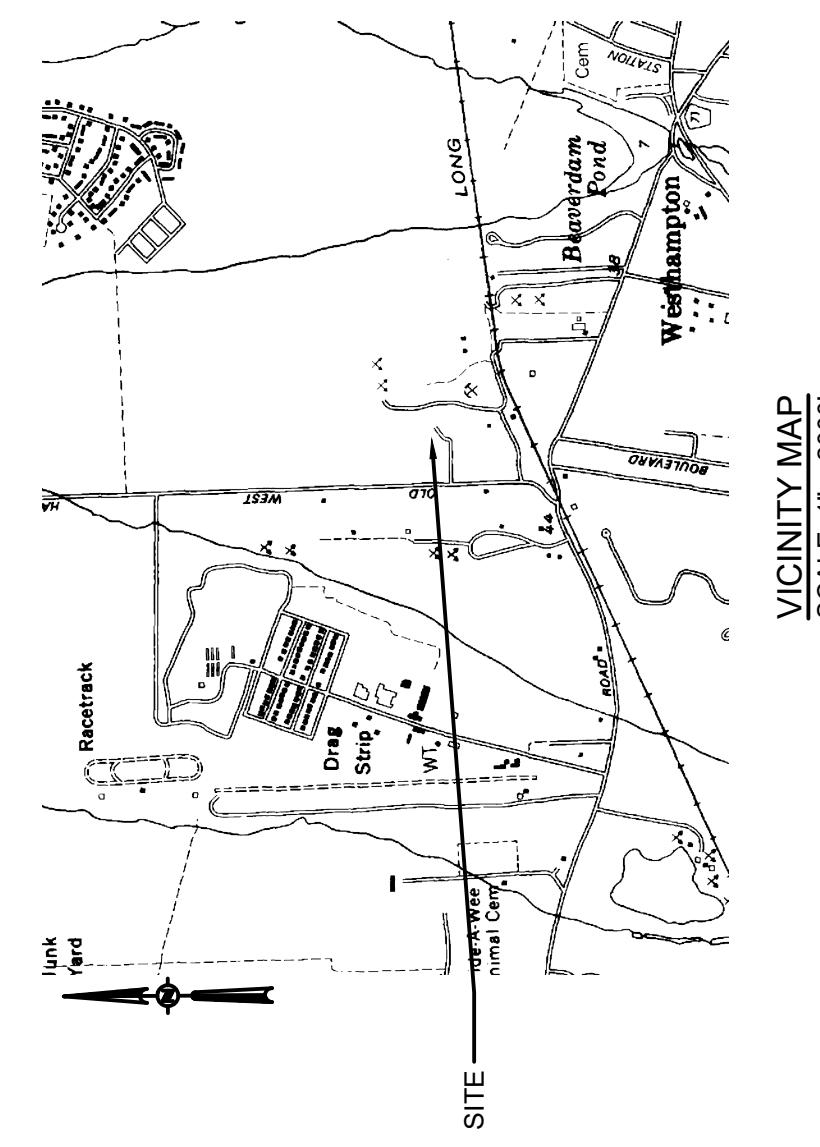
Drawing Number:

PROPOSED PHASED  
PROGRESSION PLAN  
- KEY MAP

MAP REFERENCES

- PROPERTY BOUNDARY FROM NEW YORK STATE GIS CLEARINGHOUSE, SUFFOLK COUNTY TAX MAP PARCELS
- TOPOGRAPHY DERIVED FROM A DRONE FLIGHT PERFORMED BY PWG USING A DJI INSPIRE 2 DATED NOVEMBER 6, 2023
- PROPOSED BASE ELEVATION = 10' ABOVE GROUNDWATER PER USGS 2010 HYDROLOGIC CONDITIONS
- ALL INFERIOR STOCKPLACES TO BE REMOVED/GRADED TO PROPOSED BASE ELEVATION

FIGURE 3  
Project Name:  
Sheet Number:  
Drawing Number:  
IGC2101  
Unauthorized alteration or addition  
to the drawing or other documents  
of the New York State Education Law





CLIENT DRIVEN SOLUTIONS  
P.W. GROSSER CONSULTING ENGINEER  
& HYDROGEOLOGIST, P.C.  
630 Johnson Avenue, Suite 7  
Bohemia, NY 11716-2617  
Phone: (631) 585-8555, Fax: (631) 585-8705  
Email: INFO@PWGCER.COM

CONSULTANTS

Number	Revision Description	Revised Date
1		
2		
3		
4		
5		
6		
7		

Designed By: HS Date Submitted: 03/08/2024  
Drawn By: HS Date Created: 03/08/2024  
Approved By: KEA  
Cust: 4 OLD COUNTRY ROAD LLC  
Project: 76 NORTH SUMMIT BLVD.  
Westhampton, NY 11977  
AS SHOWN

**PROPOSED ENVIRONMENTAL RESTORATION SITE PLAN**

WESTHAMPTON BEACH, TOWN OF SOUTHAMPTON  
SUFFOLK COUNTY, NEW YORK  
Project Name: \_\_\_\_\_  
Co-Op. No. Main Number: \_\_\_\_\_  
Regulatory Reference Number: \_\_\_\_\_  
Title of Drawing: \_\_\_\_\_

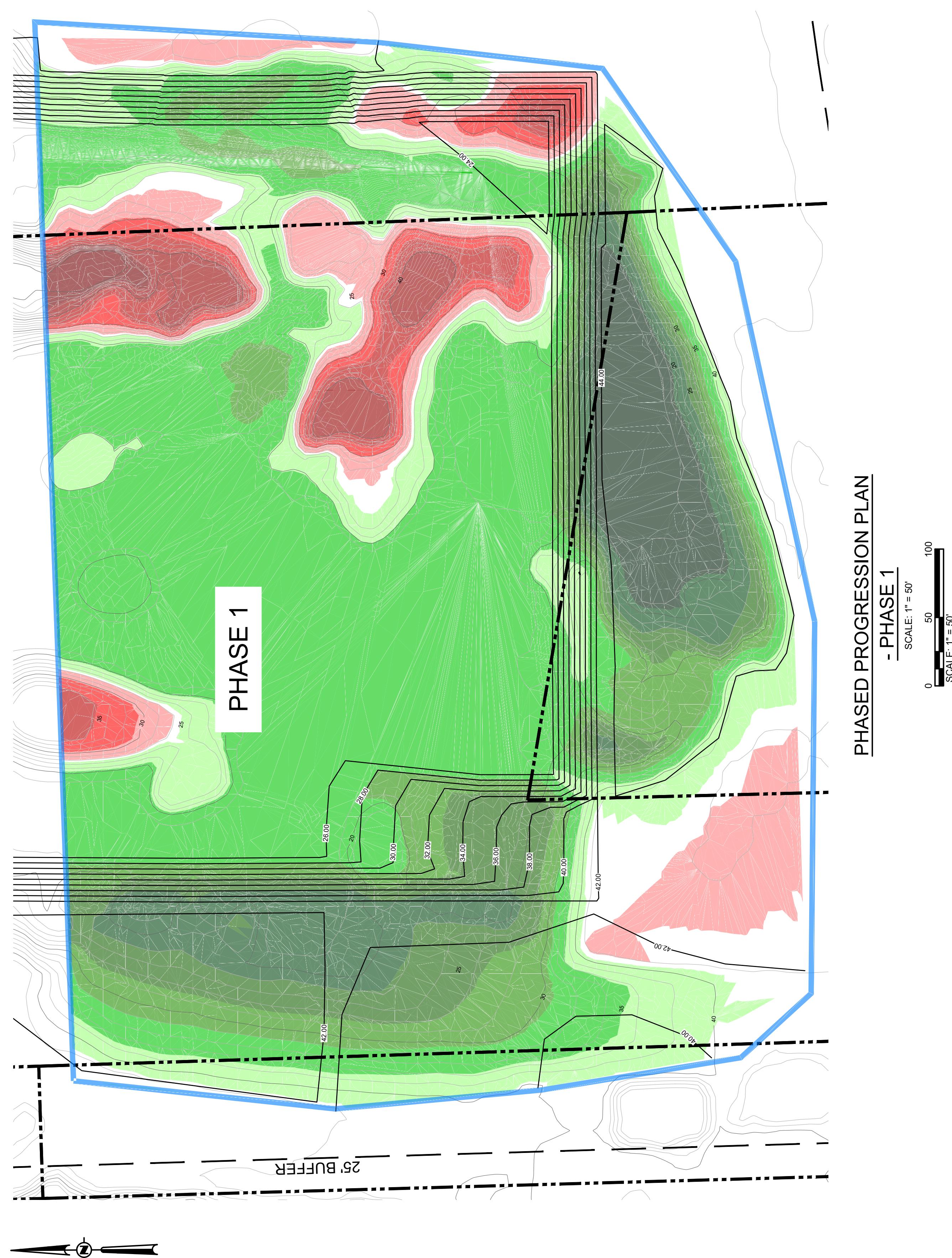
**PROPOSED PHASED PROGRESSION PLAN - PHASE 1**

**MAP REFERENCES**

1. PROPERTY BOUNDARY FROM NEW YORK STATE GIS CLEARINGHOUSE, SUFFOLK COUNTY TAX MAP PARCELS  
2. TOPOGRAPHY DERIVED FROM A DRONE FLIGHT PERFORMED BY PWGC USING A DJI INSPIRE 2 DATED NOVEMBER 6, 2023  
3. PROPOSED BASE ELEVATION = 10' ABOVE GROUNDWATER PER USGS 2010 HYDROLOGIC CONDITIONS  
4. STABILIZED SLOPES PROPOSED TO BE AT A 2H:1V SLOPE  
5. ALL INFERIOR STOCKPLACES TO BE REMOVED/GRADED TO PROPOSED BASE ELEVATION  
6. UNAUTHORIZED ALTERATION OR ADDITION TO THE DRAWING OR OTHER DOCUMENTS OF THE NEW YORK STATE EDUCATION LAW

Sheet \_\_\_\_\_  
Drawing Number: \_\_\_\_\_  
Project Number: \_\_\_\_\_

**FIGURE 4**  
Project Number: IGC2101



FILL ELEVATIONS TABLE			
Number	Minimum Elevation	Maximum Elevation	Color
1	-25.523	-20.000	■
2	-20.000	-15.000	■
3	-15.000	-10.000	■
4	-10.000	-5.000	■
5	-5.000	-0.500	■
6	0.500	5.000	■
7	5.000	10.000	■
8	10.000	15.000	■
9	15.000	20.000	■
10	20.000	25.000	■
11	25.000	28.000	■

**LEGEND**

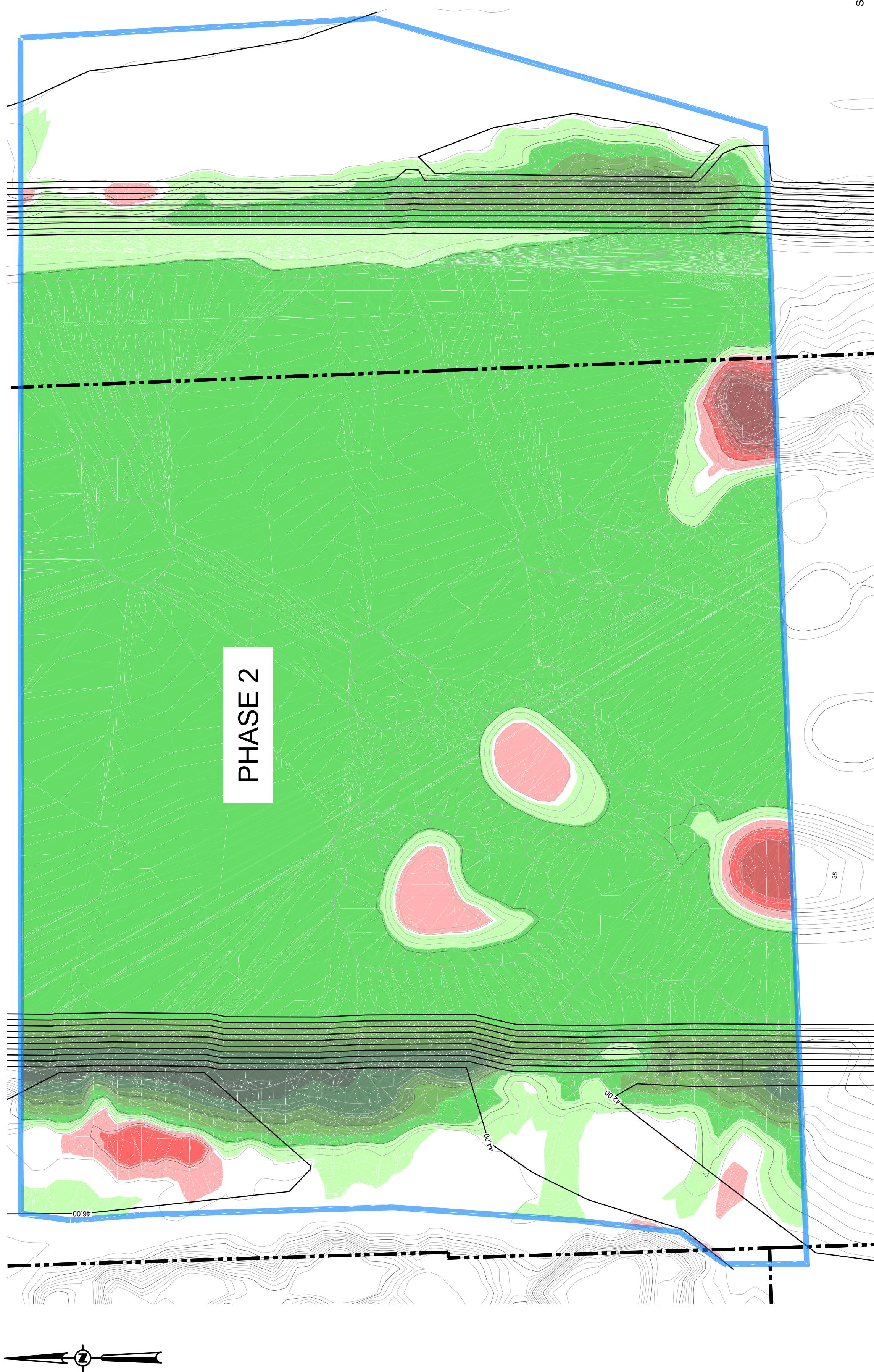
— PROPERTY LINE  
- - - EXISTING CONTOURS - MINOR  
— EXISTING CONTOURS - MAJOR  
— PROPOSED CONTOURS  
— 25 BUFFER



CLIENT DRIVEN SOLUTIONS  
P.W. GROSSER CONSULTING ENGINEER  
& HYDROGEOLOGIST, P.C.

630 Johnson Avenue, Suite 7  
Bohemia, NY 11716-2617  
Phone: (631) 585-8355, Fax: (631) 585-8705  
Email: INFO@PWGCER.COM

CONSULTANTS



FILL ELEVATIONS TABLE

Number	Minimum Elevation	Maximum Elevation	Color
1	-25.413	-20.000	■
2	-20.000	-15.000	■
3	-15.000	-10.000	■
4	-10.000	-5.000	■
5	-5.000	-0.500	■
6	0.500	5.000	■
7	5.000	10.000	■
8	10.000	15.000	■
9	15.000	20.000	■
10	20.000	25.000	■
11	25.000	28.001	■

LEGEND

—	PROPERTY LINE
—	EXISTING CONTOURS - MINOR
—	EXISTING CONTOURS - MAJOR
—	PROPOSED CONTOURS
—	25' BUFFER

PROPOSED ENVIRONMENTAL RESTORATION SITE PLAN

WESTHAMPTON BEACH, TOWN OF SOUTHAMPTON  
SUFFOLK COUNTY, NEW YORK

Project Name: 4 OLD COUNTRY ROAD LLC

Co-Op. No. 00000000000000000000

Regulatory Reference Number: 00000000000000000000

Time of Drawing: 03/08/2024

Drawn By: HS

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/0000

Design By: HS

Date Submitted: 00/00/0000

Drawn By: HS

Date Created: 03/08/2024

Approved By: KEA

Check: AS SHOWN

Reviewed Date: 00/00/00





## APPENDICES

# Cut/Fill Report

**Generated:** 2024-03-15 10:39:22  
**By user:** hschatz  
**Drawing:** J:\Projects E-L\IGC\2101 - 4 Old Country Road LLC\C3D\PWGC\J:\Projects E-L\IGC\2101 - 4 Old Country Road  
 LLC\C3D\PWGC\IGC2101\_ReclamationPlan\_2024\_reworkedperDECcomments.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
CutFill	full	1.000	1.000	1259911.35	55974.04	331549.96	275575.92<Fill>

Totals					
		2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total		1259911.35	55974.04	331549.96	275575.92<Fill>

\* Value adjusted by cut or fill factor other than 1.0