February 28, 2020

# Phase I
# Environmental Site Assessment
# Former Sediment Processing Facility Site
# 1400 Towpath Lane
# Town of Fort Edward and
# Village of Fort Edward
# Washington County, New York

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**ENVIRONMENTAL SITE ASSESSMENT REPORT**
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**SUMMARY**

C.T. Male Associates' review of general property information, observation of adjacent properties, research of historical property information, including a review of environmental databases, and a site reconnaissance revealed the following with respect to Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), and Controlled Recognized Environmental Conditions (CRECs):

| | No Further Action | REC | HREC | CREC | Refer to Section |
|---|---|---|---|---|---|
| Current Property Operations | X | | | | 2.3 |
| Neighboring Properties | X | | | | 2.9 |
| User Provided Information | X | | | | 3.0 |
| Regulatory Review - Site | X | | | | 4.0 |
| Regulatory Review – Surrounding Properties | X | | | | 4.0 |
| Historical Review | X | | | | 5.0 |
| Liquid Containing Equipment | X | | | | 6.2 |
| Site Drainage | X | | | | 6.3 |
| Site Waste Profile | X | | | | 6.4 |
| Underground Storage Tanks | X | | | | 6.5 |
| Above Ground Storage Tanks | X | | | | 6.5 |
| Stressed Vegetation, Staining and Odors | X | | | | 6.6 |
| Vapor Encroachment Condition | X | | | | 7.0 |

Notes/Recommendations: To understand the subject site and report, the complete report needs to be reviewed. The findings, opinion and conclusions with respect to the subject site are presented in Section 8.0.

## 1.0 INTRODUCTION

This report presents the findings of a Phase I Environmental Site Assessment (ESA) conducted by C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (C.T. Male Associates) at the Former Sediment Processing Facility Site which is located in the Town of Fort Edward and Village of Fort Edward, Washington County, New York. The site assessment was performed at the request of Mr. Dave O'Brien of Warren and Washington IDA.

This site assessment has been performed in general conformance with the scope and limitations as outlined in ASTM E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, and in accordance with our proposal dated December 4, 2019.

### 1.1 Purpose

The purpose of this Phase I ESA was to reasonably identify RECs on the property. A REC is defined as the presence or likely presence of hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis*[1] conditions are not RECs. A Historical Recognized Environmental Condition (HREC) is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria. A Controlled Recognized Environmental Condition (CREC) is a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

A finding of no RECs is not a warranty or guarantee that the site remains free from contamination. The purpose of this report is not intended to include *de minimis* conditions. This report is also not intended to serve as a compliance assessment of

[1] Conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

the subject property. This environmental site assessment is designed to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with the property, within reasonable limits of time and cost.

### 1.2 Scope of Work

This Phase I ESA consisted of the following scope of work:

- A site reconnaissance, including a walkthrough of the site building and site grounds, to identify areas of potential environmental concern;
- Interviews with site representatives knowledgeable of current and former site operations;
- Review of municipal property records and information provided by local government agencies;
- Review of historical information and documents;
- Review of federal and state agency database information for the subject property and neighboring properties to identify potential concerns that could adversely affect the environmental condition of the property; and
- Preparation of a report documenting the findings of the environmental site assessment.

### 1.3 Significant Assumptions

The following assumptions are made by C.T. Male Associates in this report. C.T. Male Associates relied on information derived from secondary sources including governmental agencies, the client, designated representatives of the client, property owner contact, an environmental database report and personal interviews. Except as set forth in this report, C.T. Male Associates has made no independent investigation as to the accuracy and completeness of the information derived from secondary sources, and has assumed that such information is accurate and complete. C.T. Male Associates assumes information provided by or obtained from governmental agencies including information obtained from government websites is accurate and complete. Groundwater flow, unless otherwise specified by other data and information, is assumed based on land surface contours depicted on the United States Geological Survey topographic maps. C.T. Male Associates assumes the

property has been correctly and accurately identified by the client and property owner contact.

### 1.4 Limitations and Exceptions of the Assessment

The information presented in this report is limited to the investigation conducted as described in the referenced ASTM guidelines for conducting environmental site assessments, and is not necessarily all inclusive of conditions present at the subject site. Due to inherent limits of time and cost, uncertainty about site conditions remains. The findings, opinion and conclusions stated in this report are based on the data and information provided, and observations and conditions that existed on the date and time of the site visit. Specific limitations included the following:

- Access Limitations: None
- Physical Obstructions to Observations: One inch of snow coated the ground surface at the time of the site visit obstructing observations of the ground surface.
- Outstanding Information Requests: None
- Historical Data Source Failure: None
- Other: The information presented in the report is based on information gathered in accordance with the Scope of Services defined in Section 1 of this report. Information provided by site contacts and local, State and County officials known to be responsible for regulating and enforcing site area environmental conditions was utilized in assessing the environmental conditions at the site. The accuracy of conclusions drawn from this assessment is therefore dependent upon the accuracy of the information provided.

### 1.5 Special Terms and Conditions

This Phase I ESA was prepared in accordance with the stated and agreed upon Scope of Work. No special terms and conditions are applicable to this assessment. This site assessment did not include a review of non-scope issues as identified by ASTM E 1527 including asbestos containing materials, radon, lead in drinking water, lead based paint, wetlands, regulatory compliance, industrial hygiene, health & safety, ecological resources, endangered species, indoor air quality, mold and cultural & historic resources.

### 1.6 Reliance

This Phase I ESA has been prepared for the sole use of Warren and Washington IDA. This Phase I ESA cannot be relied upon by other parties without the express written consent of C.T. Male Associates and Warren and Washington IDA.

## 2.0 SITE DESCRIPTION

### 2.1 Site Location

The subject site is located at 1400 Towpath Lane in the Town of Fort Edward and Village of Fort Edward, Washington County, New York. A site location map is included in Appendix A as Figure 1.

The subject site is comprised of portions of two contiguous tax map parcels identified as follows:

- Town of Fort Edward tax map number section 163, block 2, lot 20.1 and
- Village of Fort Edward tax map number section 163.15, block 1, lot 4.

The subject site boundaries consist of an irregular polygon shape incorporating approximately 51.91 acres of the overall 79.41 acres. For the purposes of this assessment only the 51.91 acres are considered "the subject site". The portions of the tax maps excluded are herein referred to as the proposed WL Plastics Facility, which generally occupies the central portion of the tax map parcels of which the subject site is a portion. A map showing the site property boundaries relative to the proposed WL Plastic Facility is included in Appendix A as Figure 2A.

### 2.2 Property/Business Owner

According to assessment records, the current property owner is Fort Edward Local Property Development Corporation of Fort Edward, New York.

### 2.3 Current and Former Site Uses

The site was used for agricultural purposes from the 1940s until early 1990s. Sand was mined from the site parcels from the early 1990s until approximately 2000. Thermally treated soil was used to fill the mined excavations. The site was used for agricultural purposes from 2000 until the sediment processing facility for the Hudson River PCB Superfund facility was constructed on the site in between 2007 and 2009. The sediment processing facility was demobilized in 2015 and 2016. The site has been used for grain offloading from an on-site railroad spur to trucks since 2017.

The sediment processing facility spanned the subject site, the proposed W.L. Plastic Facility and a wharf area which adjoins the site to the southeast. Dredged sediment was unloaded from barges by either a crane or excavator at the wharf. The large debris such as rocks and tree limbs was sorted out and the remaining sediment was

processed to sort out additional debris, gravel and sand. The debris, gravel and sand were transferred by dump truck to a staging area near the rail loading area. The remaining fine sands and silt were pumped through large filter presses. The "filter cake" removed from the presses was transferred by truck to enclosed areas near the rail yard. Water collected during the dewatering process, along with stormwater from any area at the site that might have come in contact with dredged sediment, was collected for treatment. Dewatered sediment was staged in storage areas near the rail yard, and then loaded into lined rail cars and transported off-site.

The wharf formerly contained several processing structures. The area referred to herein as the proposed WL Plastics facility was used to collect and treat water from the dredged material barges, water produced during dewatering, and stormwater that contacted the sediment handling areas.

The subject site contained stormwater basins; roads for transporting sediment from the barge area to the storage areas/loading platform; a railroad loading platform and vehicle/equipment decontamination area.

The area where PCB containing sediments were processed, handled and staged was considered the exclusion zone which included the wharf, proposed WL Plastics facility and portions of the subject site including the rail loading platform, Main Haul Road, a stormwater basin and decontamination area. The areas that did not come in contact with PCB contaminated sediments were outside the exclusion zone.

### 2.4 Total Site Area and Topographic Description

The subject site incorporates approximately 51.91 acres of land. According to the United States Geological Survey (USGS) Topographic Map, the subject site lies at approximately 150 feet above Mean Sea Level. Generally, the site consists of fairly level land.

### 2.5 Site Geology

Soils are mapped by the United States Department of Agriculture Web Soil Survey as follows:

- The northern and western portions of the site are mapped as Claverack loamy fine sand, 0 to 2 percent slopes. These loamy fine sand and silty clay loam soils are moderately well drained and formed on lake plains.

- The southern and eastern portions of the site are mapped as Wallington silt loam, sandy substratum. These silt loam and stratified loamy fine sand to gravelly coarse sand soils are somewhat poorly drained and formed on lake plains.

### 2.6 Site Buildings and Structures

A one story rail support building is located on the southwestern portion of the site. The steel frame building is constructed on a concrete slab and has a metal roof. The building was reportedly constructed in 2008. The building was reportedly used for the storage of parts for the railroad.

Railroad spurs are located on the western side of the site. A rail yard loading platform is located to the east of the rail support building and traverses the site from south to north. A substation is located on the southeastern portion of the site. Two stormwater basins referred to as the North Stormwater Basin are located to the east of the northern portion of the rail loading platform. An additional railroad spur lies between the two portions of the North Stormwater Basin. A vegetated stormwater basin lies to the north of the north stormwater basin and is referred to as Type II Stormwater Basin B. A construction trailer and three frac tanks are located on the northeastern portion of the site. The frac tanks were reportedly used when the sediment processing facility was in operation and are currently empty. These features date to 2008.

The rail loading platform, North Stormwater Basin, Main Haul Road and former vehicle/equipment decontamination station (discussed in Section 2.8) were located within the former exclusion zone while the sediment processing facility was in operation. The remaining site areas were located outside the exclusion zone.

A map showing the site features in included in Appendix A as Figure 2B.

### 2.7 Site Utilities

Electricity and natural gas are supplied to the site by National Grid. Municipal water is provided by the Village of Fort Edward. Municipal sewer service is not provided to the subject site and no private septic systems are reportedly located on-site. The rail support building is heated by ceiling mounted electric heaters.

### 2.8 Roadways or Driveways on or Adjoining the Site

A paved driveway known as the North Access Road traverses the site from north to south along the eastern portion of the site. A paved driveway known as the South Service Road extends to the east from the southern end of the North Access Road. The South Service Road provides access to an off-site driveway for emergency vehicles. A rail yard access road is located on the southern portion of the site extending from the South Service Road to the rail support building on the southwestern portion of the site. The Main Haul Road extends from the central portion of the North Access Road to the west providing access to the central portion of the site and to the east providing access to the wharf located off-site. A paved former vehicle/equipment decontamination area is located to the west of the intersection of the Main Haul Road and North Access Road. A paved driveway is located to the northeast of the vehicle/equipment decontamination area and was used to access contractor trailers.

### 2.9 Surrounding Land Uses

The surrounding land uses, as identified during the site visit, are described as follows:

- North: Vacant cleared and forested land lies to the north of the subject site.
- South: Residential properties lie to the south of the site.
- East: The Champlain Canal and former wharf for the sediment processing facility is located to the east of the site.
- West: Railroad beds lie to the west of the site followed by Clean Earth (soil thermal treatment facility), Real Bark Mulch and Trius Inc (equipment distributor).
- Central portion of the tax map parcel: The proposed WL Plastics facility including the former dewatering (filter press) building, water treatment plant, coarse material staging area and filter cake staging enclosures.

## 3.0 USER PROVIDED INFORMATION

The user (Mr. Dave O'Brien representing Warren and Washington IDA) was provided a "user questionnaire" along with the proposed scope of services. The user returned a completed questionnaire which is included in Appendix C.

Note: In order to qualify for one of the Landowner Liability Protections offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, (the "Brownfields Amendments"), the user must provide the information outlined in this section. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

### 3.1 Title Records

The user provided American Land Title Association Owner's Policy, issued by Commonwealth Land Title Insurance Company, dated December 28, 2018. The title policy notes that the site was sold from WCC, LLC to Fort Edward Local Development Corporation in 2018.

### 3.2 Environmental Liens or Activity and Use Limitations

According to the response to the user questionnaire, the user is not aware of environmental liens or activity or use limitations for the site.

It is recommended that the user engage a title company or title professional to undertake a review of reasonably ascertainable recorded land title records and lien records for environmental liens or activity and use limitations recorded against or related to the property to satisfy Sections 3.1 and 3.2 of this report.

### 3.3 Specialized Knowledge

According to the response to the user questionnaire, the user has specialized knowledge of the site. The user indicated that the nearby properties were part of the PCB Cleanup Project of the Hudson River which is owned by the Environmental Protection Agency (EPA).

### 3.4 Commonly Known or Reasonably Ascertainable Information

According to the response to the user questionnaire, the user has knowledge of commonly known or reasonably ascertainable information concerning the site. The user indicated that the site's former use was a sediment processing facility.

### 3.5 Degree of Obviousness of Contamination

According to the response in the user questionnaire, the user does not have knowledge of obvious indicators that point to the presence or likely presence of contamination at the property.

### 3.6 Valuation Reduction for Environmental Issues

According to the response to the user questionnaire, the purchase price does not reflect the fair market value of the property. The user indicated that the property is being transferred to the Warren and Washington IDA for marketing and sale due to the inability of the current owner to market.

### 3.7 Reason for Performing Phase I

This Phase I ESA is being conducted relative to the site's former use as a sediment processing facility.

### 3.8 Other User Provided Information

The user provided the following reports:

- ASTM Phase I Environmental Site Assessment Report & Limited Subsurface Investigation for the Property On Lock 8 Way, prepared by Civil Environmental Consultants of New York, Inc., dated October 2019. This report is further discussed in Section 5.1. The text portion of the report is included in Appendix C following the user questionnaire.
- Geotechnical Report for Building Addition & Silo, prepared by Daniel G. Loucks, P.E., dated October 25, 2019. This study is noted to pertain to the proposed W.L. Plastics Facility.
- Real Estate Purchase Agreement between Fort Edward Development Corporation and Counties of Warren and Washington Industrial Development Corporation. A copy of the agreement is included in Appendix C.
- American Land Title Association Owner's Policy, issued by Commonwealth Land Title Insurance Company, dated December 28, 2018. This document is discussed above in Section 3.1 and a copy is included in Appendix C.

## 4.0 STANDARD ENVIRONMENTAL RECORD SOURCES

Federal and state environmental databases were reviewed in accordance with ASTM E-1527 Standards to determine if the site or nearby surrounding properties are listed on these databases. The databases were searched for the areas within the ASTM recommended search distance, unless otherwise noted. Reviewed databases are listed below. A copy of the database report is included in Appendix E.

### 4.1 Federal National Priorities List (NPL) Facilities (Listed and De-Listed)

The subject site was not listed as an NPL hazardous waste facility. One NPL hazardous waste facility was listed within one mile of the subject site. The facility is Hudson River PCBs, mapped 0.93 miles west-southwest of the subject site. An EPA Second Five-Year Review Fact Sheet, dated April 11, 2019 indicates General Electric (GE) discharged an estimated 1.3 million pounds of PCBs into the Hudson River over a period of 30 years. A 200 mile stretch of the Hudson River from Hudson Falls, NY to Manhattan, NY was added to the NPL in 1984. In 2002, the EPA selected the dredging remedy for the 40 mile stretch from Fort Edward to the Troy Dam. Dredging in the Hudson River occurred from 2009 until 2015 and a total of 2.75 million cubic yards of contaminated sediment were removed. The subject site is a portion of the sediment processing facility for the dredged sediment from the Hudson River PCB facility but is not considered to be a portion of the NPL. Details regarding former operations at the site and previous environmental reports related to the sediment processing facility are discussed in Sections 2.3 and 5.1.

### 4.2 Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Waste Facility List

The subject site was not listed as a CERCLA hazardous waste facility. The following CERCLA hazardous waste facilities were listed within ½ mile of the subject site:

- FT Miller LF, Patterson Road, Fort Miller, mapped 0.02 south-southwest of the subject site. The facility appears to be erroneously mapped as Patterson Road is located approximately 4.8 miles south of the subject site.

Old Fort Edward LF, Mcintyre Street, mapped approximately 0.06 miles northwest of the subject site. According to the database report, a preliminary assessment occurred at the facility in 1980 followed by an inspection in 1985. The database report noted that the facility had on-going monitoring and maintenance in 2010. According to the fact sheet for the Old Ft. Edward Landfill, off-site investigations were completed for

this facility which concluded that no further action related to off-site areas was needed. This facility is located on the opposite side of the Old Champlain Canal.

### 4.3 Federal Resource Conservation and Recovery Act (RCRA) Treatment, Storage and Disposal (TSD) Facilities List

The subject site was not listed as a RCRA TSD facility. No RCRA TSD facilities were listed within ½ mile of the subject site.

### 4.4 Federal RCRA Generators List and Corrective Action List

The subject site was not listed on the RCRA generator list. No immediately adjoining properties were listed as RCRA generator facilities.

The subject site was not listed as a RCRA Corrective Action facility. One RCRA Corrective Action facility was listed within one mile of the subject site. The facility is General Electric Company, 381 Broadway, mapped 0.95 miles west-northwest of the subject site. According to the database report, engineering controls were established at the facility in 1984 and 1990; institutional controls were established at the facility in 1994 and 2005; and human exposures were controlled in 2005. Several informal violations are noted for the facility dating back to the 1980s. Based on the separation distance coupled with the area topography, impacts the quality of soils and groundwater at the site are not anticipated as a result of this facility.

### 4.5 Federal Emergency Response Notification System (ERNS) List

The subject site was not listed on the ERNS list.

### 4.6 Federal Institutional Control and Engineering Control Registries

The subject site was not listed on the Federal Institutional Control or Engineering Control registries.

### 4.7 State/Tribal Hazardous Waste Facility List

The subject site was not listed as a State or Tribal hazardous waste facility. Seven State hazardous waste facilities were listed within one mile of the subject site. Of the seven facilities, six facilities are mapped over ½ mile from the subject site. The facility mapped within ½ mile of the subject site is Former Defiance Asphalt, mapped 0.31 miles southwest of the site on Center Street. The facility is listed as no further action at this time and as such impacts the quality of soils and groundwater at the site are not anticipated as a result of this facility.

### 4.8 State/Tribal Solid Waste Facility List

The subject site was not listed on the State or Tribal solid waste facility list. The following State listed solid waste facilities were listed within ½ mile of the subject site:

- ESMI of New York, 304 Towpath Lane, mapped 0.17 miles west-northwest of the site. The facility is listed as an active Research Development & Demonstration registration facility.
- Pine Valley Materials C&D Processing Facility, County Route 43, mapped 0.34 miles southwest of the site. The facility is listed as an inactive construction and demolition (C&D) processing registration facility.
- Fort Edward MRF (Waste Mgmt), 12 Wing Street, mapped 0.41 miles west-southwest of the site is listed twice in the database report. The facility is listed as an inactive construction and demolition processing facility and as an active Recyclables Handling & Recovery Facility (RHRF) accepting paper/cardboard, source separated recyclables (metal/glass/paper/plastic), metals (aluminum), and newspaper.

### 4.9 State Petroleum Bulk Storage (PBS) Tank and Chemical Bulk Storage (CBS) Facilities

The site was not listed on the State PBS or CBS facilities list. No immediately adjoining properties were listed on the State PBS or CBS facilities list.

### 4.10 State/Tribal Leaking Storage Tanks List

The site was not listed on the State or Tribal leaking storage tank list. One leaking storage tank incident was listed within ½ mile of the site. The incident is Chemical Waste Management, 12 Wing Street, mapped 0.41 miles west-southwest of the site and referenced with the Spill No. 9501039. According to the database report, on April 25, 1995, two gallons of diesel spilled as a result of a tank overfill. No further information is provided in the database report; however, the spill was issued a closed status on May 30, 1995.

### 4.11 State/Tribal Institutional Control and Engineering Control Registries

The subject site was not listed on State or Tribal Institutional Control or Engineering Control registries.

### 4.12 State/Tribal Voluntary Cleanup Program (VCP) List

The site was not listed on the state or tribal VCP list. No VCP facilities were listed within ½ mile of the site.

### 4.13 State/Tribal Brownfields List

The site was not listed on the State or Tribal Brownfields list. No Brownfield facilities were listed within ½ mile of the site.

### 4.14 State Spills Lists

Several spills were listed for 1400 Towpath Road and one spill was listed for the PCB Dewatering Project. It is unclear if the spills occurred on the subject site or the immediately adjoining parcels as the proposed WL Plastic Facility and the wharf also share the address of 1400 Towpath Road. The spills are detailed as follows:

- Spill No. 0705050, Hudson River Dredging Pro, 1400 Towpath Road. According to the database report, on August 2, 2007 a blown hose on a bucket truck spilled 1 gallon of hydraulic oil. Reportedly, no residual impacts were observed, and the spill was issued a closed status on August 17, 2007.
- Spill No. 0705039, Off Road on Dirt, 1400 Tow Path Rd. This spill is noted as a duplicate of Spill No. 0705050. The spill was issued a closed status on August 3, 2007, the day after the spill was issued.
- Spill No. 0705651, Construction Site, 1400 Towpath Road. According to the database report, on August 16, 2007, an equipment failure on a backhoe occurred which resulted in 4 gallons of hydraulic oil to spill onto the soil. Reportedly, absorbent pads were applied to the spill and the contaminated soil was drummed and disposed of at ESMI. The spill was issued a closed status on August 29, 2007.
- Spill No. 0706097, Construction Site, 1400 Towpath Road. According to the database report, on August 29, 2007, while refilling a piece of equipment approximately 1 quart of diesel spilled from a hose. Reportedly, the spill was cleaned up and was issued a closed status on August 31, 2007.
- Spill No. 0706340, GE River Processing Plant, 1400 Towpath Road. According to the database report, on September 6, 2007, an equipment failure occurred

which resulted in 5 gallons of hydraulic oil to spill. Reportedly, the spill was cleaned up and was issued a closed status on September 12, 2007.

- Spill No. 0706803, GE Hudson River Process F, 1400 Towpath Road. According to the database report, on September 19, 2007, 8 ounces of hydraulic oil leaked from a concrete truck. Reportedly, the contaminated soil was excavated, drummed, and disposed of at ESMI. The spill was issued a closed status on March 27, 2008.
- Spill No. 0708127, Construction Site, 1400 Towpath Road. According to the database report, on October 25, 2007, an equipment failure occurred which resulted in 1 pint of hydraulic oil to spill. Reportedly, the spill was cleaned up and was issued a closed status on November 15, 2007.
- Spill No. 0708441, GE Hudson River Process F, 1400 Towpath Road. According to the database report, on November 2, 2007, a tank on a dump truck ruptured while crossing railroad tracks and spilled 25 gallons of diesel to soil. Reportedly, absorbent pads were placed on the spill and the contaminated soil was excavated and disposed at ESMI. The spill was issued a closed status on November 19, 2007.
- Spill No. 0801439, GE Hudson River Project, 1400 Towpath Road. According to the database report, on May 6, 2008, a leak from a piece of equipment occurred which was subsequently repaired. The spill was issued a closed status on June 16, 2008.
- Spill No. 0801759, GE Hudson River Plant, 1400 Towpath Road. According to the database report, on May 14, 2008, a line on a crane ruptured and spilled one quart of hydraulic oil onto the sub-base. Reportedly, the material was excavated and disposed of at ESMI. The spill was issued a closed status on June 16, 2008.
- Spill No. 0802202, Construction Site, 1400 Towpath Road. According to the database report, on May 21, 2008, an 80 gallon diesel aboveground storage tank (AST) reportedly leaked 1 quart of diesel onto the soil. Reportedly, the impacted soil was drummed and disposed of at ESMI. The spill was issued a closed status on July 1, 2008.
- Spill No. 0802408, GE Hudson River Construct, 1400 Towpath Road. According to the database report, on June 2, 2008, a forklift failure resulted in

5 gallons of hydraulic oil to spill onto the soil. Reportedly, the impacted soil was excavated and was disposed of at ESMI. The spill was issued a closed status on October 8, 2008.

- Spill No. 0803366, GE Hudson River Project, 1400 Towpath Road. According to the database report, on June 20, 2008, a plug failed on a motor grader and spilled 1 gallon of transmission fluid. Reportedly, the spill was cleaned up and was issued a closed status on July 2, 2008.
- Spill No. 0806259, PCB Dewatering Project, East Street. According to the database report, during the burning/disposal of TNT found at the project site, soil in the burn pit was contaminated with diesel fuel and organics. The closure report from the EPA reportedly indicated that the contamination was successfully addressed. The dynamite burn pit area was reportedly over excavated and the soils were removed for proper disposal. The spill was issued a closed status on October 14, 2008.

No spills were listed for the immediately adjoining parcels.

## 5.0 RECORDS REVIEW AND INTERVIEWS

### 5.1 Previous Environmental Site Assessments

The following previous environmental reports were reviewed for the site:

- Sediment Processing Facility Decontamination Report, Hudson River PCBs Superfund Site, prepared by Parsons, dated December 2016

According to the report the sediment processing facility was constructed by GE to offload debris and sediment dredged from the Hudson River, dewater the sediment and load the debris and dewatered sediment for shipment by rail to off-site disposal facilities. The facility was also used to collect and treat water from the dredged material barges, water produced during material separation and dewatering and stormwater that contacted sediment handling areas. The facility was used to process dredged material during Phase I and Phase II of the dredging which occurred in 2009 and from 2011 until 2015. Demobilization commenced in 2015 and was completed in 2016. Demobilization of the facility included decontamination within the exclusion zone; treatment and/or disposal of decontamination residuals; sampling to verify the items were properly decontaminated; disassembling and removing equipment; and post demobilization environmental sampling. The rail yard support building and administrative trailer area on the northeastern portion of the site were not subject to decontamination or sampling as these areas did not come into contact with PCB-containing sediment. The decontamination procedure generally consisted of the removal of gross sediments and a thorough pressure wash and water flushing. Wipe samples, bulk samples, core samples and water samples were collected to verify the items were properly decontaminated. Post-decontamination, the stormwater basins were reconfigured to remain in service to manage on-site stormwater. The reconfiguration included removing portions of the concrete and geosynthetic liner of the North and South Stormwater Basins.

- Sediment Processing Facility Environmental Sampling Data Summary Report, prepared by Arcadis of New York, Inc., dated December 21, 2016

In 2015 and 2016, samples were collected from surface soils, subsurface soils, surface water, surface sediments and groundwater at and adjacent to the facility as part of the facility post-decontamination assessment. The surface soil, surface water and surface sediment samples were analyzed for PCBs. Subsurface soil samples were analyzed for PCBs, diesel range organics (TPH DRO), gasoline range organics (TPH

DRO), volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). Groundwater samples were analyzed for PCBs, VOCs, SVOCs, organochlorine pesticides, metals, oil and grease and low level mercury. The sample results were compared to New York State Department of Environmental Conservation (NYSDEC) guidance values and standards as well as baseline sample results collected prior to the construction of the sediment processing facility. The sample results are described below:

- PCBs were detected below 1 part per million (ppm) in the surface soil samples following limited soil removal around three sample locations;
- PCBs were either not detected above the laboratory detection limit or detected below 1 ppm in the subsurface soil samples, surface water samples, surface sediment samples and groundwater samples;
- PCBs were not detected above the laboratory detection limit for the groundwater samples;
- Low levels of TPH DRO in subsurface soil samples; however, there are no specific criterion for TPH DRO in New York State's DER-10 Technical Guidance for Site Investigations and Remediation;
- No detectable values of TPH GRO in the subsurface soil samples;
- No SVOCs or VOCs were detected above guidance criteria in the subsurface soil samples and groundwater samples;
- No organochlorine pesticides were detected in the groundwater samples;
- Four metals (iron, magnesium, manganese and sodium) were detected above their respective NYSDEC groundwater standards in sampled collected from several monitoring wells. The four metals were detected exceeding groundwater standards in groundwater samples previously collected at the site in 2007 and 2009. The remaining metals were detected below applicable groundwater standards.
- Oil and grease were detected in groundwater samples ranging from 1.4 to 3.4 ppm. Oil and grease were previously detected in groundwater samples collected at the site in 2009; however, were not detected in 2007.

- Low level mercury was detected in groundwater at levels below standards.

- ASTM Phase I Environmental Site Assessment Report & Limited Subsurface Investigation for the Property On Lock 8 Way, prepared by Civil Environmental Consultants of New York, Inc., dated October 2019

The report was completed for the proposed WL Plastics Facility. The facility was unoccupied at the time of the report. The former use of the facility as an offloading, dewatering, processing and loading of PCB contaminated sediment was identified as an HREC. The report notes that post-decontamination sampling results indicate that the facility had been decommissioned and decontaminated to the satisfaction of the regulatory agency. A limited subsurface investigation was completed at the facility to evaluate the potential for residual contamination due to the historic use of the site as a sediment processing facility for the Hudson River PCB Superfund facility. Seven borings were advanced at the proposed WL Plastics facility in March 2019. PCBs were not detected above laboratory method detection limits in the soil samples analyzed except for one Aroclor which was detected below the cleanup standard established by the EPA for the facility and below commercial and industrial soil cleanup objectives. VOCs, SVOCs, pesticides and herbicides were reportedly not detected above laboratory detection limits. Some metals were detected in soil samples but at concentrations below applicable standards. Composite samples were collected from the exposed fibrous insulation, floor epoxy and a floor trough debris in the former dewatering building. PCBs were detected in one floor sample and one sample from the troughs but at concentrations below the cleanup level of 1 ppm established by the EPA.

Eleven additional borings were advanced at the facility in September 2019. Groundwater was not encountered during soil boring activities. VOCs, SVOCs, TPH, PCBs, cyanide and hexavalent chromium were not detected above laboratory detection limits. Some metals were detected in soil samples but at concentrations below the applicable standards except for arsenic which was detected above restricted use soil cleanup objectives in two samples.

- Consent Decree, United States of America v. General Electric Co., dated 2006.

The consent decree requires GE to perform the remedy selected by the EPA in the 2002 Record of Decision for the Hudson River PCB facility. Under the consent

decree, GE was required to submit a detailed report demonstrating that it properly conducted all construction activities including dredging, backfilling and capping, habitat reconstruction and treatment plant decontamination and decommissioning. The 2006 consent decree includes "reopener" provisions which allows the EPA, under specific circumstances, to seek additional remedial work in the Upper Hudson River.

Copies of the text of the reports is included in Appendix D. Additional reports pertaining to the Hudson River PCBs facility and sediment processing facility were reviewed; however, the most relevant documents are discussed above.

### 5.2 Aerial Photographs/Historic USGS Topographic Maps

Aerial photographs were reviewed for the years 1942, 1947, 1960, 1964, 1979, 1986, 1995, 2006, 2009, 2013 and 2017 provided by Environmental Data Resources (EDR). The photographs are summarized as follows:

- 1942, 1947, 1960 and 1964: The site appears to be primarily vacant agricultural land with a forested area on the eastern portion of the site.
- 1979: Due to image quality and scale, details of the site could not be discerned; however, the site appears similar to the earlier photographs.
- 1986: The site appears to be primarily vacant agricultural vegetated land with a forested area on the eastern portion of the site. An access road appears to extend from the north to the southwest through the northern portion of the site.
- 1995: The majority of the site appear disturbed, consistent with the former use of the site for mining. The eastern portion of the site appears forested.
- 2006: The site appears as vacant, vegetated land with a forested area on the eastern portion of the site. A dirt access road appears to extend north-northeast to south-southwest through the site.
- 2009, 2013 and 2017: The site appears similar to current conditions. The northern portion of the site appears to be improved with several paved access roads, a paved parking area, a railroad bed and stormwater retention ponds. The eastern portion of the site appears to be comprised of forested land and a paved access road. The southern portion of the site appears to be improved

with an access road and substation. The western portion of the site appears mostly paved and improved with railroad beds.

The aerial photographs are included in Appendix A as Figures 3A-3K. The boundaries depicted on the photographs are for schematic purposes only and do not represent the actual boundaries of the site.

Topographic maps were reviewed for the years 1895, 1897, 1938, 1947, 1955, 1966 and 2013 provided by EDR. There are no structures depicted on the site for the years reviewed. In 2013, the southern portion of the site is labeled Fannicap Gardens. The topographic maps are included in Appendix A as Figures 4A-4G.

### 5.3 Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps do not provide coverage of the site or the immediately surrounding properties. The No Coverage Letter provided by EDR is included in Appendix D.

### 5.4 Information From Local Official(s)

A Freedom of Information Law (FOIL) request was submitted to the Town of Fort Edward Clerk and the Village of Fort Edward Clerk requesting documents from the following departments: Assessment Department, Building Department, Historian, Engineering Department, Fire Department and Clerk. The Town of Fort Edward provided the following information for the site:

- The Town of Fort Edward reportedly does not have Historian Records or Fire Department records pertaining to the site.
- Deed for the sale of the tax map parcels from WCC, LLC to Fort Edward Local Property Development Corporation dated December 27, 2018.
- Property Record Card for the tax map parcels indicating the utilities consist of private sewer, public water and electricity. Several buildings are listed as constructed in 2009; however, due to the size of the buildings, the buildings appear to be associated with the proposed WL Plastics Facility.
- The Town of Fort Edward does not have files pertaining to pending violations, permits for the building, demolition permits or records of tanks.

The Village of Fort Edward provided the following information for the site:

- No municipal services are located at the site. There is reportedly a private water main and private storm retention ponds located on the site.
- The Village of Fort Edward does not have Fire Department records or Building Department records pertaining to the site.

Property assessment records were reviewed on-line from Image Mate Online. The tax map parcels are classified as manufacturing. Utilities are listed as private sewer, public water and electricity. The tax map parcels are listed as sold from WCC, LLC to Fort Edward Local Property Development Corporation in 2018. Two buildings and several miscellaneous improvements are listed as constructed in 2009; however, it is unclear whether the improvements are listed for the subject site or the proposed WL Plastics facility.

### 5.5 Information From Health Department Official(s)

The New York State Department of Health reportedly does not have records concerning soil or groundwater contamination for the subject site.

### 5.6 Information From Current or Former Property Owner(s)/Site Manager

Mr. Zachary Middleton of the Fort Edward Local Property Development Corporation was the site contact for this assessment and acted as a representative of the current property owner. Mr. Middleton was interviewed during a telephone conversation following the site visit. According to Mr. Middleton, the site was vacant agricultural land until the sediment processing facility was constructed in 2007 to 2008. The sediment processing facility was demobilized in 2015 to 2016. The site has reportedly been occupied by SMS Rail which has used the site to offload grain onto trucks for approximately two years.

The current property owner representative was not aware of environmental liens or activity/land or use limitations for the site. Other information from Mr. Middleton is included in the appropriate sections of this report.

### 5.7 Information from the Site Occupants

SMS Rail is the only occupant of the site which offloads grain from the railroad to trucks via a conveyor belt. A representative of SMS Rail was not able to be interviewed.

Records of communication are included in Appendix D.

# 6.0 SITE RECONNAISSANCE

## 6.1 Conditions of the Reconnaissance

### 6.1.1 Site Contact(s)

Mr. Dave O'Brien of Warren and Washington IDA was present during the site visit.

### 6.1.2 Date of Visit

The site reconnaissance was conducted on Thursday, January 16, 2020 by Ms. Brittany Winslow of C.T. Male Associates. During the site visit the weather was approximately 30°F with mostly cloudy skies.

### 6.1.3 Areas Observed

The site and surrounding areas were observed from the approximate site boundaries. The central areas of the site were traversed and rail yard support building was entered. Photographs taken during the site visit are included in Appendix B.

### 6.1.4 Limiting Conditions

One inch of snow coated the ground surface at the time of the site visit obstructing observations of the ground surface.

## 6.2 Polychlorinated Biphenyl-Containing (PCB)/Liquid Containing Equipment

Five pad mounted transformers were identified on the site including two on the northern portion of the site, two on the southeastern portion of the site and one to the south of the rail yard support building on the southwestern portion of the site. PCB related labeling was not identified on the transformers. As the transformers were installed circa 2008, the transformers are not anticipated to contain PCBs. Evidence of leakage from the transformers was not identified at the time of the site visit.

No capacitors or hydraulic lifts were identified on the site during the site visit. According to the site contact, no other liquid containing equipment is located on the site.

## 6.3 Site Drainage

### 6.3.1 Site Catch Basins and Discharge Location(s)

Stormwater catch basins were identified on the southwestern portion of the site near the rail support building, on the central portion of the site along the rail loading

platform, along Main Haul Road and in the former decontamination area. The catch basins on the loading platform, Main Haul Road and former decontamination area reportedly discharge into the North Stormwater Basin (located on the subject site) or South Stormwater Basin (located on the proposed WL Plastics facility). The stormwater retention basins were reportedly lined with concrete and an underlying geosynthetic membrane composite while the sediment processing facility was in operation and held stormwater before being pumped to the water treatment plant. The water treatment plant reportedly discharged treated water to the Champlain Canal. Portions of the concrete and geosynthetic liners were removed from the stormwater basins during decommissioning of the sediment processing facility in 2015 and 2016 and the basins were reconfigured to remain in service to manage on-site stormwater. Stormwater from outside the exclusion zone (including the catch basins near the rail support building) was conveyed to separate, vegetated retention basins outside the exclusion zone. Evidence of staining or sheens was not identified in or surrounding the catch basins or stormwater retention basins at the time of the site visit.

#### 6.3.2 Site Surface Water Bodies/Areas

Bond Creek is located along the eastern boundary of the site and flows from north to south. A tributary to Bond Creek traverses the site flowing from west to east. Evidence of staining or sheens was not identified in or surrounding the surface water bodies at the time of the site visit.

#### 6.3.3 Building Floor Drains and Discharge Location(s)

A floor drain was identified within the northeastern portion of the rail support building. The discharge of the floor drain is reportedly unknown. Evidence of staining or sheens was not identified in or surrounding the floor drain at the time of the site visit.

#### 6.3.4 Dry Wells and Sumps

No dry wells or sumps were identified on the site during the site visit. According to the site contact, no dry wells or sumps are located on the site.

## 6.4 Site Waste Profile

### 6.4.1 Solid Wastes/Waste Deposits (Piles/Pits/Landfills/Lagoons)

No solid wastes were identified on the site during the site visit. According to the site contact, no solid wastes are generated, stored or disposed of on the site.

No waste deposits were identified on the site during the site visit. The site contact was not aware of waste deposits being located on the site.

### 6.4.2 Sludges (Generation/Storage/Disposal)

No sludge wastes were identified on the site during the site visit. According to the site contact, no sludges are generated, stored or disposed of on the site.

### 6.4.3 Liquids (Generation/Storage/Disposal)

No liquid wastes were identified on the site during the site visit. According to the site contact, no liquid wastes are generated, stored or disposed of on the site.

### 6.4.4 Wastewater Discharge(s)

No wastewater discharges were identified on the site during the site visit. According to the site contact, no wastewater is generated on the site.

### 6.4.5 Waste Lagoons or Disposal Pits (Current and Historic)

No waste lagoons or disposal pits were identified on the site during the site visit. According to the site contact, no current or historic waste lagoons or disposal pits are located on the site.

### 6.4.6 On-site Septic Systems

No septic systems were identified on the site during the site visit. According to the site contact, no septic systems are located on the site.

### 6.4.7 Drums/Containers

Two (2) 55-gallon drums of railroad engine oil, six (6) 5-gallon containers containing motor oil, one (1) 5-gallon container of industrial cleaner & degreaser and four (4) less than one gallon containers of synthetic gear oil & bearing oil were identified in the rail yard support building. Evidence of leakage from the drums and containers was not identified at the time of the site visit. The site contact reported no

automotive or railroad repairs are completed on the site. The site contact reported the rail yard support building is used for the storage of parts.

## 6.5 Underground Storage Tanks (USTs) and/or Above Ground Storage Tanks (ASTs)

Temporary ASTs were reportedly staged to the east of the North Stormwater Basin while the sediment processing facility was in operation. Evidence of the ASTs was not identified at the time of the site visit.

No underground or above ground storage tanks were identified on the site during the site visit. According to the site contact, no underground tanks are or have been located on the site.

## 6.6 Observed Evidence of Potential or Known Site Contamination

### 6.6.1 Evidence of Soil Contamination/Liquid Discharges

Evidence of soil contamination or liquid discharges was not identified on the site during the site visit. Stressed vegetation was not identified on the site during the site visit. The site contact was not aware of soil or groundwater contamination from either on-site or off-site sources.

### 6.6.2 Soil or Surface Disturbances

No soil or surface disturbances were identified on the site during the site visit. Several monitoring wells were identified on the site including to the east of the North Access Road and on the northern portion of the site to the northwest of the former decontamination area. The site contact reported that groundwater sampling has been completed for the site and is unaware of future sampling planned for the site.

## 7.0 VAPOR ENCROACHMENT SCREENING (VES)

Standard environmental record sources for the subject property and properties were used to evaluate the likelihood that a Vapor Encroachment Condition (VEC) exists at the site, with the approximate minimum search distances as follows:

- 1/3 mile for non-petroleum volatile compounds
- 1/10 mile for petroleum volatile compounds

In addition, site conditions, both historic and current, such as the presence of underground storage tanks, were considered.

Based on the findings of this VES, the following conclusion is made:

- A VEC does not or is not likely to exist

This conclusion is based on the lack of storage, use or disposal of VOCs within the site and lack of sources in the area surrounding the site. Subsurface soils and groundwater at the sediment processing facility were sampled for VOCs in 2016 as part of the facility post-decontamination assessment. VOCs were not detected at levels above the corresponding regulatory values.

## 8.0 FINDINGS, OPINION AND CONCLUSIONS

### 8.1 Findings

The site was used for agricultural purposes from the 1940s until early 1990s. Sand was mined from the parcels from the early 1990s until approximately 2000. Thermally treated soil was used to fill the mined excavations. The site was used for agricultural purposes from 2000 until the sediment processing facility for the Hudson River PCB Superfund facility was constructed on the site in between 2007 and 2009. The sediment processing facility was demobilized in 2015 and 2016. The site has been used for grain offloading from the railroad to trucks since 2017.

The sediment processing facility spanned the subject site, the proposed W.L. Plastic Facility and a wharf area which adjoins the site to the southeast. Dredged sediment was unloaded from barges by either a crane or excavator at the wharf. The large debris such as rocks and tree limbs was sorted out and the remaining sediment was processed to sort out additional debris, gravel and sand. The debris, gravel and sand were transferred by dump truck to a staging area near the rail loading area. The remaining fine sands and silt were pumped through large filter presses. The "filter cake" removed from the presses was transferred by truck to enclosed areas near the rail yard. Water collected during the dewatering process, along with stormwater from any area at the site that might have come in contact with dredged sediment, was collected for treatment. Dewatered sediment was staged in storage areas near the rail yard, and then loaded into lined rail cars and transported off-site.

The subject site contained stormwater basins; roads for transporting sediment from the barge area to the storage areas/loading platform; a railroad loading platform and vehicle/equipment decontamination area.

Fourteen spills were listed for 1400 Towpath Road and one spill was listed for the PCB Dewatering Project within the environmental database report. It is unclear if the spills occurred on the subject site or the immediately adjoining parcels. The spills appeared to be minor and the spills have been issued a closed status. Impacts to the quality of soil or groundwater at the site are not anticipated as a result of the spills.

One NPL hazardous waste facility was listed within one mile of the subject site. The facility is Hudson River PCBs, mapped 0.93 miles west-southwest of the subject site. GE reportedly discharged an estimated 1.3 million pounds of PCBs into the Hudson River over a period of 30 years. In 2002, the EPA selected the dredging remedy for

the 40 mile stretch from Fort Edward to the Troy Dam. Dredging in the Hudson River occurred from 2009 until 2015 and a total of 2.75 million cubic yards of contaminated sediment were removed. The subject site is a portion of the sediment processing facility for the dredged sediment from the Hudson River PCB facility.

Demobilization of the sediment processing facility commenced in 2015 and was completed in 2016. Demobilization of the facility included decontamination within the exclusion zone; treatment and/or disposal of decontamination residuals; sampling to verify the items were properly decontaminated; disassembling and removing equipment; and post demobilization environmental sampling. The rail yard support building and administrative trailer area on the northeastern portion of the site was not subject to decontamination or sampling as the areas did not come into contact with PCB-containing sediment. The decontamination procedure generally consisted of the removal of gross sediments and a thorough pressure wash and water flushing. Wipe samples, bulk samples, core samples and water samples were collected to verify the items were properly decontaminated.

In 2015 and 2016, samples were collected from surface soils, subsurface soils, surface water, surface sediments and groundwater at and adjacent to the facility as part of the facility post-decontamination assessment. PCBs were either not detected or detected below 1 ppm in the surface soil samples, subsurface soil samples, surface water samples and surface sediment samples. PCBs were not detected above the laboratory detection limit within the groundwater samples.

Multiple additional facilities were listed within the database report within the specified search radii. Although there may be degradation to the quality of soils and/or groundwater in the site area, direct impacts to the quality of soils or groundwater at the site were not identified from these listed facilities based on information provided within the database report.

### 8.2 Opinion

It is our opinion that the information and data collected during this Phase I ESA does not indicate the presence or likely presence of hazardous substances or petroleum product within the site under conditions which indicate an existing release, past release or material threat of a release.

### 8.3 Conclusions

C.T. Male Associates has completed a Phase I ESA for the Former Sediment Processing Facility Site in general conformance with the scope and limitations of ASTM Practice E 1527. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.

### 8.4 Opinion Regarding Further Inquiry

Based on the findings of this ESA, no further action with respect to soil or groundwater is recommended.

## 9.0 DEVIATIONS AND ADDITIONAL SERVICES

Deletions or deviations from the ASTM E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, are described in Section 1.0 of this report.

No additional services beyond the scope of ASTM E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process were completed in conjunction with this Phase I ESA.

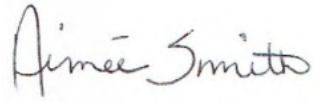
## 10.0 SIGNATURES

We declare that, to the best of our professional knowledge and belief we meet the definition of Environmental Professional as defined in 312.21 of 40 CFR Part 312. And we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. Resumes are included in Appendix F.

Respectfully submitted,
C.T. MALE ASSOCIATES

Brittany Winslow
Environmental Scientist

Reviewed and Approved By:



Aimee Smith
Project Manager

K:\Projects\200003\Env\R Former Sediment Processing Facility Phase I ESA.doc

## 11.0 REFERENCES

**PEOPLE AND AGENCIES CONTACTED**

- Warren and Washington IDA, Mr. Dave O'Brien
- Fort Edward Local Property Development Corporation, Mr. Zachary Middleton
- Town of Fort Edward Clerk, Ms. Aimee Mahoney
- Town of Fort Edward Historian
- Town of Fort Edward Building Department
- Town of Fort Edward Assessor's Office
- Town of Fort Edward Fire Department
- Village of Fort Edward Clerk, Mr. Peter Amorosi
- Village of Fort Edward Historian
- Village of Fort Edward Building Department
- Village of Fort Edward Assessor's Office
- Village of Fort Edward Fire Department
- New York State Department of Health

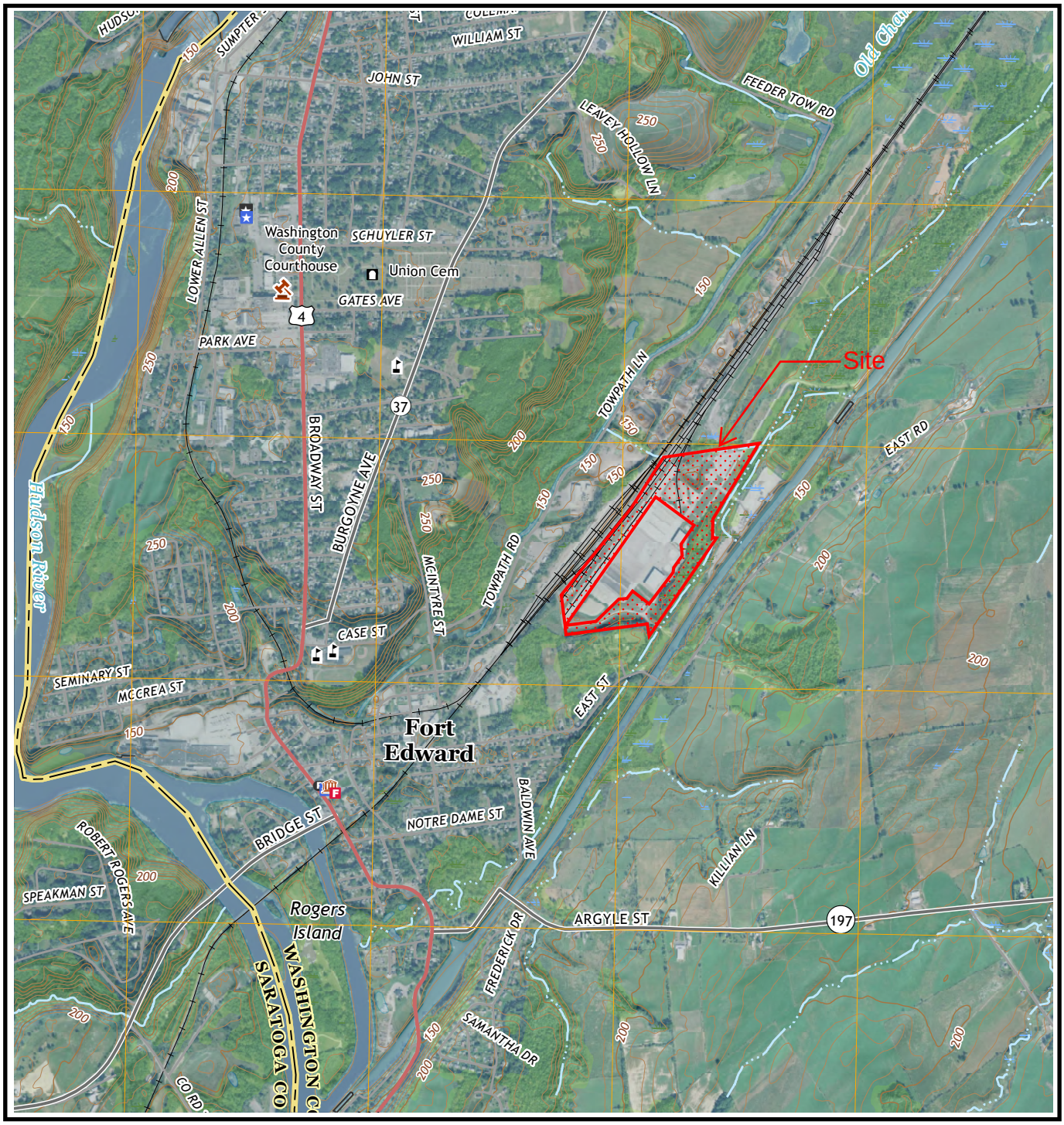
**DOCUMENTS REVIEWED**

- Aerial Photographs of the Hudson Falls, NY Quadrangle for the years: 1942, 1947, 1960, 1964, 1979, 1986, 1995, 2006, 2009, 2013 and 2017, provided by Environmental Data Resources (EDR).
- Environmental Database Report provided by Environmental Risk Information Services.
- EPA Second Five-Year Review Fact Sheet, dated April 11, 2019.
- On-line assessment records provided by Image Mate Online.
- Phase I Environmental Site Assessment Report & Limited Subsurface Investigation for the Property on Lock 8 Way, prepared by Civil Environmental Consultants of New York, Inc., dated October 2019.
- Sanborn Fire Insurance Maps provided by Environmental Risk Information Services.
- Sediment Processing Facility Environmental Sampling Data Summary Report, prepared by Arcadis of New York, Inc., dated December 21, 2016.

- Sediment Processing Facility Decontamination Report, Hudson River PCBs Superfund Site, prepared by Parsons, dated December 2016.
- Sediment Processing Facility- Facility Plan, Phase 2 Sediment Processing Facility Demobilization and Restoration Plan for the General Electric Hudson River PCBs Superfund Site, prepared by Arcadis, dated 2015.
- United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey.
- United States Geological Survey Topographic Map of the Hudson Falls, NY Quadrangle, 1966, 2013 and 2016, 7.5 Minute Series.
- United States Geological Survey Topographic Map of the Glens Falls, NY Quadrangle, 1895, 1897, 1938, 1947 and 1955, 15 Minute Series.

# APPENDIX A

## Figures/Maps




**MAP REFERENCE**

United States Geological Survey
7.5 Minute Series Topographic Map
Quadrangle: Hudson Falls, NY
Date: 2019

N

C.T.MALE ASSOCIATES
ENGINEERING, SURVEYING, ARCHITECTURE
LANDSCAPE ARCHITECTURE & GEOLOGY, D.P.C.

50 CENTURY HILL DRIVE
LATHAM, NY 12110

# FIGURE 1 - SITE LOCATION MAP

| TOWN/VILLAGE OF FORT EDWARD | WASHINGTON COUNTY, NY |
|---|---|
| SCALE: 1:24,000 | The locations and features depicted on this map are approximate and do not represent an actual survey. |
| DRAFTER: LC | |
| PROJECT No.: 20.0003 | |

# FIGURE 2A-2B

## Site Plan Maps

# APPENDIX A FIGURE 2: SITE PLAN MAP

January 3, 2020

1:9,028

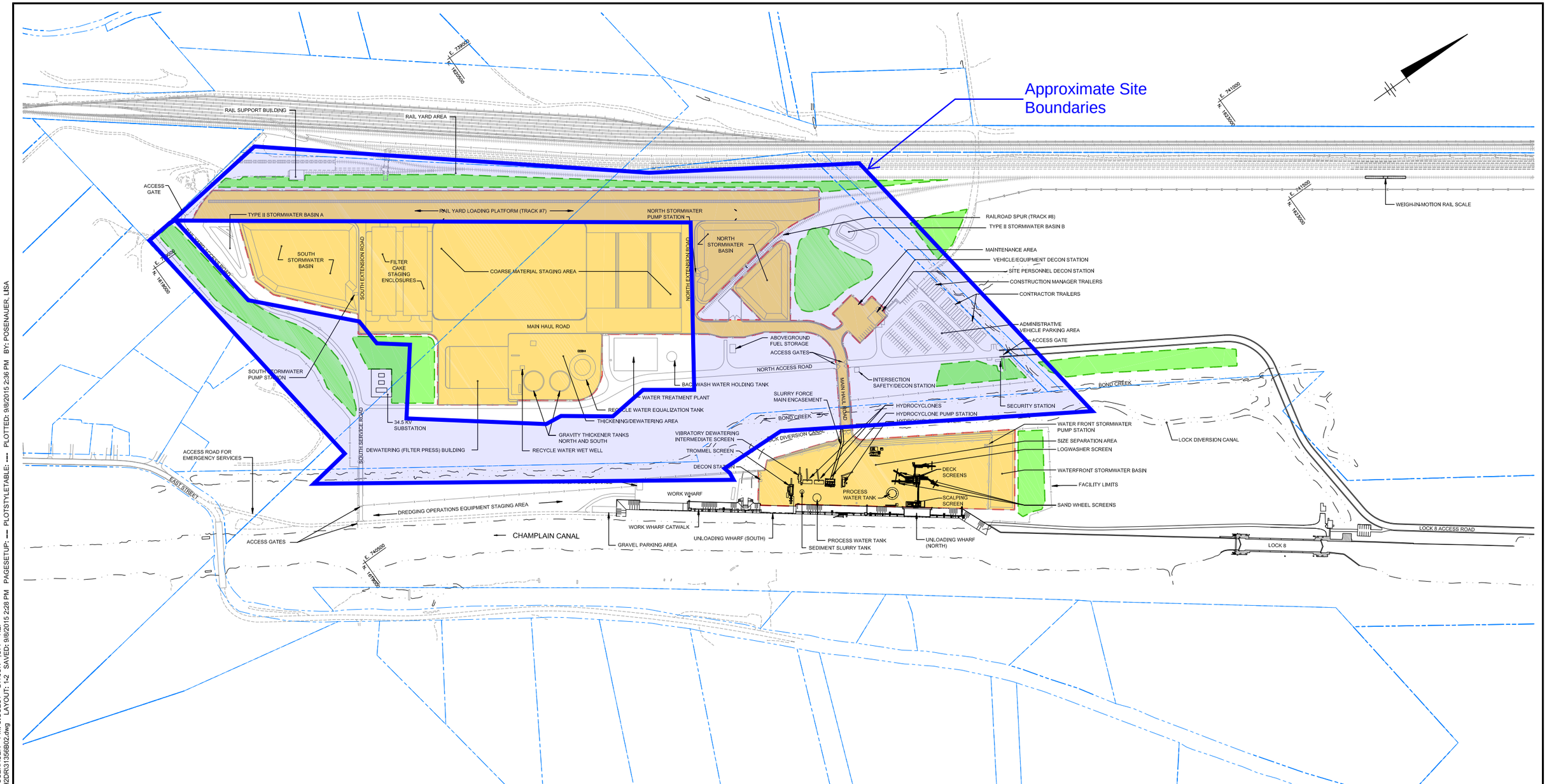
0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

N

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The locations and features depicted on this map are approximate and do not represent an actual survey.




**LEGEND:**

- APPROXIMATE EXTENT OF EXCLUSION ZONE
- APPROXIMATE EXCESS SOIL STAGING LOCATION
- PARCEL BOUNDARIES

**NOTES:**

1. PARCEL BOUNDARIES OBTAINED FROM WASHINGTON COUNTY IN JANUARY 2015.
2. EXCESS SOILS REMOVED DURING CONSTRUCTION OF THE FACILITY WERE STOCKPILED AT THE APPROXIMATE LOCATIONS SHOWN.

GENERAL ELECTRIC
HUDSON RIVER PCBS SUPERFUND SITE
**PHASE 2 SEDIMENT PROCESSING FACILITY DEMOBILIZATION AND RESTORATION PLAN**

**SEDIMENT PROCESSING FACILITY - FACILITY PLAN**

ARCADIS

FIGURE
**1-2**

CITY: SYRACUSE, NY DIV/GROUP: EBC-IM/DV DB/LD: L.POSENAUER PM: C.GUEST LYR:ON=*;OFF=*REF*
V:\ENVCAD\SYRACUSE\ACT\NB003135\0000\0000004\SPF_PH2\DR\31356B02.dwg LAYOUT: 1-2 SAVED: 9/8/2015 2:28 PM PAGESETUP: ---- PLOTSTYLETABLE: ---- PLOTTED: 9/8/2015 2:36 PM BY: POSENAUER, LISA
XREFS: XGN-PL01 XGN-EX03 XGN-EX01 31356X00
IMAGES:

# FIGURES 3A-3K

## Aerial Photographs

**446 Lock 8 Way**

Lock 8 Way

Fort Edward, NY 12828

Inquiry Number: 5775947.5

September 04, 2019

# The EDR Aerial Photo Decade Package

6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

# EDR Aerial Photo Decade Package

09/04/19

**Site Name:**

446 Lock 8 Way
Lock 8 Way
Fort Edward, NY 12828
EDR Inquiry # 5775947.5

**Client Name:**

Civil & Env Consultants
333 Baldwin Road
Pittsburgh, PA 15205
Contact: Molly Cote

Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

***Search Results:***

| ***Year*** | ***Scale*** | ***Details*** | ***Source*** |
|---|---|---|---|
| 2017 | 1"=500' | Flight Year: 2017 | USDA/NAIP |
| 2013 | 1"=500' | Flight Year: 2013 | USDA/NAIP |
| 2009 | 1"=500' | Flight Year: 2009 | USDA/NAIP |
| 2006 | 1"=500' | Flight Year: 2006 | USDA/NAIP |
| 1995 | 1"=500' | Acquisition Date: April 17, 1995 | USGS/DOQQ |
| 1986 | 1"=500' | Flight Date: October 31, 1986 | USDA |
| 1979 | 1"=1000' | Flight Date: April 20, 1979 | USGS |
| 1964 | 1"=500' | Flight Date: April 05, 1964 | USGS |
| 1960 | 1"=500' | Flight Date: May 01, 1960 | USGS |
| 1947 | 1"=500' | Flight Date: April 03, 1947 | USGS |
| 1942 | 1"=500' | Flight Date: September 29, 1942 | USGS |

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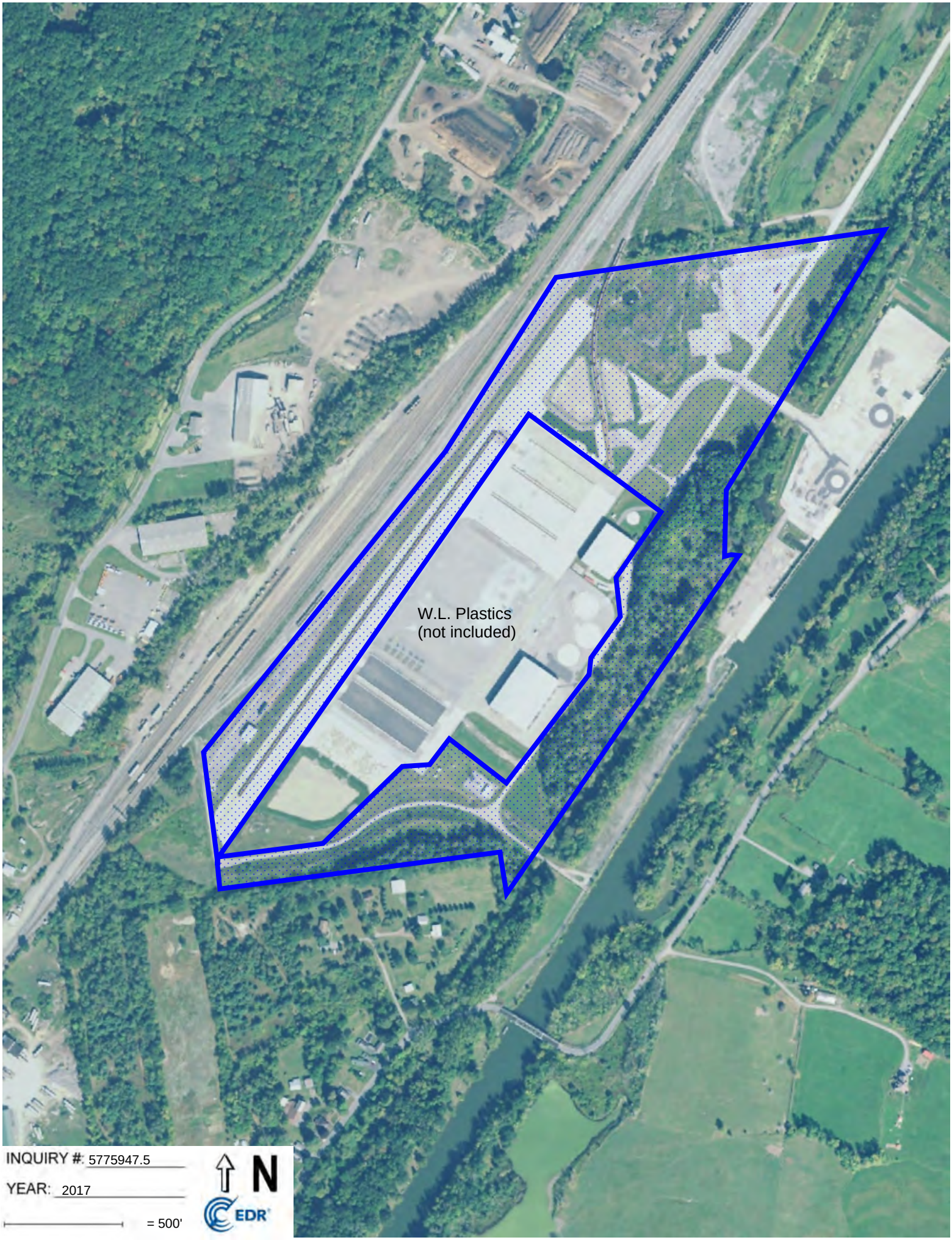
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(not included)
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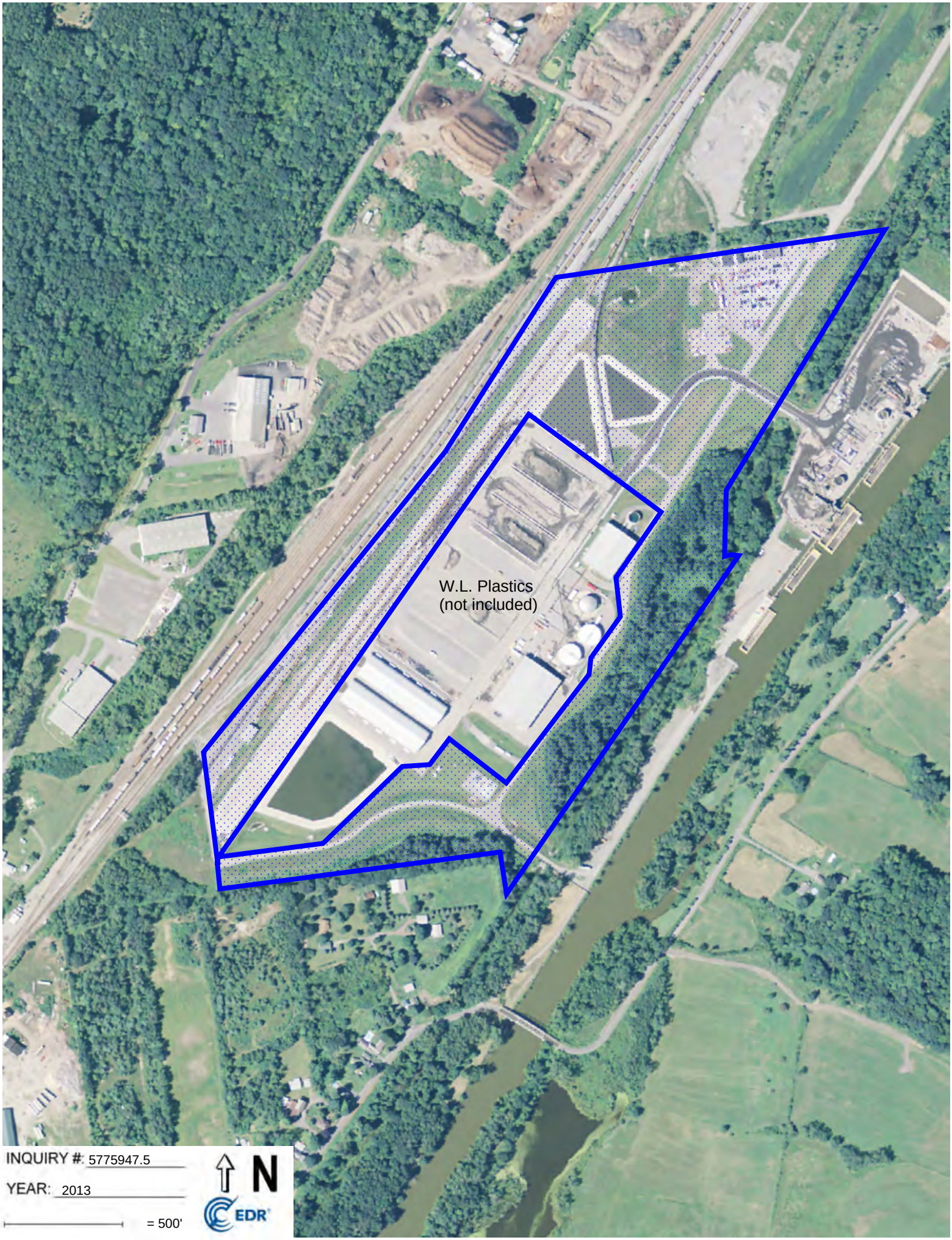
YEAR: 2017
= 500'
N
EDR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= 500'
N
EDR

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= 500'
N
EDR

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(not included)
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EDR

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YEAR: 1995
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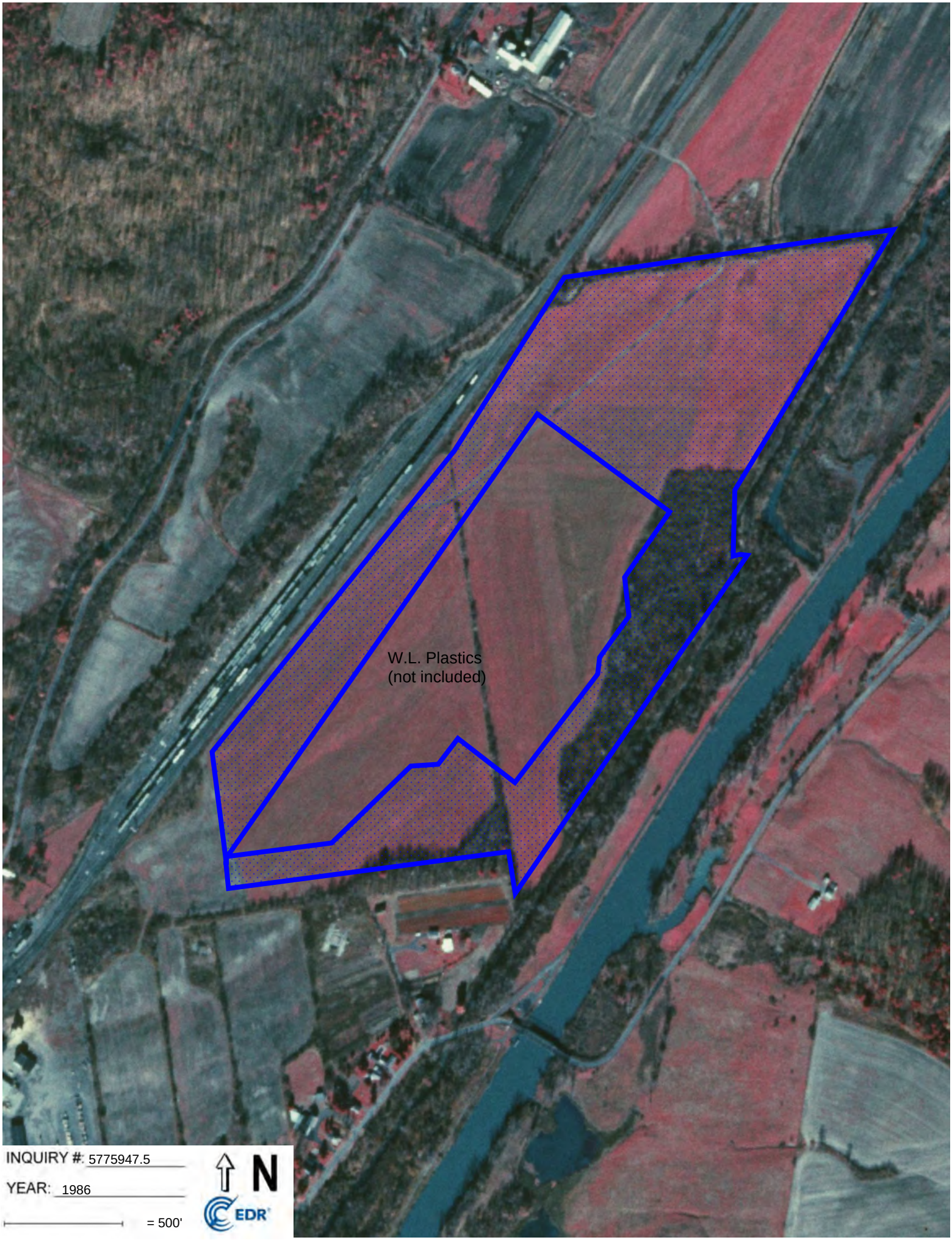
EDR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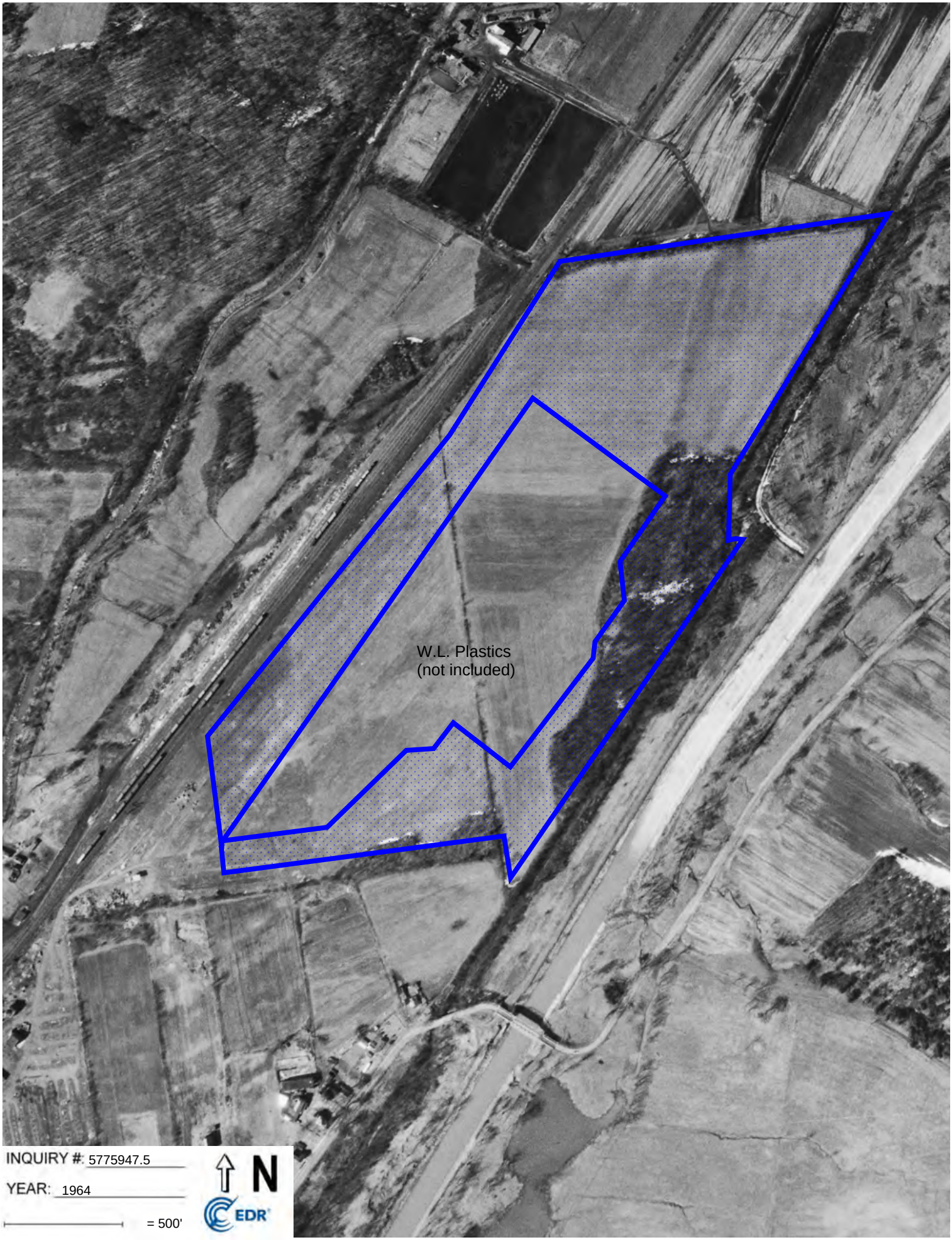
EDR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YEAR: 1964
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EDR

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YEAR: 1960
= 500'
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EDR

W.L. Plastics
(not included)
INQUIRY #: 5775947.5
YEAR: 1947
= 500'
N
EDR

W.L. Plastics
(not included)
INQUIRY #: 5775947.5
YEAR: 1942
= 500'
N
EDR

# FIGURES 4A-4G

## Topographic Maps

446 Lock 8 Way

Lock 8 Way

Fort Edward, NY 12828

Inquiry Number: 5775947.4

September 03, 2019

# EDR Historical Topo Map Report

## with QuadMatch™

6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

# EDR Historical Topo Map Report

09/03/19

| Site Name: | Client Name: |
|---|---|
| 446 Lock 8 Way | Civil & Env Consultants |
| Lock 8 Way | 333 Baldwin Road |
| Fort Edward, NY 12828 | Pittsburgh, PA 15205 |
| EDR Inquiry # 5775947.4 | Contact: Molly Cote |

EDR Topographic Map Library has been searched by EDR and maps covering the target property location as provided by Civil & Env Consultants were identified for the years listed below. EDR's Historical Topo Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topo Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the late 1800s.

| *Search Results:* | | *Coordinates:* | |
|---|---|---|---|
| **P.O.#** | NA | **Latitude:** | 43.276839 43° 16' 37" North |
| **Project:** | 446 Lock 8 Way | **Longitude:** | -73.569337 -73° 34' 10" West |
| | | **UTM Zone:** | Zone 18 North |
| | | **UTM X Meters:** | 616086.84 |
| | | **UTM Y Meters:** | 4792551.70 |
| | | **Elevation:** | 134.86' above sea level |

**Maps Provided:**

2013
1966
1955
1947
1938
1897
1895

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## *Topo Sheet Key*

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

### 2013 Source Sheets

Hudson Falls
2013
7.5-minute, 24000

### 1966 Source Sheets

Hudson Falls
1966
7.5-minute, 24000
Aerial Photo Revised 1964

### 1955 Source Sheets

Glens Falls
1955
15-minute, 62500
Aerial Photo Revised 1947

### 1947 Source Sheets

Glens Falls
1947
15-minute, 62500

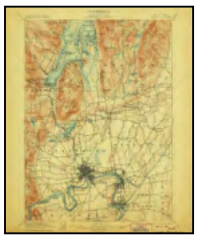
## *Topo Sheet Key*

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

### 1938 Source Sheets

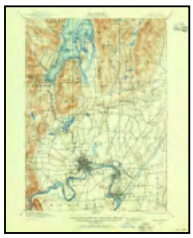
Glens Falls
1938
15-minute, 62500

### 1897 Source Sheets



Glens Falls
1897
15-minute, 62500

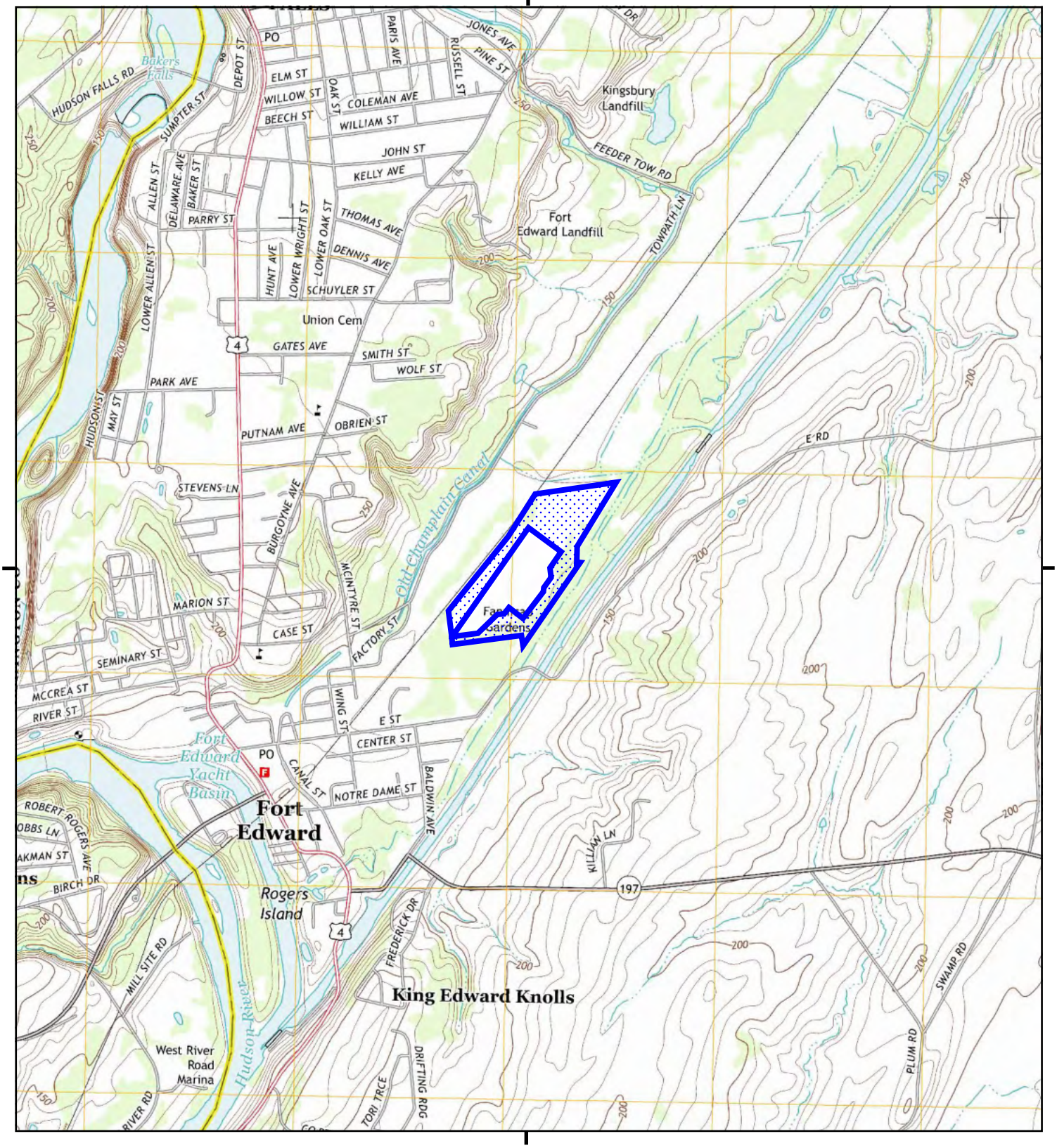
### 1895 Source Sheets



Glens Falls
1895
15-minute, 62500

# Historical Topo Map

2013




This report includes information from the following map sheet(s).

0 Miles 0.25 0.5 1 1.5

NW N NE
W E
SW S SE

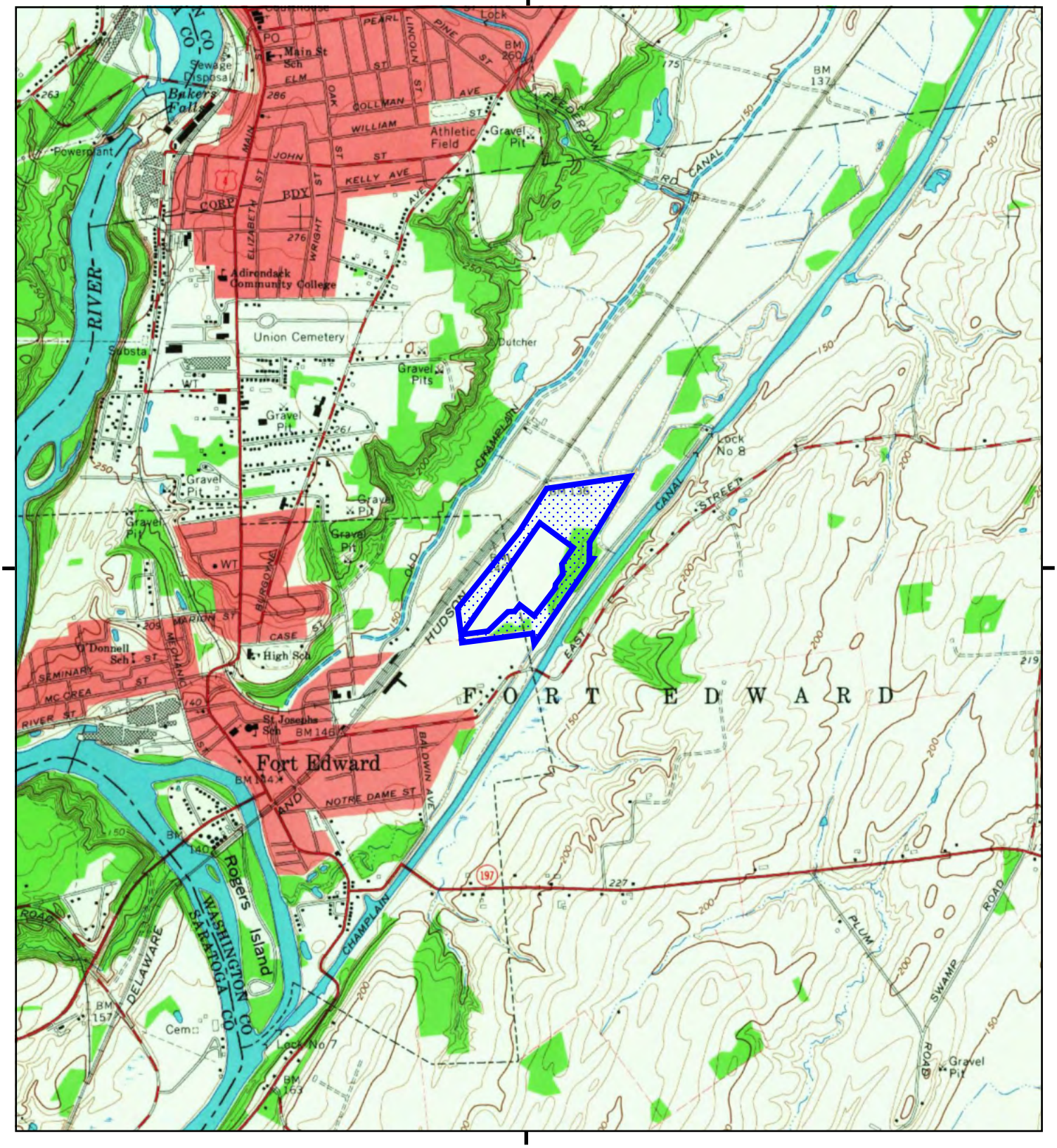
TP, Hudson Falls, 2013, 7.5-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# Historical Topo Map

1966

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NW N NE
W E
SW S SE

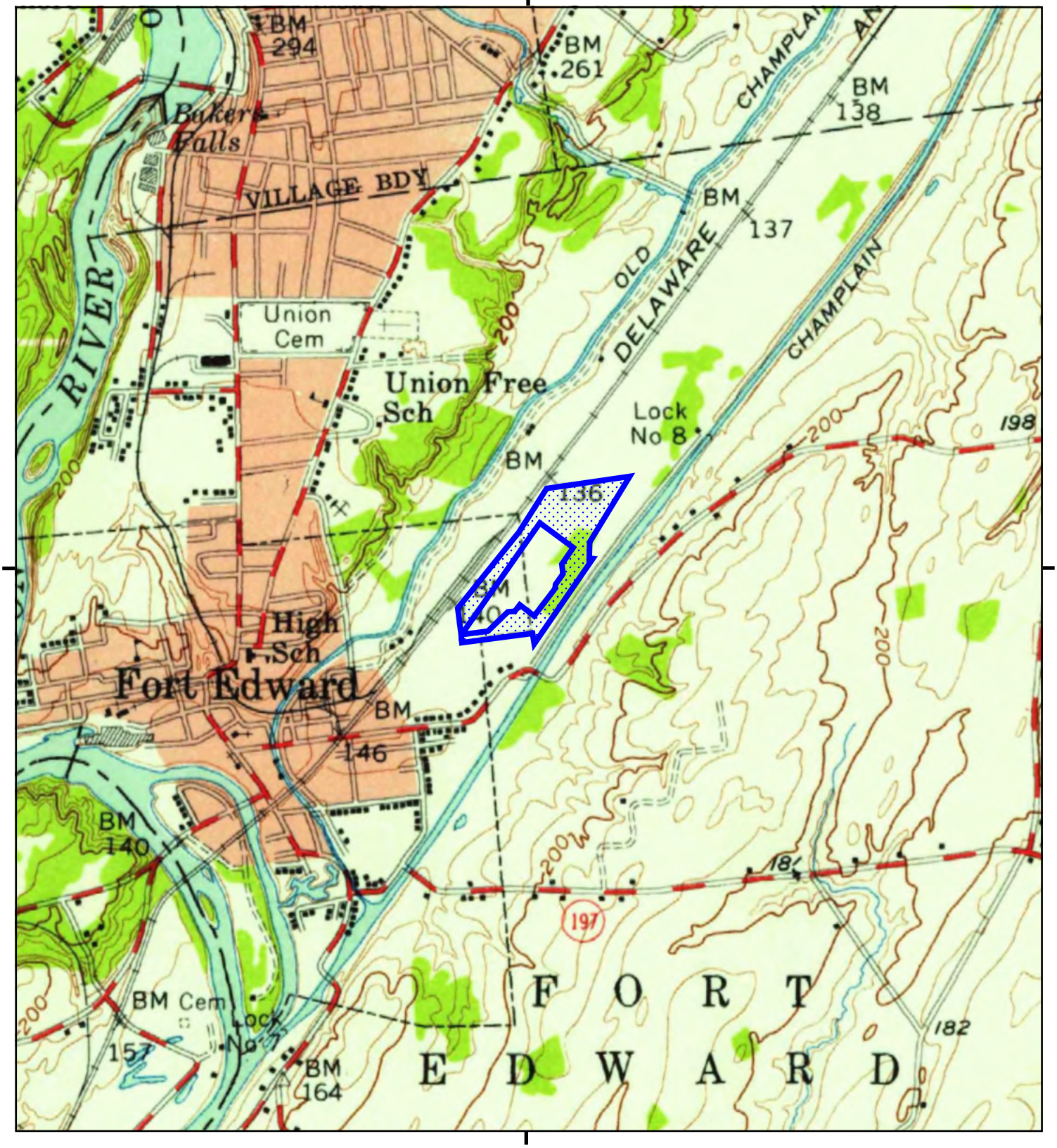
TP, Hudson Falls, 1966, 7.5-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# Historical Topo Map

1955

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NW N NE
W E
SW S SE

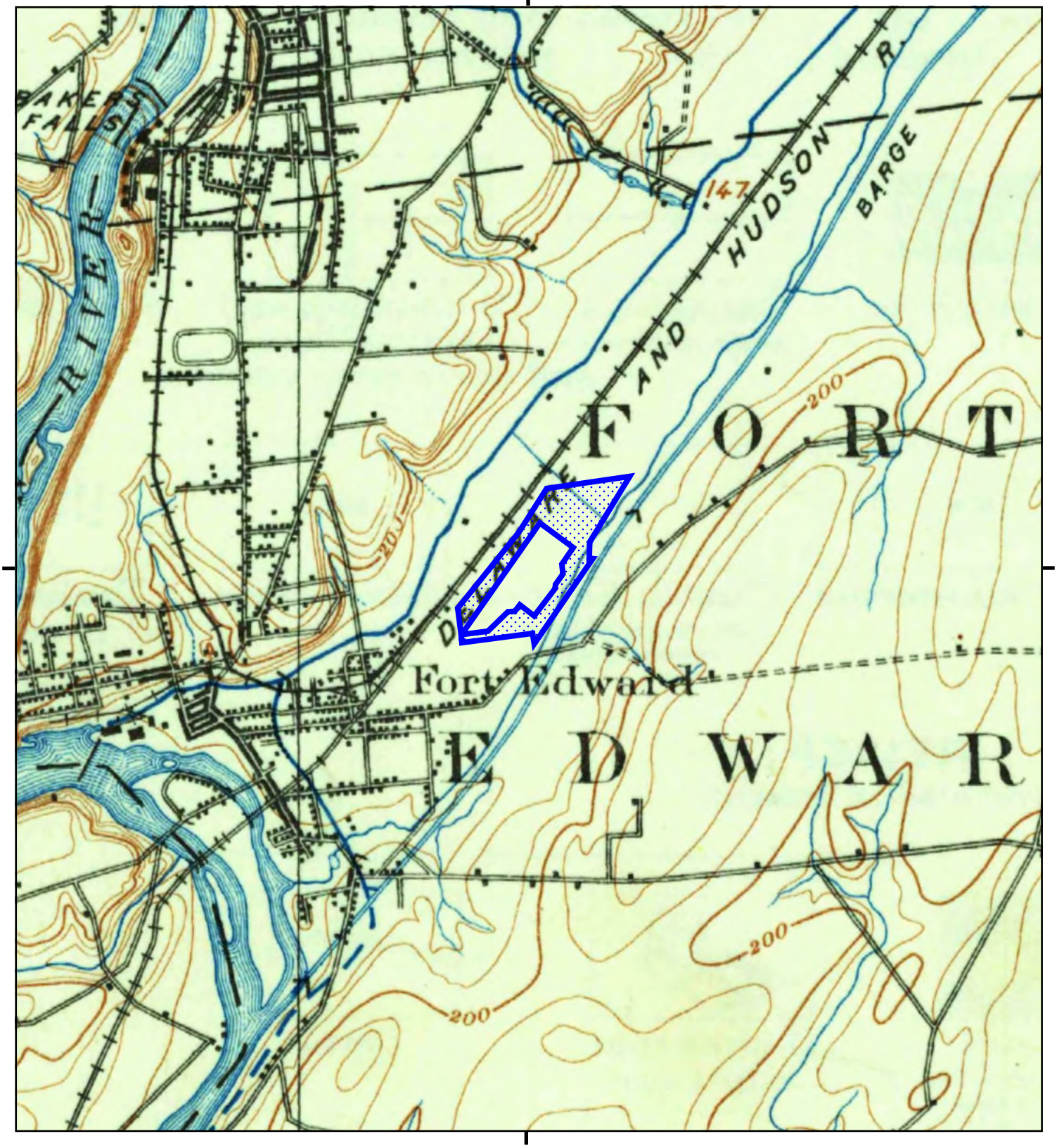
TP, Glens Falls, 1955, 15-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# Historical Topo Map

1947




This report includes information from the following map sheet(s).

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NW N NE
W E
SW S SE

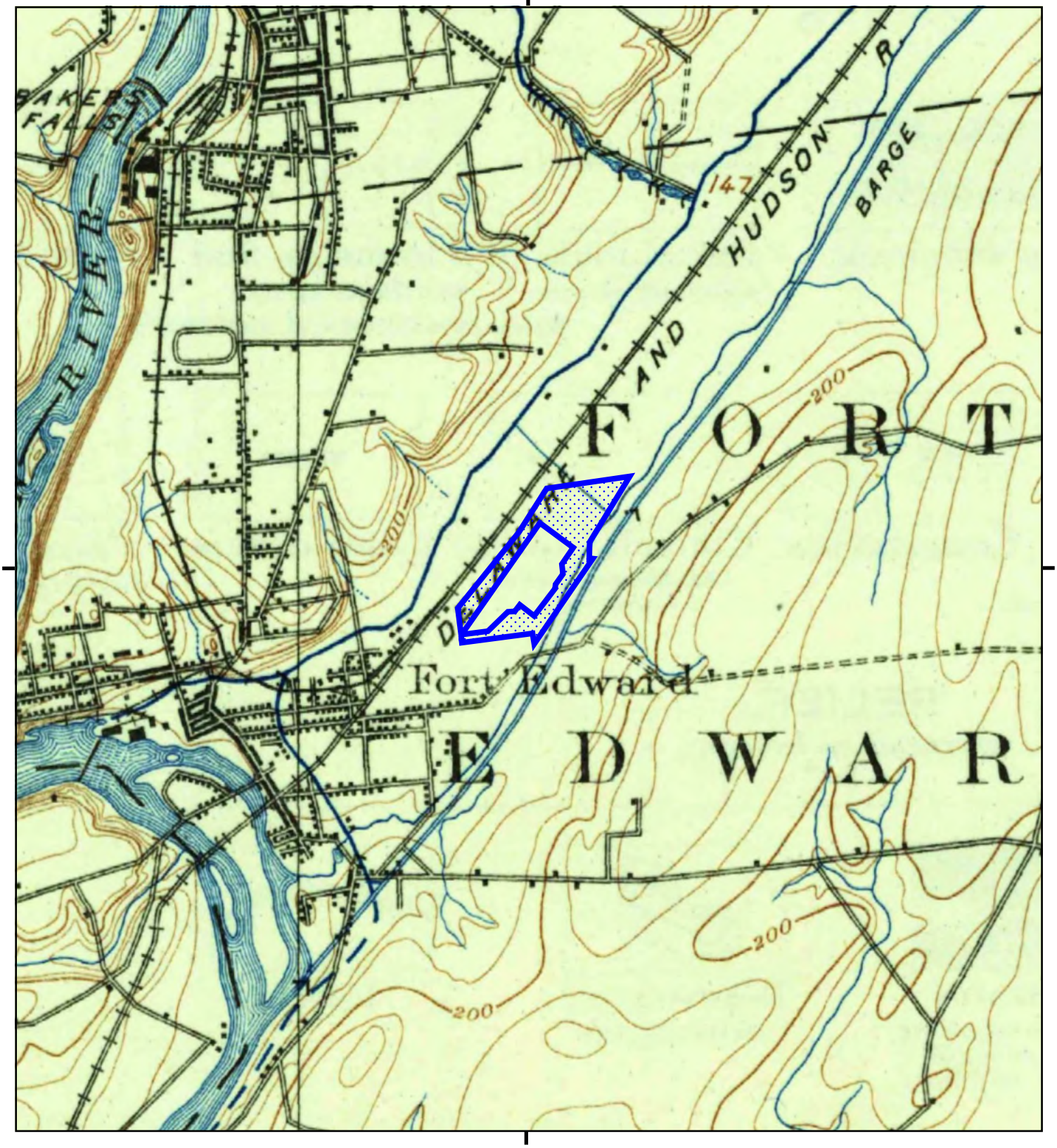
TP, Glens Falls, 1947, 15-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# Historical Topo Map

1938

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0 Miles 0.25 0.5 1 1.5

NW N NE
W E
SW S SE

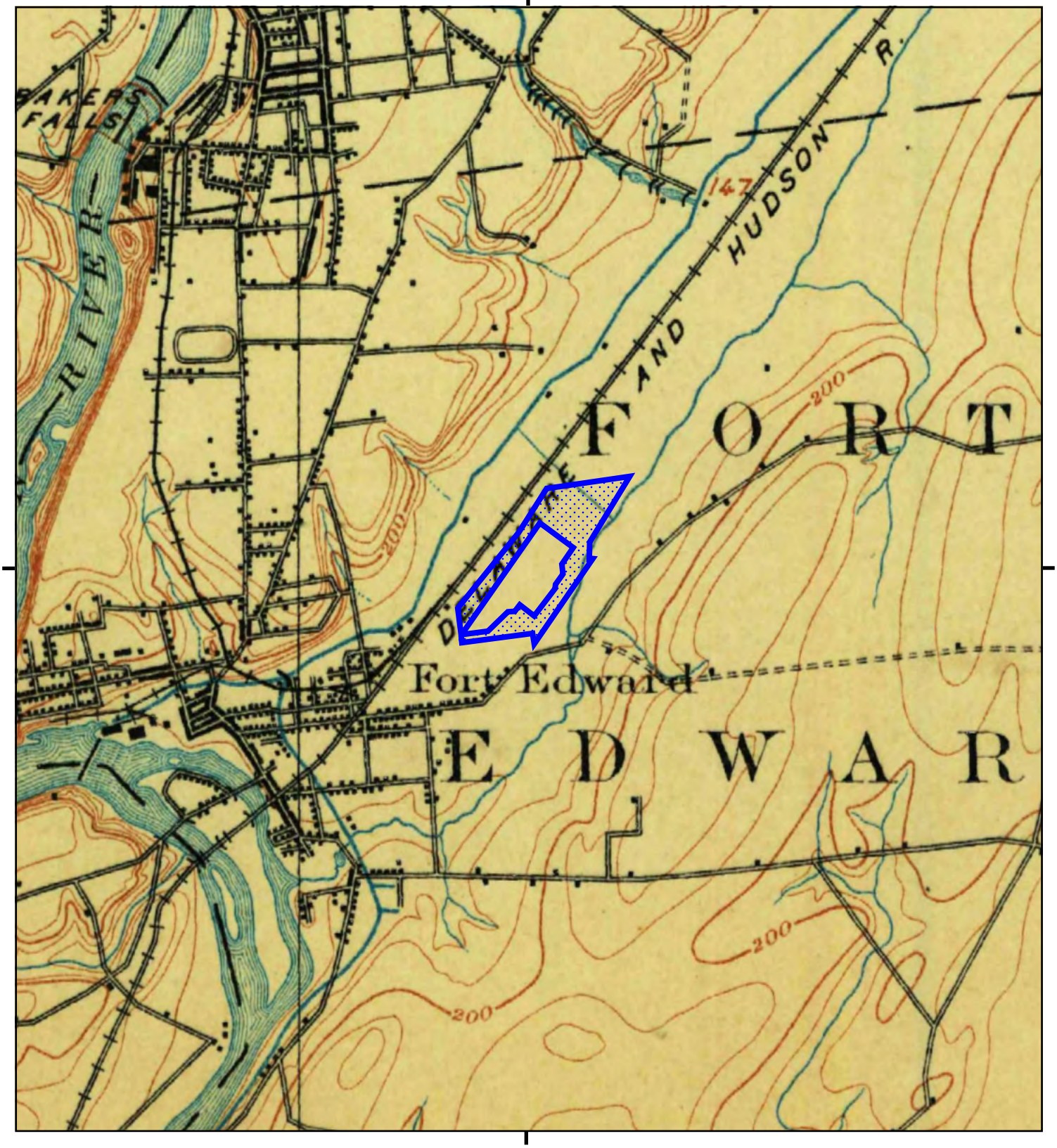
TP, Glens Falls, 1938, 15-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# Historical Topo Map

1897

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0 Miles 0.25 0.5 1 1.5

NW N NE
W E
SW S SE

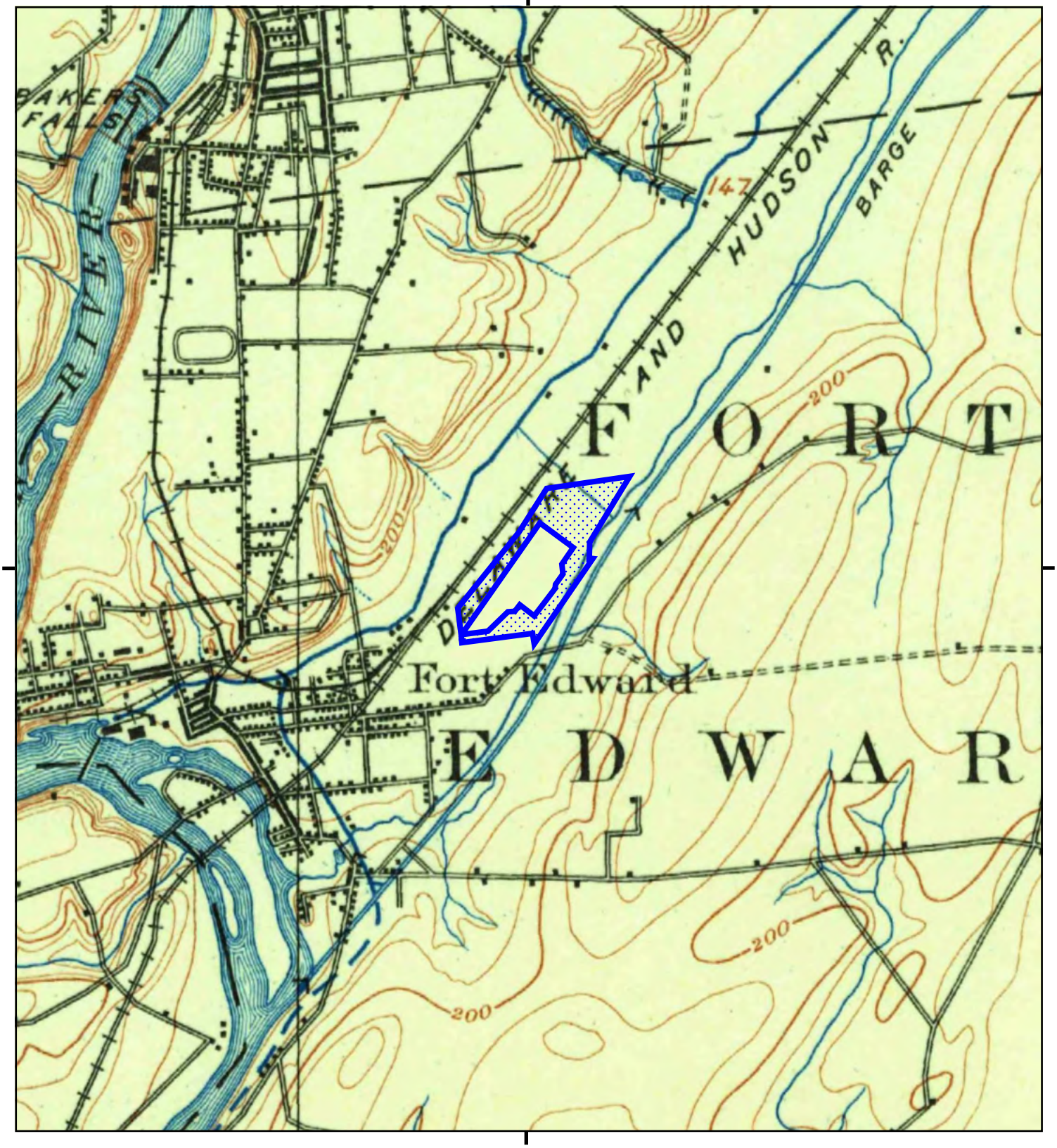
TP, Glens Falls, 1897, 15-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# Historical Topo Map

1895




This report includes information from the following map sheet(s).

0 Miles 0.25 0.5 1 1.5

NW N NE
W E
SW S SE

TP, Glens Falls, 1895, 15-minute

SITE NAME: 446 Lock 8 Way
ADDRESS: Lock 8 Way
Fort Edward, NY 12828
CLIENT: Civil & Env Consultants

N

# APPENDIX B

## Site Visit Photographs

01 Rail loading platform.jpg

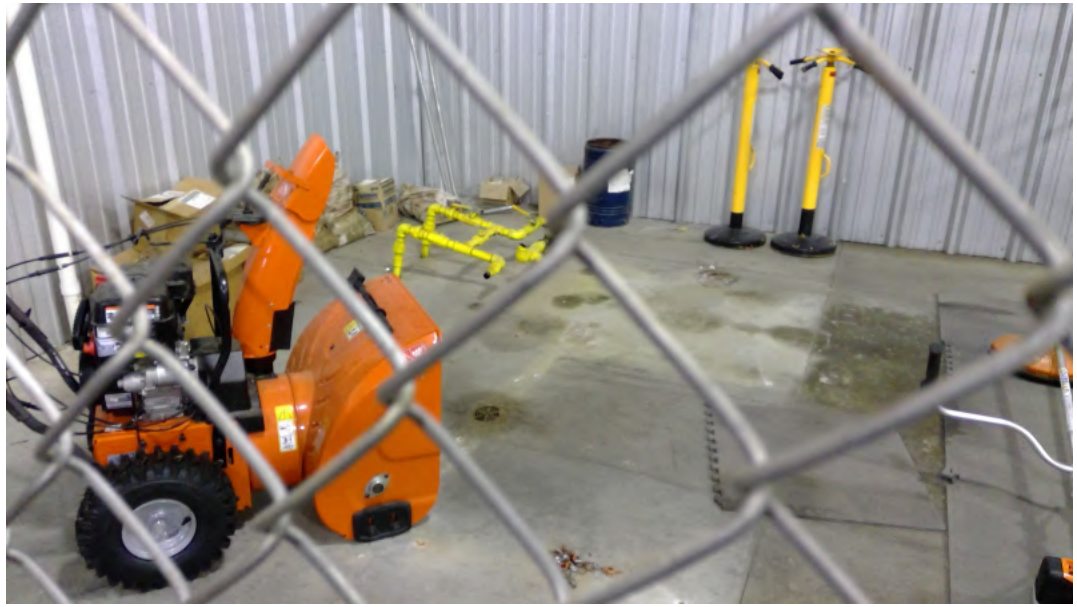
02 Rail loading platform.jpg

03 Rail Support Building.jpg

04 Rail support building.jpg

05 Inside rail support building.jpg

06 Drum and containers in rail support bldg.jpg



07 Floor drain in rail support building.jpg

08 Railroad beds.jpg

09 Transformer.jpg

10 Southern portion of the site.jpg

11 Substation.jpg

12 Southeastern portion of the site.jpg

13 Creek.jpg

14 North Stormwater Basin.jpg

15 North Stormwater Basin.jpg

16 Raiload spur.jpg

17 Stormwater basin.jpg

18 Grain offloading.jpg

19 Main Haul Road.jpg

20 Decontamination area.jpg

21 Trailer.jpg

22 Monitoring wells.jpg

23 Stormwater outfall.jpg

24 North Access Road.jpg

# APPENDIX C

## User Questionnaire

## USER QUESTIONNAIRE

In order to qualify for one of the Landowner Liability Protections (LLP) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, (the "Brownfields Amendments"), the user must provide the following information. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

**Section 1** — Yes No

**(1) Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25)**

Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law?* ☐ ☒

**(2) Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26)**

Are you aware of any activity use limitations such as engineering controls, land use restrictions, or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law?* ☐ ☒

**(3) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28)**

As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the subject site or adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business? ☒ ☐

**(4) Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29)**

Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property? ☐ Check here if not applicable (i.e. This ESA is not being prepared pursuant to the sale of the property.) ☐ ☒

**5) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30)**

Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of release or threatened releases? For example, as user,

(a) Do you know the past uses of the property? ☒ ☐
(b) Do you know the specific chemicals that are present or once were present at the property? ☒ ☐
(c) Do you know of spills or other chemical releases that have taken place on the property? ☐ ☒
(d) Do you know of any environmental cleanups that have taken place at the property? ☒ ☐

**(6) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31)**

As the user of this ESA, based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property? ☐ ☒

* It is recommended that the user engage a title company or title professional to undertake a review of reasonably ascertainable recorded land title records and lien records for environmental liens or activity and use limitations recorded against or related to the property to satisfy items 1 and 2 of this questionnaire and to establish a chain of ownership of the property.

**If any of the outlined boxes are checked, please provide additional information on page 2.**

**Section 2: Additional Information:**

**1. Reason why Phase I ESA is required:**

FORMER SEDIMENT PROCESSING FACILITY

**2. Other User Provided Information**

Provide previous environmental site assessments, environmental monitoring reports, tank closure reports etc. ***and describe in detail if you checked any shaded boxes on page one (i.e. answered "Yes" for questions 1, 2, 3, 5 or 6 or if you answered "No" to question 4).***

(3) The Nearby Properties were part of the PCB Cleanup Project of the Hudson River owned by EPA

(4) Property is Being transferred to the WWIDA for marketing + sale due to the inability of current owner to market.

(5) (a)(b)(d) See attached use was sediment processing facility

User Name/Company:_____

Address: _____

User Signature:_____ Date _____

Printed Name:_____

# REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT (the "Agreement") is made and entered into as of the Effective Date (being the date of last execution hereof by the parties), by and between **FT. EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION,** a New York State not for profit corporation, with an address of 118 Broadway, P.O. Box 127, Fort Edward, NY 12828 (the "Seller"), and **COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY**, a New York State public benefit corporation created by New York State General Municipal Law §890-c, with an address of 5 Warren Street, Glens Falls, NY 12801 (the "Buyer").

FOR GOOD AND VALUABLE CONSIDERATION, including without limitation the covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer hereby agree as follows:

**1. SALE AGREEMENT; PROPERTY.** Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller, on the terms hereinafter stated:

1.1 Parcel 1. An irregularly shaped parcel, containing approximately 16.62± acres of land, located on Towpath Lane, in the Village of Fort Edward, County of Washington, State of New York, and known as a portion of Tax Map # 163.15-1-4; and depicted as a heavy dark blue line on a Sketch Map at Schedule "A", all subject to subdivision approval by the Village of Fort Edward Planning Board (the "Parcel 1"); and

1.2 Parcel 2. An irregularly shaped parcel, containing approximately 36.55± acres of land, located at 1400 Towpath Lane, in the Town of Fort Edward, County of Washington, State of New York, and known as a portion of Tax Map # 163.15-1-20.1; and depicted as a heavy dark green line on a Sketch Map at Schedule "A", all subject to subdivision approval by the Village of Fort Edward Planning Board (the "Parcel 2"); and

The closing on Parcel 1 and Parcel 2 (collectively, the "Property") shall occur contemporaneously.

**2. PURCHASE PRICE.** The purchase price to be paid by Buyer to Seller for the Property shall be TEN and No/100 Dollars ($10.00) (the "Purchase Price"), to be paid as follows:

2.1 Earnest Money. Upon Seller's execution hereof and delivery of the same, Buyer shall deposit the sum of $1.00 in current U.S. funds (the "Earnest Money") with the Seller's attorney, until time of closing. Deposit money shall be applied towards purchase price at the time of closing.

2.2 Cash Payment. At Closing, Buyer shall pay to Seller the balance of the Purchase Price, subject to adjustment as hereinafter provided, in immediately available current U.S. funds.

**3. CLOSING**

3.1 Adjustments and Closing Costs. All taxes due and outstanding for the Property shall be paid in full at the time of the date of the Closing. There shall be no adjustments for real estate taxes made as of the date of Closing. Utility accounts shall be transferred when full possession of the Property is delivered to Buyer. Notwithstanding anything contained herein to the contrary, at Closing the Seller shall provide funds, which shall be held in escrow by the Buyer's attorney in an amount sufficient to cover the the 2020 Village of Fort Edward taxes assessed on the Property. The parties agree that any excess funds remaining in escrow after the Village of Fort Edward taxes are paid shall be returned to Seller.

The following closing costs shall be paid by the Buyer: the cost of any survey certification; all of Seller's and Buyer's recording fees; any and all transfer, gains, or documentary stamp taxes and other taxes due at the time of Closing in connection with conveyance of the

**Buyer's Initials:** _____ **Seller's Initials:** _____

Property; the cost of any title update and title insurance premium; and Seller's attorney's fees in an estimated amount of $3,500.00.

3.2 Closing. Subject to the provisions of Section 6.6, herein, the Closing shall take place on or before the date which is thirty (30) days following the date of written notice from Buyer that Buyer is prepared to and intends to close the acquisition of the Property (the "**Closing Date**"). If Buyer elects to purchase the Property, Buyer shall give written notice to Seller of its intention to close the acquisition of the Property on or before the date of expiration of the Due Diligence Period, as it may be extended by the Extended Due Diligence Periods (as hereinafter defined). Unless the parties otherwise agree in writing, the Closing shall be conducted as a customary arrangement between the Seller's attorney and the Buyer's attorney. On or before the Closing Date, the Seller and the Buyer shall each deliver to the respective attorneys the documents listed in Section 5.4 hereof and perform all other covenants in accordance herewith.

## 4. TITLE AND SURVEY REVIEW.

4.1 Title Commitment. As soon after the Effective Date, as reasonably possible, Buyer shall obtain a commitment for the issuance of an ALTA Owner's Title Insurance Policy, with extended coverage, insuring title to the Property to be good and marketable fee simple (the "Commitment"), together with legible copies of all recorded documents constituting exceptions under the Commitment (collectively, the "Exception Documents").

4.2 Abstract; Prior Title Policy. Within fourteen (14) days after the Effective Date, Seller shall (i) forward to the Buyer any abstract(s) (if applicable) or copies of any prior issued title insurance policies in Seller's possession or control, which cover any part of the Property, or (ii) advise Buyer, in writing, that no such abstracts or title policies are within Seller's possession or control.

4.3 Survey. Sometime after the Effective Date, Buyer shall obtain a current survey of the Property (the "Survey") prepared by a registered professional land surveyor designated by Buyer (the "Surveyor"), in conformance with the ALTA Standards and Buyer's then current survey requirements and shall cause a copy thereof to be delivered to Seller. The delivery of a survey which does not meet the requirements of this Section 3.3 shall not constitute delivery or receipt of the Survey hereunder.

4.4 Title and Survey Objections; Cure Period. Within 20 (twenty) days of Buyer's receipt of the last of the Commitment, Exception Documents and Survey, Buyer shall give written notice to Seller of any matters contained therein to which Buyer objects. Any matters which the Title Company identifies as conditions to the issuance of the Title Policy (as defined below) shall constitute objections by Buyer. Seller shall have twenty (20) days after receipt of such objections from Buyer (or the Closing Date, if sooner) to use its best efforts to cure such objections to the satisfaction of Buyer. In the event any such objection is not so cured, Buyer shall have the option to either (i) waive the uncured objection, (ii) extend Seller's period for curing objections, or (iii) terminate this Agreement and receive a refund of the Earnest Money in which event both parties shall be relieved of any further liability hereunder (except as otherwise expressly provided herein).

## 5. TITLE TO BE CONVEYED

5.1 Deed. At the Closing, the Seller, at its expense, shall deliver to the Buyer or its nominee a **Bargain and Sale Deed with Covenant Against Grantor** Deed sufficient to convey to the Buyer good and marketable title to the Property, subject only to: (a) any and all provisions of any ordinance, municipal regulation, or public or private law; (b) any state of facts which an accurate survey or personal inspection of the Property might reveal, (c) current property taxes not yet due and payable, and (d) easements and appurtenances of record (collectively, the



**Buyer's Initials:** _____ **Seller's Initials:** NTO

"**Permitted Liens**"). Seller shall also pay any state, local or county real estate conveyance or transfer taxes due. Buyer shall bear the expense of recording the Deed. At the Closing, Seller shall deliver the Property to Buyer free of all of tenants in possession, except as provided herein.

5.2 Title. Upon the execution of this Agreement, the Buyer shall order a title examination at its sole cost and expense and may obtain a survey of the Property. Within thirty (30) days following its receipt of a title commitment and receipt of its survey, Buyer shall furnish to Seller written notice of any objections to title. Any matter not mentioned in the aforesaid notice shall not thereafter be deemed to affect the marketability of title. The Buyer shall afford the Seller a reasonable time (which shall be deemed to be a period of not more than thirty (30) days from the date written notice of any defect is delivered by the Buyer to the Seller) to cure or correct any defects or objections to title. In the event Seller is unable to cure such defects or objections to title, the Buyer shall have the option either of accepting such title as the Seller can convey or of rescinding this Agreement; and if the Buyer shall elect to rescind, then this Agreement shall then be terminated, the Deposit shall be returned to Buyer, and all rights and liabilities of the parties, other than indemnification obligations, shall be terminated. Seller shall be obligated to pay off any mortgages, monetary liens or other financial encumbrances, which may be paid from Closing proceeds. Any encumbrance that is not a Permitted Lien arising after the date of the notice shall be the responsibility of the Seller, who shall be given a reasonable time to remove the encumbrance. (Reasonable time shall be deemed a period not to exceed thirty (30) days from the date written notice of the encumbrance is given to Seller).

5.3 Lien Rights. All work performed and/or material supplied to the Property by or on behalf of Seller within the applicable lien period immediately prior to the date of Closing shall be paid for in full by the Seller, and Seller will furnish Buyer with a mechanics' lien affidavit in customary form attesting to the fact that no persons, firms or corporations have claims against the Property, or shall furnish mechanic's lien waivers from parties having performed work within such time day period.

5.4 Delivery of Documents. At the Closing, Seller shall deliver to Buyer the following documents (the "**Documents**"):

(a) **Bargain and Sale Deed with Covenant Against Grantor Deed** conveying title to the Property in accordance with the provisions of this Agreement.

(b) Any required corporate documents reasonably required by Title Company confirming Seller's authority to enter into this Agreement and convey the Property;

(c) Owner's Affidavit in the form required by the Title Company and reasonably acceptable to Seller;

(d) Bill of Sale and Assignment as to any permits or approvals (to the extent assignable);

(e) An Affidavit of the Seller swearing that the Seller is not a "foreign person" as defined in Section 1445(B)(2) of the Internal Revenue Code of 1986, as amended;

(f) IRS 1099 form, if required;

(g) Any other documents required by the State of New York or Buyer's title insurance company;

(h) Any keys to the Property in Seller's possession; and



**Buyer's Initials:** _____ **Seller's Initials:** NTC

(i) Closing Statement.

At the Closing, Buyer shall deliver the following:

The balance of the Purchase Price in accordance with the provisions of Section 2.2 hereof;

Any required corporate or other organizational documents reasonably required by Buyer's title insurance company confirming Buyer's authority to enter into this Agreement and to purchase the Property; and

Closing Statement.

6. CONTINGENCIES

6.1 Due Diligence Materials. Prior to or upon execution of this Agreement, Seller has provided or shall provide Buyer with copies of due diligence information to the extent in its possession or control with respect to the Property, including without limitation, environmental reports, engineering plans and studies, most recent title insurance policy or commitment including legal description, surveys, zoning information, site conditions, wetlands studies, topographic maps, soil conditions, traffic studies and drainage studies (collectively, the "**Due Diligence Materials**"). Buyer acknowledges and agrees that all information or reports prepared by third parties are delivered without representation or warranty, express or implied, as to the completeness or accuracy of the facts, presumptions, conclusions or other matters contained therein. If Buyer terminates this Agreement for any reason, copies of any non-proprietary reports obtained by Buyer during the Due Diligence Period will be provided to Seller.

6.2 Due Diligence Period. During the ninety (90) day period following execution of this Agreement (the "**Due Diligence Period**") and thereafter prior to Closing, Buyer shall have the right, at its sole cost and expense, through its own employees, or through its engineers, environmental consultants, architects or such other parties as Buyer shall designate, to review the Due Diligence Materials, obtain updated or additional reports and studies, and to inspect and examine the Property and the physical components thereof, including without limitation, environmental site assessments ("**Due Diligence**").

During said Due Diligence Period as it may be further extended, the Buyer shall have the right to seek all governmental and other permits and approvals required for its proposed development and operation of the Property. Without limitation, all required subdivision approvals, site plan and land use permits and approvals, wetlands, conservation commission, and/or any other environmental permits and approvals, all required permits and approvals for roadway access from any transportation authorities, utility connection permits and utility approvals, building permits, and any other discretionary governmental, quasi-governmental or other permit(s) or approval necessary, collectively, (the "**Approvals**"). At no cost or expense to Seller, Seller agrees to cooperate with Buyer in seeking such Approvals and agrees to execute and deliver any applications or other documents reasonably required with respect thereto, as prepared by Buyer. Buyer shall have the right to terminate this Agreement by written notice to Seller on or before the expiration of the Due Diligence Period, in which event this Agreement shall terminate and neither party shall have any further rights or obligations under this Agreement.

6.3 During the Due Diligence Period, Buyer, its agents, or representatives shall have the right and privilege, at its sole cost and expense, to enter upon the Property to perform any such testing so long as advance notice of such testing is provided to the Seller at least one (1)



**Buyer's Initials:** _____ **Seller's Initials:** NTO

business day prior to the Buyer's inspection of the Property. Buyer shall restore any damage or disturbance to the Property that occurs as a result of the inspections.

Prior to any access, Purchaser must deliver a certificate of insurance to Seller evidencing that Purchaser and its contractors, agents and representatives have in place commercial general liability insurance on an "occurrence" basis, covering the activities of Purchaser and its agents, contractors and representatives on or about the Property, with a combined single limit of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate, which insurance shall name Seller as additional insured thereunder and which shall remain in place until the Closing Date or earlier termination of this Agreement.

6.4 If the Buyer determines that the Property are not satisfactory to it in its sole and absolute discretion for any reason or no reason, and so notifies Seller in writing on or before the expiration of the Due Diligence Period, the Deposit shall be immediately returned to Buyer, and then this Agreement shall terminate and neither party shall have any further rights or obligations under this Agreement, other than indemnification obligations which are specifically stated to survive such termination. If Buyer elects to proceed beyond the expiration of the Due Diligence Period, the Deposit shall be released to Seller and shall become non-refundable (except in the event of Seller default), but shall remain applicable to the Purchase Price.

6.5 Extension of Due Diligence Period. The Due Diligence Period may be extended by written notice from Buyer to Seller or Seller's counsel for up to two (2) additional periods of sixty (60) days each in order for Buyer to continue to seek Approvals (each individually an "**Extended Due Diligence Period**" and collectively, the "**Extended Due Diligence Periods**"). Buyer shall have the right to terminate this Agreement by written notice to Seller in writing on or before the expiration of the applicable Extended Due Diligence Period, in which event this Agreement shall terminate and neither party shall have any further rights or obligations under this Agreement.

6.6 Contingent Upon Sale to WL Plastics, Inc. This Agreement shall be contingent upon the successful closing of the sale by Seller of the remaining lands located at Towpath Lane, in the Village of Fort Edward, County of Washington, State of New York, and known as a portion of Tax Map # 163.15-1-4; and depicted as a Blue line on a Sketch Map at Schedule "A" and the remaining lands located at 1400 Towpath Lane, in the Town of Fort Edward, County of Washington, State of New York, and known as a portion of Tax Map # 163.15-1-20.1; and depicted as a Greenline on a Sketch Map at Schedule "A" to WL Plastics, Inc. or an entity to be formed. In the event the aforementioned closing does not occur, then this Agreement shall be terminated and neither party shall have any further rights or obligations under this Agreement.

7. REPRESENTATIONS AND WARRANTIES

7.1 By Seller. In order to induce Buyer to purchase the Property, Seller hereby represents and warrants to Buyer the following to be true and correct as of the date of this Agreement and as of the Closing:

(a) Seller is a not for profit corporation, duly organized and validly existing, in the State of New York, and has all requisite power and authority to execute, deliver and perform this Agreement and all instruments and agreements contemplated hereby.

(b) This Agreement has been duly authorized, executed and delivered by Seller and all required consents under Seller's organizational documents have been obtained.

(c) Seller has received no written notice from any governmental agency of any pending or threatened condemnation or transfer in lieu thereof affecting the Property.



**Buyer's Initials:** _____ **Seller's Initials:** NTD

(d) To Seller's knowledge, Seller has received no written notice from governmental authority regarding violation of any laws, ordinances, regulations, codes, orders or other requirements affecting the Property that have not been cured.

(e) There are no leases in effect with respect to the Property which will survive the Closing.

(f) There are no executory contracts in effect with respect to the Property, which will survive the Closing.

(g) Neither Seller nor any of its subsidiaries or, to the knowledge of Seller, any director, officer, employee, agent, affiliate or representative of the Seller, is an individual or entity currently the subject of any sanctions administered or enforced by the United States Department of Treasury's Office of Foreign Assets Control ("OFAC"), or other relevant sanctions authority.

(h) To the best of Seller's knowledge, neither Seller nor any person providing funds to Seller: (a) is under investigation by any governmental authority for, or has been charged with, or convicted of, money laundering, drug trafficking, terrorist related activities, any crimes which in the United States would be predicate crimes to money laundering, or any violation of any Anti-Money Laundering Laws; (b) has been assessed civil or criminal penalties under any Anti-Money Laundering Laws; or (c) has had any of its funds seized or forfeited in any action under any Anti-Money Laundering Laws. The term "Anti-Money Laundering Laws" shall mean laws, regulations and sanctions, state and federal, criminal and civil, that: (w) limit the use of and/or seek the forfeiture of proceeds from illegal transactions; (x) limit commercial transactions with designated countries or individuals believed to be terrorists, narcotics dealers or otherwise engaged in activities contrary to the interests of the United States; (y) require identification and documentation of the parties with whom a financial institution conducts business; or (z) are designed to disrupt the flow of funds to terrorist organizations. Such laws, regulations and sanctions shall be deemed to include the USA PATRIOT Act of 2001, Pub. L. No. 107-56 (the "Patriot Act"), the Bank Secrecy Act, 31 U.S.C. Section 5311 et. seq., the Trading with the Enemy Act, 50 U.S.C. App. Section 1 et. seq., the International Emergency Economic Powers Act, 50 U.S.C. Section 1701 et. seq., and the sanction regulations promulgated pursuant thereto by the OFAC, as well as laws relating to prevention and detection of money laundering in 18 U.S.C. Sections 1956 and 1957.

(i) Seller has not received notice of violation of any applicable environmental, health or safety law with respect to the Property. Without limiting the generality of the foregoing warranties, and by example only, Seller represents that no release of a hazardous substance has occurred at, beneath or near the Property or any surface waters or groundwaters thereon or thereunder (i) in violation of any environmental law, (ii) in a manner which could be expected to cause the incurrence of corrective action or remediation costs, (iii) in a manner which could be expected to cause personal injury or property damage. There are no underground storage tanks at the Property. No encumbrance has been imposed on the Property pursuant to any environmental law and no investigation, audit or inquiry has been commenced by any governmental body with respect to the Business or the Property pursuant to any environmental law.

(j) Seller (i) has not been notified that it is potentially liable under any environmental law, (ii) has not received any written request for information or other correspondence concerning any site or facility under any environmental law, and (iii) has not been notified that Seller is a "potentially responsible party" under any environmental law.



**Buyer's Initials:** _____ **Seller's Initials:** NTD

7.2 By Buyer. In order to induce Seller to sell the Property, Buyer hereby represents and warrants to Seller that the following to be true and correct as of the date of this Agreement and as of the date of Closing:

(a) Buyer is a public benefit corporation duly organized and validly existing and has all requisite power and authority to execute, deliver and perform this Agreement and all instruments and agreements contemplated hereby.

(b) This Agreement has been duly authorized, executed and delivered by and all consents required under Buyer's organizational documents have been obtained.

(c) Neither Buyer nor any of its subsidiaries or, to the knowledge of Buyer, any director, officer, employee, agent, affiliate or representative of the Seller, is an individual or entity currently the subject of any sanctions administered or enforced by the United States Department of Treasury's Office of Foreign Assets Control ("OFAC"), or other relevant sanctions authority.

(d) To the best of Buyer's knowledge, neither Buyer nor any person providing funds to Buyer: (a) is under investigation by any governmental authority for, or has been charged with, or convicted of, money laundering, drug trafficking, terrorist related activities, any crimes which in the United States would be predicate crimes to money laundering, or any violation of any Anti-Money Laundering Laws; (b) has been assessed civil or criminal penalties under any Anti-Money Laundering Laws; or (c) has had any of its funds seized or forfeited in any action under any Anti-Money Laundering Laws. The term "Anti-Money Laundering Laws" shall mean laws, regulations and sanctions, state and federal, criminal and civil, that: (w) limit the use of and/or seek the forfeiture of proceeds from illegal transactions; (x) limit commercial transactions with designated countries or individuals believed to be terrorists, narcotics dealers or otherwise engaged in activities contrary to the interests of the United States; (y) require identification and documentation of the parties with whom a financial institution conducts business; or (z) are designed to disrupt the flow of funds to terrorist organizations. Such laws, regulations and sanctions shall be deemed to include the USA PATRIOT Act of 2001, Pub. L. No. 107-56 (the "Patriot Act"), the Bank Secrecy Act, 31 U.S.C. Section 5311 et. seq., the Trading with the Enemy Act, 50 U.S.C. App. Section 1 et. seq., the International Emergency Economic Powers Act, 50 U.S.C. Section 1701 et. seq., and the sanction regulations promulgated pursuant thereto by the OFAC, as well as laws relating to prevention and detection of money laundering in 18 U.S.C. Sections 1956 and 1957.

7.3 Notice. Seller and Buyer agree to promptly provide written notice to the other of any circumstances or facts of which Seller or Buyer become aware prior to Closing that would cause the representations and warranties in Section 7.1 or Section 7.2 respectively, or any portions thereof, to be incorrect.



**Buyer's Initials:** _____ **Seller's Initials:** NTO

## 8. BROKERS

8.1 Broker. The parties represent that no person, firm or corporation is entitled to any commission on account of this contract of sale and the Buyer's acquisition of the Property. The parties agree to hold each other harmless from any loss or expense from any commission claimed by any other broker or agent by virtue of alleged dealings had by such claimant with the other party. The indemnity shall include all costs of defending any such claim, including reasonable attorney's fees.

## 9. CONCLUDING PROVISIONS

9.1 Entire Agreement. This Agreement supersedes all prior or contemporaneous negotiations, commitments, agreements (written or oral) and writings, including, but not limited to, the Letter of Intent between the Buyer and Seller with respect to the subject matter hereof. All such other negotiations, commitments, agreements and writings, including, but not limited to, the Letter of Intent will have no further force or effect, and the parties to any such other negotiation, commitment, agreement or writing will have no further rights or obligations thereunder.

9.2 Amendments. This Agreement may not be amended in any respect whatsoever except by a further agreement, in writing, fully executed by each of the parties.

9.3 Successors. This Agreement shall be binding upon and inure to the benefit of the parties and to their respective heirs, personal representatives, successors and assigns. The representations and warranties of the parties hereunder shall survive Closing.

9.4 Joint Effort. Preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not be construed more severely against one of the parties than the other.

9.5 Captions. The captions of this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement or the intent of any provision contained in this Agreement.

9.6 Counterparts. This Agreement may be executed in one or more copies, each of which shall be deemed an original.

9.7 Partial Invalidity. The invalidity of one or more of the phrases, sentences, clauses, Sections or Articles contained in this Agreement shall not affect the validity of the remaining portions so long as the material purposes of this Agreement can be determined and effectuated.

9.8 Applicable Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New York.

9.9 Exhibits. All exhibits referred to in this Agreement shall be incorporated into this Agreement by such reference and shall be deemed a part of this Agreement as if fully set forth in this Agreement.

9.10 Notice. Any notice, demands or other communications permitted or required to be given hereunder (the "Notices") shall be in writing and, if mailed postage prepaid by Federal Express or similar overnight delivery and shall be deemed given one (1) day after the date of mailing, or if emailed, upon acknowledgement or other confirmation of receipt. Notices shall be addressed to the parties as follows:



**Buyer's Initials:** _____ **Seller's Initials:** NTO

To Seller:

Zachary Middleton
2171 State Route 4
Fort Edward, NY 12828
Phone: (518) 410-3710
Email: zmiddleton@easternmillwrights.com

and

Neal Orsini
13 Old Fort Street
Fort Edward, NY 12828
Phone: (518) 744-4784
Email: neal.orsini@gmail.com

With a required copy to:

Hodgson Russ LLP
140 Pearl Street, Suite 100
Buffalo, NY 14202
Attention: Daniel A. Spitzer
Phone: (716) 848-1420
Email: dspitzer@hodgsonruss.com

To Buyer:

David O'Brien
Chairman
Counties of Warren-Washington IDA
5 Warren Street
Glens Falls, NY 12801
Phone: (518) 866-1022
Email: dkobrien@att.net

With a required copy to:

FitzGerald Morris Baker Firth PC
68 Warren Street, PO Box 2017
Glens Falls, New York 12801
Attention: Kara Lais
Phone: (518) 745-1400
Email: kil@fmbf-law.com

Any address or name specified above may be changed by a notice given to the addressee by the other party in accordance with this Section. The inability to deliver because of a changed address of which no notice was given or rejection or other refusal to accept any notice shall be deemed to be the receipt of this notice as of the date of such inability to deliver or rejection or refusal to accept. Any notice may be given by counsel for such party.

9.11 Default. In the event of any material default on the part of either party under this Agreement which continues for ten (10) days after receipt of written notice from the other party (except that no notice shall be required for default under any obligation to be performed at the Closing) the following shall apply:

(a) If Buyer is the defaulting party, Seller shall, as its sole remedy, terminate this Agreement and retain the Deposit and any Extension Payments paid as liquidated



**Buyer's Initials:** _____ **Seller's Initials:** NTO

damages. The parties agree that the retention of the Deposit and any Extension Payments paid shall be considered liquidated damages by reason of the uncertainty and impossibility of ascertaining actual damage suffered by the Seller. Both parties agree that the aforesaid amount constitutes a reasonable forecast of damages which would be sustained by the Seller in the event of the Buyer's breach. Notwithstanding the foregoing, this Section 6.11(a) shall not be deemed to limit Buyer's indemnifications hereunder which are deemed separate and distinct covenants.

(b) If Seller is the defaulting party, Buyer may, as its sole remedies, (i) terminate this Agreement in which event the full amount of Buyer's Deposit and any Extension Payments paid shall be refunded and Seller shall reimburse Buyer for Buyer's out-of-pocket costs incurred in connection with the Project, or (ii) seek specific performance against Seller. Notwithstanding the foregoing, in the event that specific performance is unavailable to Buyer, as a result of a willful default by Seller such as a conveyance to another party in violation of this Agreement, Purchaser shall have the right to receive damages from Seller or seek any other remedy available at law or in equity.

(c) The prevailing party shall be entitled to receive from the unsuccessful party reasonable attorney's fees and costs incurred by it by virtue of any litigation as to the rights of the parties under this Agreement.

9.12 Exclusivity. Seller shall terminate any and all marketing of the Property for sale, shall not negotiate with any other party and shall deal exclusively with Buyer regarding the sale of the Property from the date of execution of the letter of intent between the parties through the date of Closing.

**[BALANCE OF PAGE INTENTIONALLY LEFT BLANK**
**SIGNATURES ON FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, this Agreement is executed effective as of the Effective Date.

**SELLER:**

**FT. EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION**
A New York State Not for Profit Corporation

By: _____

Name: NEAL ORSINI

Title: PRES.

**DATE OF EXECUTION:** December 31, 2019

**BUYER:**

**COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY**
A New York State Public Benefit Corporation

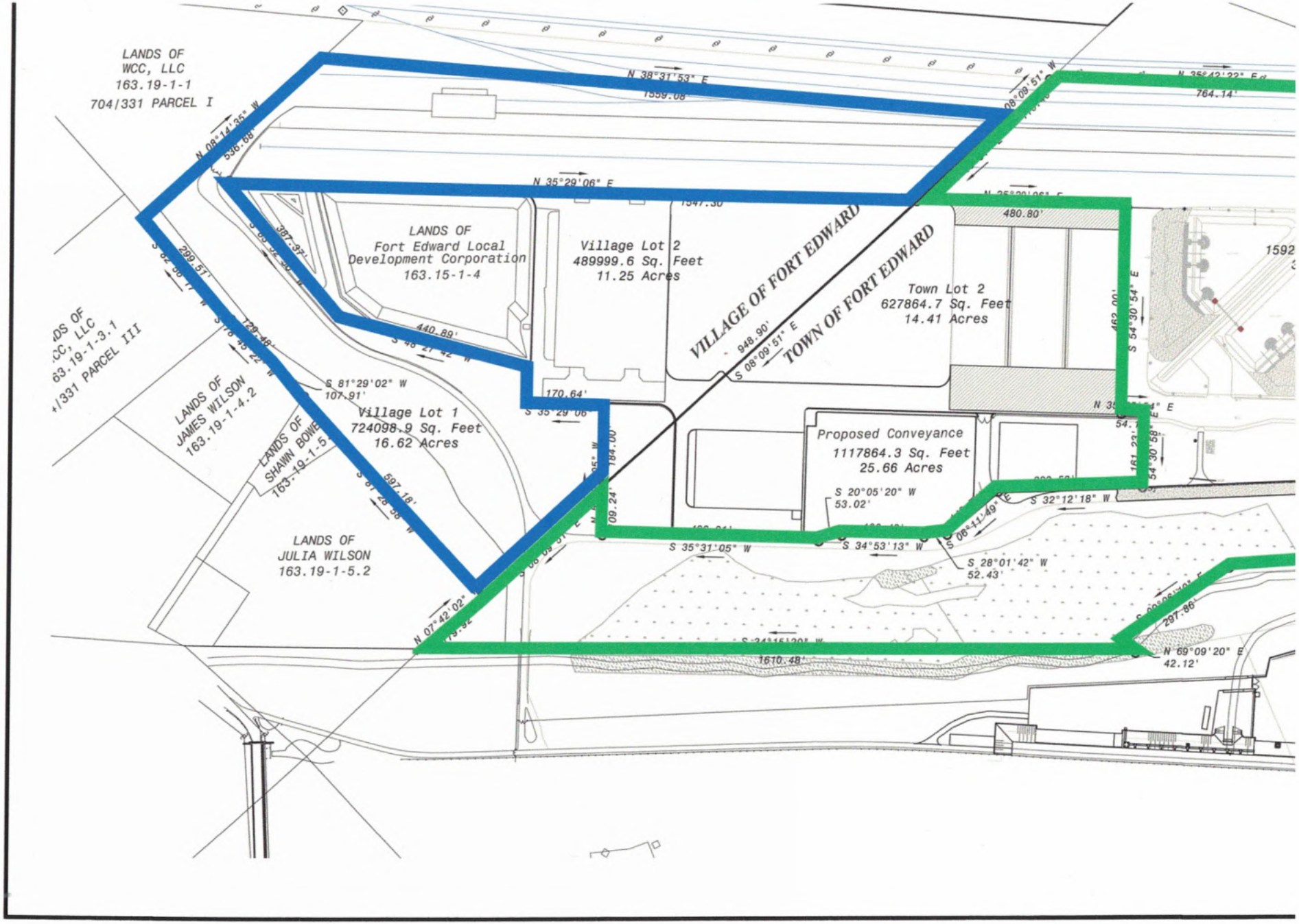


**Buyer's Initials:** _____ **Seller's Initials:** NTO

By: _____
Name: David O'Brien, Chairman
**DATE OF EXECUTION:** December 31, 2019



**Buyer's Initials:** _____ **Seller's Initials:** NTO




**Buyer's Initials:** _____ **Seller's Initials:** _____

Commonwealth
LAND TITLE INSURANCE COMPANY

**Policy No.: 40562-1-23863-6781-2019.8130632-216606390**

## AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (6/17/06)
## With New York Coverage Endorsement Appended

Issued by

## COMMONWEALTH LAND TITLE INSURANCE COMPANY

**Any notice of claim and any other notice or statement in writing required to be given the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.**

## COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, COMMONWEALTH LAND TITLE INSURANCE COMPANY, a Florida corporation, (the "Company") insures as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
   (a) A defect in the Title caused by
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.
   (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land; or
   (d) environmental protection
   if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or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(b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
   (i) to be timely, or
   (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Countersigned:

By: _____
Authorized Officer or Agent
Michael J. O'Connor
Little, O'Connor & Borie, PC
19 W Notre Dame St
PO Box 898
Glens Falls, NY 12801-0898
Tel:518-792-2155
Fax:518-792-6972

By: _____
President

Attest: _____
Secretary

## EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.


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5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

## CONDITIONS

**1. DEFINITION OF TERMS**

The following terms when used in this policy mean:

(a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.

(b) "Date of Policy": The date designated as 'Date of Policy" in Schedule A.

(c)"Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.

(d) "Insured": The Insured named in Schedule A.

(i) The term "Insured" also includes

(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;

(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;

(C) successors to an Insured by its conversion to another kind of Entity;

(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title

(1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,

(2) if the grantee wholly owns the named Insured,

(3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or

(4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

**2. CONTINUATION OF INSURANCE**

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

**3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT**

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

**4. PROOF OF LOSS**

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or


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damage.

**5. DEFENSE AND PROSECUTION OF ACTIONS**

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters
insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c)Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

**6. DUTY OF INSURED CLAIMANT TO COOPERATE**

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title, or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

**7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY**

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii)To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability


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or obligation to defend, prosecute, or continue any litigation.

**8. DETERMINATION AND EXTENT OF LIABILITY**

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii)the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii)the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c)In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

**9. LIMITATION OF LIABILITY**

(a) If the Company establishes the Title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c)The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

**10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY**

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

**11. LIABILITY NONCUMULATIVE**

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

**12. PAYMENT OF LOSS**

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

**13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT**

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

**14. ARBITRATION**

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of $2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c)Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized


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person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

**16. SEVERABILITY**

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

**17. CHOICE OF LAW; FORUM**

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

**18. NOTICES, WHERE SENT**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at COMMONWEALTH LAND TITLE INSURANCE COMPANY, Attn: Claims Department, P.O. Box 45023, Jacksonville, FL 32232-5023.


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Issued with Policy No. 40562-1-23863-6781-2019.8130632-216606390

## SCHEDULE A-PAGE 1

| FILE NO. | DATE OF POLICY | AMOUNT OF INSURANCE | PREMIUM | POLICY NO. |
|---|---|---|---|---|
| 18WSC23863-6781 | December 28, 2018 | $35,000.00 | $303.00 | 40562-1-23863-6781-2019.8130632-216606390 |

1. Name of Insured: **FORT EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION**

2. The estate or interest in the land which is covered by this policy is: **FEE INTEREST**

3. Title to the estate or interest in the land is vested in: **FORT EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION by virtue of deed from WCC, LLC dated December 27, 2018 which deed was recorded in the Washington County Clerk's Office on December 28, 2018 in Book 4005 of Deeds at Page 132.**

4. The land referred to in this Policy is described as follows:

All that certain piece or parcel of land situate, lying and being in the Town and Village of Fort Edward, County of Washington and the State of New York, more particularly bounded and described as follows: **BEGINNING** at the point in the northwesterly bounds of the lands of the People of the State of New York, known as the Champlain Canal, where the same is intersected by the westerly bounds of the corporate lines of the Town of Fort Edward and the easterly corporate line of the Village of Fort Edward, being also in the easterly bounds of lands of James and Julia Wilson; running thence along said lands North 07 degrees, 42 minutes and 02 seconds West, along said Village/Town line, a distance of 179.92 feet to the northeasterly corner of said lands of Wilson; thence running South 81 degrees, 28 minutes and 58 seconds West, along the northerly bounds of said lands of Wilson and along the northerly bounds of lands now or formerly of Bowe, a distance of 597.18 feet to the northeast corner of lands of James and Cheryl Wilson; thence running along the northerly bounds thereof, the following two courses and distances:
(1) South 81 degrees, 29 minutes and 02 seconds West, a distance of 107.91 feet;
(2) South 78 degrees, 45 minutes and 22 seconds West, a distance of 129.48 feet to the northeast corner of lands of WCC, LLC as described in book 1812 of deeds at page 128; thence running along said lands the following two courses and distances:
(1) South 82 degrees, 56 minutes and 17 seconds West, a distance of 299.51 feet;
(2) North 08 degrees, 14 minutes and 35 seconds West, a distance of 536.68 feet to the southerly bounds of lands of CP Railroad; thence running along said lands, North 38 degrees, 31 minutes and 53 seconds East, a distance of 1559.08 feet to the easterly corporate line of the Village of Fort Edward and westerly corporate line of the Town of Fort Edward; thence running along said line and still along the lands of CP Rail, North 08 degrees, 09 minutes and 51 seconds West, a distance of 116.40 feet to an angle point in said CP Railroad; thence continuing along said railroad, North 35 degrees, 42 minutes and 22 seconds East, a distance of 764.14 feet to the southwesterly corner of a strip of land owned by the State of New York for a drainage ditch; thence running along said drainage ditch, North 82 degrees, 11 minutes and 08 seconds East, a distance of 1303.19 feet to the westerly bounds of other lands of the State of New York, known as the Champlain Canal; thence running along said canal lands the following four courses and distances:

Issued with Policy No. 40562-1-23863-6781-2019.8130632-216606390

## SCHEDULE A-PAGE 2

| FILE NO. | DATE OF POLICY | AMOUNT OF INSURANCE | PREMIUM | POLICY NO. |
|---|---|---|---|---|
| 18WSC23863-6781 | December 28, 2018 | $35,000.00 | $303.00 | 40562-1-23863-6781-2019.8130632-216606390 |

(1) South 29 degrees, 34 minutes and 50 seconds West, a distance of 1220.55 feet;
(2) South 00 degrees, 06 minutes and 10 seconds East, a distance of 297.86 feet;
(3) North 69 degrees, 09 minutes and 20 seconds East, a distance of 42.12 feet;
(4) South 34 degrees, 15 minutes and 20 seconds West, a distance of 1610.48 feet to the point and place of beginning, containing 78.84 acres of land to be the same more or less.

Bearings given in the above description refer to grid North.

SUBJECT to easements of record.

Countersigned: _____
Authorized Officer or Agent

SCHEDULE B
**EXCEPTIONS FROM COVERAGE**

Policy No.: **40562-1-23863-6781-2019.8130632-216606390**
File No.: **18WSC23863-6781**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records: See SMS Services Agreement

2. Encroachments, overlaps, boundary line disputes and any other matters which would be disclosed by an accurate survey and inspection of the premises.

3. The amount of acreage is not insured.

4. Subject to rights and easements, if any, acquired by any public utility companies to maintain their poles and operate their wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.

5. Any easements which may exist in any drains, sewer lines, water lines, underground utilities of any kind or water courses crossing premises.

6. No title will be insured to any land lying in the bed of any street, road, alley or avenue abutting, adjoining, passing through or crossing the premises herein.

7. Policy excepts all unpaid real estate taxes.

8. Any state of facts an accurate survey or inspection of the premises may disclose, including but not limited to the exact courses, distances and dimensions of the premises.

9. Any conditions, restrictions and/or state of facts as set forth on filed subdivision maps and any modifications thereto.

10. Covenants, conditions, easements, leases, agreements of record, etc., more fully set forth in Schedule herein.
    a) Right to enter and maintain and repair a private water pipe Book 164 Page 545;
    b) Easement Adirondack Power and Light Corporation Book 187 Page 552;
    c) Easement New York Telephone Company Book 544 Page 72;
    d) Easement Book 3220 Page 265;
    e) Easement Book 3679 Page 232;
    f) Easement Book 2417 Page 121;

11. Premises does not front on a Town or Village road or street.

12. Rights-of-way for railroad, switch tracks, spur tracks, railway facilities and other related easements, if any, on and across the land. If survey discloses any of the above-mentioned railroad facilities are on subject property acquisition would be subject to CP right to maintain and utilize said railtrack.

13. Easement Deed by Court Order in Settlement of Landowner Action recorded February 13, 2013 L/P 3223/265.

14. Amendment to the Grant of Easement dated July 25, 2016 between WCC, LLC and Niagara Mohawk Power Corporation recorded July 29, 2016 L/P 3679/232.

15. Niagara Mohawk Power Corporation and Verizon, New York, Inc. Easement – L/P 2417-121.

# STANDARD NEW YORK ENDORSEMENT (OWNER'S POLICY)

Commonwealth
LAND TITLE INSURANCE COMPANY

1. The following is added as a Covered Risk:

   "11. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."

2. Exclusion Number 5 is deleted, and the following is substituted:

   5. Any lien on the Title for real estate taxes, assessments, water charges or sewer rents imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as Shown in Schedule A.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed with the facsimile signatures of its President and Secretary and sealed as required by its By-Laws.

Dated: 12/28/18

Countersigned: Michael J. O'Connor

COMMONWEALTH LAND TITLE INSURANCE COMPANY

COMMONWEALTH LAND TITLE INSURANCE COMPANY SEAL NEBRASKA

By: _____ President

ATTEST _____ Secretary

By: _____
Authorized Officer or Agent

End. – Standard New York (5/1/07) Rev. 11/01/08
FOR USE WITH ALTA OWNER'S POLICY (6-17-06)
**Form 1190-30B**

**ORIGINAL**

Commonwealth
LAND TITLE INSURANCE COMPANY

## POLICY AUTHENTICATION ENDORSEMENT

Attached to and made a part of Policy Number: 40562-1-23863-6781-2019.8130632-216606390

When the policy is issued by the Company with a policy number and Date of Policy, the Company will not deny liability under the policy or any endorsements issued with the policy solely on the grounds that the policy or endorsements were issued electronically or lack signatures in accordance with the Conditions.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: 12/28/18

**MICHAEL J. O'CONNOR**

**By**

COMMONWEALTH LAND TITLE INSURANCE COMPAN

SEAL

# WAIVER OF ARBITRATION ENDORSEMENT(OWNER'S OR LOAN POLICY)

Commonwealth
LAND TITLE INSURANCE COMPANY

Attached to and made part of Policy No.: **40562-1-23863-6781-2019.8130632-216606390**

The policy is amended by deleting therefrom:

(A) If this endorsement is attached to an ALTA Loan Policy: Condition 13.

(B) If this endorsement is attached to an ALTA Owner's Policy: Condition 14.

(C) If this endorsement is attached to a TIRSA Owner's Extended Protection Policy: Condition 12.

This endorsement is made a part of the Policy and is subject to all of the terms and provisions thereof and of any other endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the Policy and any other endorsements, nor does it extend the effective date of the Policy and any other endorsements, nor does it increase the face amount thereof.

**IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY** has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Endorsement to become valid when countersigned by an authorized officer or agent of the Company.

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

Dated: 12/28/18

Countersigned: Michael J. O'Connor

By: _____
Authorized Officer or Agent

COMMONWEALTH LAND TITLE INSURANCE COMPANY
SEAL
NEBRASKA

By: _____ President

ATTEST _____ Secretary

End. – TIRSA Waiver of Arbitration (04/24/01) Rev. 11/01/08
Owner's or Loan Policy
**Form 2413-A**

**ORIGINAL**

Table 2
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 194-684
Summary of Soil Data

| Sample ID: | Overflow Basin Clay | Overflow Basin Sand | Stormwater Basin | CECSB-202 | FILL Comp | BINS Comp | CECSB-210 | CELSB-209 | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|---|---|---|---|---|---|
| Sample Depth (feet): | - | - | - | 0-5 | - | - | 30-36 | 30-36 | | |
| PID Readings (ppmv): | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Sample Type: | Composite | Composite | Composite | Composite | Composite | Composite | Composite | Composite | | |
| Sample Date: | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | Protection of Public Health / Restricted | |
| Lab Sample ID: | 19I0292-01 | 19I0292-02 | 19I0292-03 | 19I0292-04 | 19I0292-05 | 19I0292-06 | 19I0292-07 | 19I0292-08 | Unrestricted | Industrial |
| **Total VOCs (mg/kg)** | | | | | | | | | | |
| | NT | NT | NT | ND | NT | NT | ND | ND | NE | NE |
| **Total SVOCs (mg/kg)** | | | | | | | | | | |
| | NT | ND | ND | NT | ND | NT | ND | ND | NE | NE |
| **Total Petroleum Hydrocarbons (mg/kg)** | | | | | | | | | | |
| | NT | ND | ND | NT | ND | NT | ND | ND | NE | NE |
| **Total Metals (mg/kg)** | | | | | | | | | | |
| Arsenic | NT | 5.88 | 5.65 | NT | **37.4** | NT | **33.0** | ND | 13 | 16 |
| Barium | NT | 25.9 | 18.5 | NT | 24.8 | NT | 14.9 | 18.2 | 350 | 10,000 |
| Beryllium | NT | 0.22 | 0.27 | NT | 0.13 | NT | ND | 0.17 | 7.2 | 2,700 |
| Cadmium | NT | ND | ND | NT | ND | NT | ND | 0.52 | 2.5 | 60 |
| Chromium (III) | NT | 4.88 | 4.01 | NT | 7.81 | NT | 6.59 | 6.66 | 30 | 6,800 |
| Copper | NT | 4.86 | 6.61 | NT | 10.7 | NT | 6.58 | 7.46 | 50 | 10,000 |
| Lead | NT | ND | 34.4 | NT | 27.9 | NT | 10.1 | ND | 63 | 3,900 |
| Manganese | NT | 35.8 | 33.7 | NT | 485 | NT | 124 | 127 | 1,600 | 10,000 |
| Mercury | NT | ND | ND | NT | 0.018 | NT | ND | ND | 0.18 | 5.7 |
| Nickel | NT | 4.24 | 3.81 | NT | 16.4 | NT | 6.27 | 6.84 | 30 | 10,000 |
| Selenium | NT | ND | ND | NT | ND | NT | ND | ND | 4 | 6,800 |
| Silver | NT | ND | ND | NT | ND | NT | ND | ND | 2 | 6,800 |
| Zinc | NT | 25.2 | 40.0 | NT | 43.9 | NT | 23.8 | 30.1 | 109 | 1000 |
| **Total PCBs (mg/kg)** | | | | | | | | | | |
| | ND | ND | ND | ND | ND | ND | ND | ND | 0.1 | 25 |
| **Classical Chemistry (mg/kg)** | | | | | | | | | | |
| Hexavalent Chromium | NT | ND | ND | NT | ND | NT | ND | ND | 1 | 800 |
| Total Cyanide | NT | ND | ND | NT | ND | NT | ND | ND | NE | NE |

Notes:
mg/kg = milligrams per Kilogram
PID = photoionization detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Restricted Use standard
NE= Not established
ND = Not detected
NT = Not tested

# ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
# &
# LIMITED SUBSURFACE INVESTIGATION

**PROPERTY ON LOCK 8 WAY**
**FORT EDWARD, NEW YORK**

**Prepared For:**

**WL PLASTICS CORP.**
**3575 LONE STAR CIRCLE, SUITE 400**
**FORT WORTH, TEXAS 76177**

**Prepared By:**

**CIVIL & ENVIRONMENTAL CONSULTANTS OF NEW YORK, INC.**
**331 USHERS ROAD, SUITE 19**
**BALLSTON, NEW YORK 12019**

**CEC Project 194-684**

**OCTOBER 2019**

October 17, 2019

Mr. David Fink
WL Plastics Corp.
3575 Lone Star Circle, Suite 400
Fort Worth, Texas 76177

Subject: ASTM E1527-13 Phase I Environmental Site Assessment & Limited Subsurface Investigation
Property on Lock 8 Way, in Fort Edward, New York
CEC Project No. 194-684

Dear Mr. Fink:

Civil & Environmental Consultants of New York, Inc. (CEC), a subsidiary of Civil & Environmental Consultants, Inc. (CEC) is pleased to submit the attached Phase I Environmental Site Assessment (ESA) & Limited Subsurface Investigation for the above referenced Site. This Phase I ESA was performed at your request in accordance with our agreed upon revised proposal, dated August 29, 2019.

We appreciate the opportunity to be of service to you. If you have any questions or require additional services, please feel free to contact us at 774-501-2176.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS OF NEW YORK, INC.

Moly Cote
Project Manager III

Jonathan D. Kitchen
Principal

## EXECUTIVE SUMMARY

The Executive Summary below is an overview of the results of this Phase I Environmental Site Assessment (ESA) and should not be considered apart from the entire report, which contains the rationale and qualifications used by Civil & Environmental Consultants of New York, Inc. (CEC) in making the opinions and conclusions presented herein.

| | |
|---|---|
| PROPERTY NAME/ADDRESS: | Lock 8 Way, Fort Edward, New York 12828 |
| INTENDED USER(S): | WL Plastics Corp. |
| PROPERTY/TAX ID: | Portions of 163.15-1-4 and 163.-2-20.1 |
| PROPERTY OWNER: | The Fort Edward Local Development Corp.<br>118 Broadway<br>Fort Edward, NY 12828 |
| PROPERTY DESCRIPTION: | |
| Land Area: | Approximately 21 acres of an approximate 80-acre property |
| Improvements: | Two buildings; asphalt and concrete pavement, paved stormwater detention basin and unpaved overflow basin |
| Water/Sanitary: | Water Service Available – Holding Tank for Sanitary |
| Heating Fuel: | None (formerly electric) |
| CURRENT USE: | Vacant |
| HISTORIC USE: | Processed sediments from Upper Hudson River Superfund Site which were impacted by polychlorinated biphenyls (PCBs) |
| ADJACENT PROPERTY USE: | West: Delaware and Hudson Railroad, ESMI of New York, Trius Inc., Iuliucci Pit/Mine<br>North: Portion of former Sediment Processing Facility, Rail Car Loading and Off-Loading Facility, undeveloped land beyond.<br>East: Undeveloped land & the Champlain Canal (including former sediment unloading area) – beyond which are a golf course, private residences, and vacant or agricultural land.<br>South: Portions of former Sediment Processing Facility, Residential beyond |
| SIGNIFICANT DATA GAPS: | None |
| RECOGNIZED ENVIRONMENTAL CONDITIONS (RECS): | None |
| ADDITIONAL SERVICES: | Limited Subsurface Investigation (Discussed in Section 8.0) |

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# 1.0 INTRODUCTION

This report documents the results of a Phase I Environmental Site Assessment (ESA) for an approximate 22 acre parcel of land located off of Lock 8 Way in Fort Edward, New York (the "Subject Property"). CEC conducted this assessment on behalf of WL Plastics Corp. (the "Client") in accordance with our proposal, dated August 29, 2019. This Phase I ESA was conducted to update a Phase I that CEC performed in the winter/early spring of 2019. The Phase I ESA and Limited Site Investigation report was provided to the Client on April 22, 2019. The information obtained and findings of the prior Phase I ESA and LSI are incorporated herein.

The Client requested that CEC perform this Phase I ESA as part of their due diligence relative to potential acquisition of the Subject Property. As such, CEC understands that Client will be the user[1] of this Phase I ESA.

## 1.1 PURPOSE

The purpose of this Phase I ESA is to identify, to the extent feasible pursuant to the process prescribed herein, recognized environmental conditions (RECs)[2] in connection with the Subject Property in accordance with ASTM International (ASTM) E1527-13 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (the "Standard"). In doing so, this Phase I ESA is intended to permit the user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on liability (hereinafter, the "landowner liability protections") available under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended (42 U.S.C. §9601).

## 1.2 SCOPE OF SERVICES

CEC performed the following scope of services in order to meet the purpose of this Phase I ESA.

[1] The term user is defined in the Standard as "the party seeking to use Practice E 1527 to complete an environmental site assessment of the property. A user may include, without limitation, a potential purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager." The user is also the party that intends to use the Phase I ESA to satisfy one of the requirements to qualify for the landowner liability protections under CERCLA.

[2] The term recognized environmental conditions (RECs) is defined in the Standard as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."

### 1.2.1 Records Review

The purpose of the records review was to identify, obtain, and review reasonably ascertainable records from standard sources that will help identify RECs in connection with the Subject Property. The records reviewed consisted of the following:

1) Standard Environmental Record Sources: A review of records obtained through a search of reasonably ascertainable government agency databases was performed to determine if the Subject Property, and/or other properties within prescribed search distances, are listed in databases which could indicate conditions or activities that may have a potential negative impact on the Subject Property. The sources and approximate minimum search distances included in the search were those set forth in the Standard.

2) Physical Setting Sources: A review of the current USGS 7.5-Minute Topographic Map showing the area of the Subject Property, other regional geology, and soil maps described in Section 4.2 to gain a general understanding of its physical setting.

3) Historical Use Information: A review of select reasonably ascertainable historical resources to develop a history of the previous uses of the Subject Property, its adjoining properties, and properties in the surrounding area to identify the likelihood of past uses having led to RECs, in connection with the Subject Property. CEC utilized various historical resources to identify the obvious uses of the Subject Property back to its first developed use, or back to 1940, whichever was earlier, as described in Section 4.3, and to the extent practical based on the available resources.

   These resources include:

   - Aerial photographs
   - Fire insurance maps
   - Topographic maps
   - Local street/city directories
   - Chain of title records, if provided by others
   - Prior environmental reports, if provided by others

4) Site Cleanup Reports: Beginning in about 2015, plans were developed and implemented to decommission and remediate the sediment processing facility, decontaminating equipment where possible, and removing equipment and contaminated environmental media. CEC reviewed relevant reports, including, but not limited to, the following cleanup plan and verification reports, as they pertain to the approximately 23-acre area of interest to WL Plastics:

- *General Electric Phase 2 Sediment Processing Facility Demobilization and Restoration Plan, Hudson River PCBs Superfund Site*, (Arcadis, 2015)

- *Sediment Processing Facility Decontamination Report, Hudson River PCBs Superfund Site* (Parsons, 2016)

- *General Electric Sediment Processing Facility Environmental Sampling Data Summary Report* (Arcadis, 2016)

- *Final Second Five Year Review Report for the Hudson River PCBs Superfund Site* (USEPA, 2019)

- *Final Second Five Year Review Comment Response for the Hudson River PCBs Superfund Site* (USEPA, 2019)

- *Certification of Completion of Remedial Action under 2006 Consent Decree (USEPA, 2019)*

- *Hudson River PCBs Superfund Site Fact Sheet (USEPA, 2019)*

CEC also reviewed information available on the United States Environmental Protection Agency's website for the Hudson River Superfund Site, which included reports related to the siting and design of the sediment processing facility.

5) EDR conducted an environmental lien/AUL search for the Subject Property. Environmental liens and AULs are legally distinct instruments and have very different purposes and both can commonly be found within recorded land title records (e.g., County Recorder/Registry of Deeds). The types of title reports that may disclose environmental liens and AULs include Preliminary Title Reports, Title Commitments, Condition of Title, and Title Abstracts; however, AUL information is not typically contained in a chain-of-title report.

### 1.2.2 Site Reconnaissance

A reconnaissance was performed by CEC Environmental Professionals (EPs) to obtain information indicating the likelihood of RECs in connection with the Subject Property. The reconnaissance consisted of visits to observe the interior and exterior portions of the Subject Property and evaluate its current and former uses. The current uses of adjoining properties were identified to the extent that they were visually and/or physically observable from the Subject Property or from public areas during the reconnaissance.

### 1.2.3 Environmental Sampling

In addition to the site reconnaissance, CEC collected soil samples, which were collected in locations chosen to address WL Plastics' concerns related to the potential for contamination to exist related to the former use of the Site.

### 1.2.4 Interviews

Within the time period available to complete the Phase 1 Report, CEC made reasonable attempts to conduct interviews with past and/or present Subject Property owners, operators, and occupants in order to obtain information indicating RECs. CEC has also made reasonable attempts to interview USEPA, state, and/or local government officials and/or make Open Records inquiries to obtain information indicating RECs in connection with the Subject Property.

### 1.2.5 Report

Upon completion of the above tasks, CEC prepared this Phase I ESA and Limited Subsurface Investigation (LSI) report describing the scope of services performed, the findings including a summary of the environmental sampling activities and data, the identification of RECs, the EP's opinion(s) of the impact of identified RECs on the Subject Property, and the EP's opinion regarding whether additional appropriate investigations would be necessary to detect the presence of hazardous substances or petroleum products. The Phase I ESA report includes the EP's qualifications, signature, and declaration, as required by the Standard. Reliance on the Phase I ESA report will be granted only to you unless reliance by others is required and agreed to by CEC.

### 1.2.6 User (Client) Responsibilities

ASTM defines the "User" as the party seeking to use the Standard to complete a Phase I ESA of the Subject Property. A user may include, without limitation, a potential purchaser of property, a potential tenant of property, an owner of property, a lender, or a property manager. The user has specific obligations for completing a successful application of this practice. To meet the objectives of the Standard, CEC requested that you or your designee provide the following:

- Any "specialized knowledge" of the Subject Property, as defined by the Standard;
- Owner/occupant and prior owner/occupant contact information, and;
- Purchase/market price information.

The "User Questionnaire" assists the user and the EP in gathering information from the user that may be relevant to identifying RECs. The User Questionnaire completed by you is included in Appendix B. The information you provide is included in this Phase I ESA Report.

### 1.2.7 Non-Scope Considerations and Additional Services

In accordance with the Standard, issues considered beyond the scope of this Phase I ESA included asbestos-containing materials, radon, lead-based paint, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, PCB-containing building materials, controlled substances, and mold. In addition, issues regarding ionizing radiation, oil/gas production, mineral rights and mining, and geotechnical suitability were also considered beyond the scope of this ESA.

The non-scope considerations performed by CEC are discussed in Section 8.0.

## 1.3 SIGNIFICANT ASSUMPTIONS

CEC completed this Phase I ESA using the following significant assumptions:

- The information obtained from presumably knowledgeable parties (e.g. Subject Property owner, manager, user, tenants, etc.), regulatory agencies, or other sources was assumed to be accurate and reliable.

- The obtained regulatory database information was assumed to accurately reflect the information contained in the regulatory agency records, unless it was obviously contradicted by other data.

- Shallow groundwater flow was assumed to mimic area topography as depicted on the local USGS 7.5-minute topographic map and as observed during the reconnaissance. Prior reports related to groundwater monitoring were also reviewed. Within the scope of this ESA, no subsurface data was obtained to evaluate the actual groundwater flow direction beneath the Subject Property. Local factors, such as underground utilities, heterogeneous subsurface features, and seasonal fluctuations, among other factors, may influence the actual direction of groundwater flow at and near the Subject Property. Site-specific groundwater flow direction can only be determined through the installation of piezometers into the transmissive zone being evaluated.

## 1.4 LIMITATIONS AND EXCEPTIONS

CEC performed this Phase I ESA Update consistent with professional standards and in accordance with the scope and limitations defined in the Standard. This report presents CEC's field observations, results and opinions as they existed on the date of the reconnaissance, and is subject to modification by CEC, if CEC or any other party develops subsequent information. Limiting

conditions encountered as part of this ESA, if any, are discussed in the corresponding sections of this report.

Performance of this Phase I ESA is intended to reduce, but not eliminate, uncertainty of environmental conditions associated with the property. Therefore, the information and comments made in this report should not be construed to warrant or guarantee the property, or express or imply, without limitation, warranties as to its marketability or fitness for a particular use. Furthermore, the information that is provided in this report is not intended, nor should it be construed to be, legal advice. The review of site-specific documentation was limited to those items referenced in this report.

It should be noted that this report is time sensitive and has specific limitations related to the viability of the information contained herein. Specific to Phase I ESAs, the Standard imposes a "shelf life"[3] on the reports and components thereof, as well as specific user obligations. It is the responsibility of the user to verify the continued viability of the report.

## 1.5 SPECIAL TERMS AND CONDITIONS

There are no special terms or conditions associated with this Phase I ESA Update.

## 1.6 USER RELIANCE

The User of this report is the Client. The scope of services performed in execution of this evaluation may not be appropriate to satisfy the needs of others, and use of this document or the findings, conclusions, or recommendations contained herein by others is at their sole risk. Reliance by the Users on the facts, conclusions, and recommendations presented in this report is subject to the agreed upon specific scope of services and contractual terms and conditions, including explicit indemnification statements and limitations on CEC's financial liability.

[3] According to the Standard, the shelf life, or "continued viability," of the ESA is "Subject to Section 4.8, an environmental site assessment meeting or exceeding this practice and completed less than 180 days prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid. If within this period the assessment will be used by a different user than the user for whom the assessment was originally prepared, the subsequent user must also satisfy the user's Responsibilities in Section 6. Subject to Section 4.8 and the user's Responsibilities set forth in Section 6, an environmental site assessment meeting or exceeding this practice and for which the information was collected or updated within one year prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction may be used provided that the following components of the inquiries were conducted or updated within 180 days of the date of purchase or the date of the intended transaction: (i) interviews with owners, operators, and occupants; (ii) searches for recorded environmental cleanup liens;(iii) reviews of federal, tribal, state, and local government records; (iv) visual inspections of the property and of adjoining properties; and (v) the declaration by the environmental professional responsible for the assessment or update."

This report and its findings shall not, in whole or in part, be disseminated or conveyed to another party, nor used by another party in whole or in part, without prior written consent of CEC, except as permitted by the Standard.

# 2.0 SUBJECT PROPERTY DESCRIPTION

## 2.1 LOCATION AND LEGAL DESCRIPTION

The Subject Property is located at the terminus of Lock 8 Way in Fort Edward, New York. The Subject Property consists of portions of two parcels of commercially zoned land, totaling approximately 22 acres. According to the Fort Edward and Village of Fort Edward Assessor's records, the parcels of land are identified as Tax ID #s 163.15-1-4 (28 acres) and 163.-2-20.1 (51.41 acres). A Subject Property Location Map, and an Aerial Photograph/Site Plan (which depicts the boundary of the Subject Property) are presented as Figures 1 and 2, respectively. Refer to Appendix A for a copy of the Assessor's information.

## 2.2 SUBJECT PROPERTY AND VICINITY GENERAL CHARACTERISTICS

The Subject Property is located in a mixed use commercial/industrial and residential area of Fort Edward, New York. The Subject Property is relatively flat. Prior to construction of the sediment processing facility, topography was relatively flat, and the parcels consisted of open land with trees and brush. Regional topography review indicates that lower elevations exist to the south and east and topography slopes to the east/southeast toward the Champlain Canal. The topography is relatively higher to the west and north. A map study indicates the ground surface of the Subject Property is on average at approximately 134± feet above mean sea level (msl). The Champlain Canal and associated wetlands are located less than 500 feet to the east of the Subject Property. There are no public water supply wells located within 1 mile of the Subject Property. Based on information reviewed in prior reports, it may be inferred that the groundwater likely flows in a southeasterly direction, toward the wetlands and the Champlain Canal. It is noted that actual local groundwater flow direction can be influenced by factors such as surface topography, underground structures, tides, seasonal fluctuations, soil and bedrock geology and production wells, some of which may apply at the Subject Property. Site-specific groundwater flow can only be determined through the installation and elevation survey of piezometers or groundwater wells.

## 2.3 CURRENT USE OF THE SUBJECT PROPERTY

The Subject Property is currently vacant. The parcels are zoned for industrial use.

## 2.4 DESCRIPTION OF STRUCTURES, ROADS, AND OTHER IMPROVEMENTS

The Subject Property is located at the southern terminus of Lock 8 Way and consists of portions of two irregular shaped lots of land. The Subject Property is comprised of approximately 22 acres. According to information in prior reports reviewed by CEC, prior to development, the parcels were used for agricultural purposes dating back to the late 1940s and remained as such until the early 1990s. Beginning in the early 1990s, sand was mined from the parcels until approximately 2000.

Thermally treated soil was used as fill material for the mining excavations; and, in 2000, the parcels were leased for use as a cornfield for livestock feed. The Delaware Hudson Railroad abuts the western boundary of the Subject Property. The Subject Property was most recently used by General Electric (GE) and the United States Environmental Protection Agency (USEPA) for the processing of sediments from the Hudson River Superfund Site. There are two metal fabricated slab on grade buildings remaining on the Subject Property, which are currently vacant. There are paved access and haul roads; concrete areas and walls/pads associated with the former processing of sediments; concrete pads associated with former exterior above-ground tanks and paved parking areas, a stormwater basin and overflow basin, and some landscaped areas. The majority of the Subject Property is paved with asphalt or concrete. Small landscaped areas exist between the buildings and the haul/access roads.

## 2.5 CURRENT USES OF THE ADJOINING PROPERTIES

The Subject Property is located within a residential, agricultural and industrial area of Fort Edward, mainly consisting of undeveloped land, agricultural land, residences and industrial properties. The following are the abutting properties to the Subject Property:

| | |
|---|---|
| South: | Wooded/undeveloped land and Residential properties |
| North: | Portion of former Sediment Processing Facility, Rail Car Loading and Off-Loading Facility, undeveloped land beyond |
| East: | Undeveloped land & the Champlain Canal (including the former sediment unloading area) – beyond which are a golf course, private residences, and vacant or agricultural land. |
| West: | Delaware and Hudson Railroad, ESMI of New York, Trius Inc., Iuliucci Pit/Mine |

## 3.0 USER PROVIDED INFORMATION

CEC communicated with the Client regarding the information to be considered as part of the "User's Responsibilities" under the ASTM standard. On behalf of the User, Mr. David Fink, of WL Plastics completed the User Questionnaire and provided the following information indicating the extent of his knowledge pertaining to the Subject Property. If seeking any landowner liability protections (LLPs) under CERCLA, the User of report should consider all of the information provided by Mr. Fink and seek any other information regarding the topics below. A copy of the completed User Questionnaire is provided in Appendix B. The following Sections summarize the information provided.

### 3.1 TITLE RECORDS

CEC was not provided with any information with respect to title records, nor was CEC engaged to perform a title search for the Subject Property.

### 3.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS

The Client requested that CEC and the Client's legal counsel research any environmental liens that may have been filed against the Subject Property under federal, tribal, state, or local law. The Client indicated that a title search is planned to identify any activity and use limitations (AULs), engineering controls, land use restrictions, or institutional controls in place at the Subject Property and/or that have been filed or recorded in a registry under federal, tribal, state, or local law.

EDR provided an Environmental Lien and AUL Search report that indicated that neither an environmental lien nor an AUL was found in connection with the Subject Property. A copy of the report is provided in Appendix H.

### 3.3 SPECIALIZED KNOWLEDGE

The Client did not have any specialized knowledge related to the property or nearby properties, other than the knowledge of its prior use as a sediment processing facility for a Superfund Site.

### 3.4 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

The Client is aware that the Subject Property was utilized as a sediment processing facility related to the Superfund cleanup of the Hudson River. The Client provided CEC with reports, entitled:

- *General Electric Phase 2 Sediment Processing Facility Demobilization and Restoration Plan, Hudson River PCBs Superfund Site,* (Arcadis, 2015);

- *Sediment Processing Facility Decontamination Report, Hudson River PCBs Superfund Site* (Parsons, 2016);
- *General Electric Sediment Processing Facility Environmental Sampling Data Summary Report* (Arcadis, 2016); and,
- *Proposed Second Five Year review Report for Hudson River PCBs Superfund Site* (USEPA, 2017)

The Client provided CEC with a sketch of the proposed boundary of the portion of the parcels subject to this Phase I Update. A copy of the sketch is included in Appendix B, along with the User Questionnaire.

The Client did not provide CEC with other information regarding commonly known or reasonably ascertainable information about the Subject Property.

## 3.5 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

The Client indicated that the purchase price for the Subject Property has yet to be established. The Client indicated that initial price discussed is $30,000 per acre, and a fair market value of the property has not been determined.

## 3.6 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION

According to the Assessor's records, both vacant lots of land are currently owned by the Fort Edward Local Development Corp.

## 3.7 REASON FOR PERFORMING PHASE I ESA

CEC was engaged by WL Plastics, Inc. (the Client) to perform this Phase I ESA as part of their due diligence relative to the purchasing of the Subject Property.

## 3.8 INTENDED USE OF THE SUBJECT PROPERTY

It is CEC's understanding that WL Plastics will operate a facility at the Subject Property and will construct an addition to the former Dewatering Building, for use by WL Plastics.

## 3.9 PROCEEDINGS INVOLVING THE SUBJECT PROPERTY

The Client is not aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the Subject Property; any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the Subject Property; or any notices from any governmental entity regarding any possible

violation of environmental laws or possible liability relating to hazardous substances or petroleum products. However, the Client is aware that the Subject Property was formerly utilized as a contaminated sediment processing facility; and, that a significant decontamination process was undergone when the Subject Property was decommissioned.

# 4.0 RECORDS REVIEW

## 4.1 ENVIRONMENTAL RECORD SOURCES

### 4.1.1 Government Environmental Databases

CEC contracted with Environmental Data Resources, Inc. (EDR) of Milford, Connecticut to conduct a search of reasonably ascertainable environmental record sources published by Federal, State, and/or Tribal regulatory agencies with jurisdiction over the Subject Property. EDR also searches their proprietary databases of historical auto station, dry cleaner, and manufactured gas plant locations. A definition of each database search and associated acronyms are included in the Government Records Searched/Data Currency Tracking (Records Searched) section of the EDR report. The search of each database was conducted using the approximate minimum search distances from the Subject Property defined by the Standard. The results of EDR's search were used to evaluate if the Subject Property and/or properties within prescribed search distances are listed as having a past or present record of actual or potential environmental impact. Please note that regulatory listings include only those properties, which are known to the regulatory agencies at the time of publication to be 1) contaminated, 2) in the process of evaluation for potential contamination, or 3) regulated. Inclusion of a property in a government database list does not necessarily indicate that the property has an environmental problem.

EDR plotted the locations of the listed properties identified in the search relative to the Subject Property and provided the regulatory information available for each in a Radius Map™ Report, dated September 3, 2019. Refer to Appendix C for a copy of EDR's Radius Map™ Report, which includes an "Overview Map" and a "Detail Map" showing the locations of the identified properties. A listing of the "standard" and "additional" record sources reviewed is also included.

#### *4.1.1.1 Subject Property Listings*

The EDR Radius Map Report listed the Subject Property on the National Priorities List (NPL), Superfund Enterprise Management Systems (SEMS), Resource Conservation and Recovery Act – Large Quantity Generator (RCRA-LQG), United States Engineering Controls (US ENG CONTROLS), United States Institutional Controls (US INSTITUTIONAL CONTROLS), and other database searches. These listings apply to the Hudson River polychlorinated biphenyls (PCBs) Superfund Site, which is large and contains several operable units. The Subject Property is/was not part of the Superfund Site but was formerly utilized by General Electric as a portion of a larger (110 acre) facility for processing sediments and debris excavated from the Upper Hudson River that were impacted by release(s) of PCB. It was used for this purpose during two phases of dredging that occurred in 2009 and in 2011 through 2015, respectively. The sediment processing is complete; and, demobilization began in 2015, and was completed in 2016. The engineering controls refer to portions of the Superfund Site that are not located on the Subject Property.

*4.1.1.2 Non-Subject Property Listings*

EDR's Radius Map Report identified 19 non-Subject Property listings on the database search within the approximate minimum search distances from the Subject Property.

CEC reviewed the data presented for these listings and evaluated them based on their regulatory status (according to EDR's report), distance from the Subject Property, and the general hydrogeology of the region (refer to Section 4.3).

The following properties are listed in the EDR database. Please note that some properties have multiple company names and the locations are not geocoded properly. CEC endeavored to group the companies by current street addresses and location aid provided. Refer to Figure 3 for the current street addresses:

- Environmental Soil Management Inc. (ESMI) of New York (Clean Earth) is located at 304 Towpath Road (Lane). It is listed on several databases, including the solid waste facility/landfill (SWF/LF); above-ground storage tank (AST), New York spills (NY Spills); Financial Assurance; Resource Conservation and Recovery Act (RCRA) Non generator; no longer regulated (NLR), USEPA integrated compliance information system (ICIS), US aerometric information retrieval system (AIRS) databases. Based on additional review, spills that occurred appear to have been addressed to the satisfaction of the applicable regulatory authority; the facility is in operation and is subject to the State Implementation Plan for Primary and Secondary Ambient Air Quality Standards, under which it is subject to compliance monitoring and/or state inspections; it is no longer a LQG; and there is an active AST on the property that stores diesel which is used on the property.

- The facility located at 284 Tow Path Road is listed in the spills database. A spill of transformer oil transformer occurred in 2009, which was cleaned up and no further action was required. An additional spill occurred as a result of vehicle accident which was addressed and closed with the regulatory authority in 2011.

- Lock 8 is located in the Champlain Canal. A spill from a vessel occurred in 2004, and a leak from a submerged vehicle was reported in 2002. These have been addressed to the satisfaction of the regulatory authority.

- The Iuliucci Pit is located on Towpath Lane and is listed as a non-coal mining pit.

- Pallets Inc. is located at 99 ½ East Street and is listed as a Trucking/Transportation/Fleet Operation in the New York Spills, underground storage tank (UST) and the above-ground storage tank (AST) databases. It is also listed as a conditionally exempt Small Quantity non-

Generator. The spill occurred in 1998 and has been addressed to the satisfaction of the regulatory authority and the USTs and AST are listed as closed/removed.

Additional properties are listed that, due to distance or location downgradient of the Subject Property, are not likely to have impacted the Subject Property.

Based on CEC's evaluation of the information provided in the EDR report; actual soil and groundwater sampling that occurred on the Subject Property in 2015 and 2016, as part of the decommissioning and decontamination of the sediment processing facility; and, soil sampling conducted in 2019 by CEC, it is unlikely that the properties referenced in the EDR have impacted the Subject Property.

Please refer to EDR's Radius Map Report in Appendix C for more details. The properties discussed above are depicted on Figure 3.

*4.1.1.3 Orphan Listings*

Not all sites or facilities identified in the database records can be accurately located in relation to the Subject Property due to incomplete information being supplied to the regulatory agencies and are referred to as "orphan sites" by EDR. The "Orphan Summary" section of the EDR Radius Map Report identified seven orphan sites. Based on a drive-by reconnaissance of the Subject Property vicinity and review of location and status information provided in the database report, the identified facilities do not appear to be located at either the Subject Property or any adjacent properties.

*4.1.1.4 State Environmental Regulatory Agency*

CEC reviewed several reports related to the properties identified above in the EDR that were obtained on the New York State Department of Environmental Conservation searchable databases. Based on our review, the properties referenced are not likely to have an impact on the Subject Property due to actions being taken to the satisfaction of the regulatory agency and/or distance from the Subject Property.

## 4.2 LOCAL RECORDS REVIEWS

CEC contacted various local sources of records related to the Subject Property to attempt to identify records indicative of the use, storage or management of petroleum products or hazardous substances on the Subject Property. These reviews are summarized below.

### 4.2.1 Assessor's Records

CEC reviewed online files for the Fort Edward, Village of Fort Edward and Washington County, New York Assessor's databases. In addition, on March 13, 2019, CEC visited the Fort Edward Assessor's Office to attempt to review relevant records. The Subject Property is a portion of two separate parcels, identified by the Assessor's records as the following:

- Parcel ID 163.15-1-4: Listed as east of/off of Towpath Lane, encompassing 28 acres; and,
- Parcel ID 163.-2-20.1: Listed as 1400 Towpath Lane, encompassing 51.41 acres.

Both parcels are listed as being owned by the Fort Edward Local Development Corporation. The Fort Edward Assessor's Office did not have additional information related to permits for the Subject Property or records indicating the use or storage of petroleum products or hazardous waste on the Subject Property. The representative present at the time indicated that any such records would be on file in this office. Copies of the relevant Assessor's information are provided in Appendix A.

In September, 2019, CEC contacted the Fort Edward Assessor's Office and reviewed the Washington County online databases for any new information. No new information was available at the time.

### 4.2.2 Local Fire Department

CEC contacted the Fort Edward Fire Department, who indicated that there were no relevant files for the two parcels.

### 4.2.3 City Clerk's Department

On March 13, 2019, CEC visited the Town Clerk's office and no relevant information relating to the Subject Property was on file. CEC contacted the Town Clerk's office in September 2019, to see if any new information was available. CEC was informed that no new information was available.

### 4.2.4 City Building Department

On March 13, 2019, CEC visited the City Building Department office and no relevant information relating to the Subject Property was on file. CEC contacted the Building Department office in September 2019, to see if any new information was available. CEC was informed that no new information was available.

### 4.2.5 City Board of Health Department

On March 13 2019, CEC visited the Board of Health Department and no relevant information relating to the Subject Property was on file. CEC contacted the Board of Health office in September 2019, to see if any new information was available. CEC was informed that no new information was available.

Each local agency or department indicated that, because the construction, operation, and subsequent decommissioning of the sediment processing facility was done under the Superfund Site, local permitting was not required. Accordingly, the local records may not be indicative of the use of the Subject Property.

## 4.3 PHYSICAL SETTING SOURCES

CEC reviewed information from various physical setting sources to evaluate the general characteristics of the subsurface geology in the vicinity of the Subject Property. This information was reviewed to evaluate how those characteristics may influence movement of potential subsurface impacts identified on or near the Subject Property. It was not the intent of this review to evaluate the geotechnical conditions of the Subject Property or to assess geologic concerns such as foundation conditions, faulting, subsidence, mining, or oil/gas wells.

### 4.3.1 Topography

Review of the 7.5-minute Topographic Quadrangle Map of "Hudson Falls, NY" (U.S. Geological Survey, 2013) indicates that lower elevations exist to the south and east and topography slopes to the east/southeast toward the Champlain Canal. The topography is relatively higher to the west and north. A map study indicates the ground surface of the Subject Property is on average at approximately 134± feet above mean sea level (msl). The Champlain Canal and associated wetlands are located less than 500 feet to the east of the Subject Property. The closest surface water body is the Champlain Canal and associated wetlands, which are located adjacent to the east of the Subject Property.

### 4.3.2 Geology

According to the EDR report, the soils types are variable and consist of loam, silty loam, sand, and unweathered bedrock throughout the area. The soil is classified as urban land.

### 4.3.3 Hydrogeology

Based on topographic gradients at the Subject Property, the groundwater is anticipated to flow in the south/southeasterly direction toward Champlain Channel which is located within 500 feet of

the Subject Property. One New York public water supply well is listed as being located within 0.5 to 1 mile to the east, northeast of the Subject Property.

## 4.4 HISTORICAL USE INFORMATION ON THE SUBJECT PROPERTY AND ADJOINING PROPERTIES

CEC reviewed the readily available historical sources described in the following sections to ascertain the historical uses of the Subject Property and immediately adjacent properties to evaluate the presence of activities that could present RECs. Information, as summarized below, was obtained dating back to 1895.

### 4.4.1 Aerial Photographs

Aerial photographs were obtained for the vicinity of the Subject Property from EDR. Photographs were available from 1942, 1947, 1960, 1964, 1979, 1986, 1995, 2006, 2009, 2013 and 2017. The scale, resolution, and/or quality of the aerial photographs limited our ability to discern specific Subject Property and vicinity features relative to historical uses.

In general, the aerial photographs locate the Subject Property amidst a rural area containing primarily farmlands, some woodlands, with some properties developed as residential properties. The canal to the east appears in the photographs. The railroad to the west is at least partially developed beginning in the 1942 photograph. Between 1942 and 2006, the Subject Property is undeveloped and consists of primarily agricultural/farmland. From 2009 on, the Subject Property is developed as the current general layout of the former sediment processing facility. In the 2009 photograph, two exterior round structures appearing to be above-ground storage tanks are present in between the two buildings. In the 2013 photograph, a third tank is located between the two tanks. In the 2017 photograph, the 3 tanks are no longer present, but the circular tank pads remain.

Development on one property across the railroad is apparent in the 1947 photograph and increases over time on this property and others west of the railroad track. The 1995 photograph depicts the development on these properties to be relatively consistent with their current commercial/industrial state.

Properties to the east of the canal appear to be rural/agricultural throughout with some development as residential/farmland.

Copies of the aerial photographs provided by EDR are included in Appendix D.

### 4.4.2 Historical Topographic Maps

Historical Topographic Maps were obtained for the vicinity of the Subject Property from EDR for the years 1895, 1897, 1938, 1947, 1955, 1966, and 2013.

The Subject Property and surrounding properties are generally situated in a rural and relatively undeveloped area. The Canal is depicted to the east and the railroad to the west throughout the years.

Copies of the historic topographic maps provided by EDR are included in Appendix E.

### 4.4.3 Fire Insurance Maps

Sanborn Fire Insurance Maps were requested for the vicinity of the Subject Property from EDR. According to EDR, there is no coverage for this area of Fort Edward.

The Sanborn Fire Insurance Maps "No Coverage" Abstract Report is attached as Appendix F.

### 4.4.4 Local Street Directories

CEC contracted with EDR to prepare a street directory abstract for the Subject Property and surrounding addresses. EDR's City Directory Abstract indicated that street directories were not available for the Subject Property. City Directories were provided for properties on Towpath Lane and Towpath Road that were consistent with information provided in other resources reviewed.

The City Directory Abstract is attached as Appendix G.

### 4.4.5 Previous Reports

CEC reviewed plans and reports related to the siting, decommissioning and remediation of former sediment processing facility, a portion of which was located on the Subject Property. CEC reviewed relevant site-related reports, including, but not limited to, the following reports, as they pertain to the 22-acre area of interest to WL Plastics:

- *Hudson River PCBs Superfund Site, Facility Siting Report* (ecology and environment, inc, 2004);
- *Phase I Final Design Report – Hudson River PCBs Superfund Site* (Blasland, Bouck & Lee, 2006);

- *General Electric Phase 2 Sediment Processing Facility Demobilization and Restoration Plan, Hudson River PCBs Superfund Site,* (Arcadis, 2015);

- *Sediment Processing Facility Decontamination Report, Hudson River PCBs Superfund Site* (Parsons, 2016);

- *General Electric Sediment Processing Facility Environmental Sampling Data Summary Report* (Arcadis, 2016);

- *Proposed Second Five Year review Report for Hudson River PCBs Superfund Site* (USEPA, 2017);

- *Final Second Five Year Review Report for the Hudson River PCBs Superfund Site* (USEPA, 2019);

- *Final Second Five Year Review Comment Response for the Hudson River PCBs Superfund Site* (USEPA, 2019); and,

- *Certification of Completion of Remedial Action under 2006 Consent Decree (USEPA, 2019)*

Reports indicate that the Subject Property was once used for the mining of topsoil and sand, and that the mined areas were subsequently filled with thermally treated, nonhazardous soils. Reports also indicate that approximately 100,000 of fill was placed on the Subject Property during construction of the sediment processing facility.

The reports document that there is a geo-synthetic liner in place across the majority of the former Sediment Processing facility.

The post – decontamination report (Parsons, 2016) indicates that, the results from the Dewatering Building met the criteria established for unrestricted use and that the structural components, appurtenances and floor slab would remain in place. It further indicated that the underground piping beneath the building was grouted with flowable fill and abandoned in place.

The report also indicated that the water treatment building was suitable for unrestricted use, all components were to remain in place and the underground discharge line from the building to the Canal was decommissioned by plugging both ends with mechanical plugs and welding the discharge flap gate closed in place. In addition, upon milling the top 1 – 1 ½ inch of asphalt from the former filter cake enclosures and placing a top coat to meet surrounding grades, the area (including concrete knee walls) was suitable for unrestricted use.

The report also indicates that concrete and asphalt remaining in place are suitable for unrestricted use; and that the storm water underdrain system was decontaminated and post-decontamination samples results indicate that the PCB concentrations were not detected above the facility effluent limit. The storm water force main piping from storm water basins to the water treatment building were decontaminated, the ends were plugged with grout and they were abandoned in place.

The information regarding the southern stormwater basin indicates that some concrete from the stormwater basin was removed, and portions of the basin were removed and replaced with a vegetated swale. The removed concrete and asphalt was crushed and shipped off-site for beneficial re-use. Initial decontamination of the stormwater drainage system consisted of gross removal of solids and debris. Pipes were flushed with water. Vacuum trucks and shovels/brooms were utilized to collect the sediments/solids. Wash water was collected in manholes and stormwater basins and treated in the water treatment plant. Solids generated during the flushing activities were collected and dewatered in the stormwater basins and in a contained area and stabilized for off-site disposal.

Stormwater drainage piping and structures were flushed until PCBs were not detected in stormwater above the substantive effluent limit for PCB discharges from the Facility during two or more consecutive wet-weathering sampling events. Once the stormwater drainage structures and piping were decontaminated, gross removal of sediments/solids from the concrete surfaces of the stormwater basin was conducted using a skid steer and concrete surfaces were thoroughly washed.

Wash water was pumped out through existing stormwater force mains to water treatment plant for treatment. Concrete material from the geo-cell liner system was crushed and samples of the concrete were collected. A representative bulk sample of the geo-synthetic liner materials within each basin was collected after the concrete geo-cell material was removed. All components of the stormwater basin and pumps stations met criteria for unrestricted use.

The stormwater basins were reconfigured/reconstructed in accordance with the EPA-approved plans and remain in service to manage on-site stormwater.

CEC also reviewed the *USEPA Final Second Five-Year Review Report for the Hudson River PCBs Superfund Site*, dated April 11, 2019, as it relates to the Subject Property. The report indicated that there are no institutional controls related to the former Sediment Processing Facility and that an inspection was performed of the facility in November 2016, and no issues were identified as a result of the inspection. In addition, according to a Fact Sheet issued by the USEPA, dated April 11, 2019, a partial Certificate of Completion of the Remedial Action was issued to the General Electric (GE) for portions of the Superfund site, including the former Sediment Processing Facility. The Certificate of Completion applies to the portions of the Superfund Site remedy that included dredging, capping, habitat restoration and deconstruction/decontamination of the Sediment

Processing Facility. Copies of the Second Five Year Review, the Certificate of Completion, and the Fact Sheet are included in Appendix K.

# 5.0 SUBJECT PROPERTY RECONNAISSANCE

## 5.1 METHODOLOGY AND LIMITING CONDITIONS

On March 13, 2019, Mr. Jonathan Kitchen and Ms. Molly Cote, both of whom are Environmental Professionals (EPs), performed a reconnaissance to visually observe a large portion of the Subject Property and the immediate vicinity for potential evidence of RECs and/or practices that could represent RECs. Mr. Kitchen and Ms. Cote were accompanied by Mr. John Davidson, a representative for the Subject Property, and Mr. Steve Reynolds, a representative of the Client.

At the time of the March 2019 reconnaissance, the visibility at the Subject Property was limited as large portions of the land were covered with snow. Ms. Cote returned to the Subject Property on September 9, 2019, to perform an additional Site reconnaissance.

On both occasions, the following methodology was used when performing the reconnaissance:

- Observed the accessible portions of the Subject Property by traversing the grounds in a random pattern and traveling the perimeter.

- Observed land use and types of operations of the immediate adjacent properties from the Subject Properties and public areas.

Photographs taken during the March and September reconnaissance are attached as Appendix I.

The limitations experienced during the reconnaissance were attributed to estimation of Subject Property boundaries.

## 5.2 GENERAL SUBJECT PROPERTY SETTING

The Subject Property is an approximate 22 acre parcel of land (portions of two separate parcels of land) located off of Lock 8 Way in Fort Edward, New York. The Subject Property is located in a mixed use commercial/industrial and residential area. The Subject Property is relatively flat. The most recent use of the Subject Property was as a sediment processing facility related to the Superfund cleanup of the Hudson River. The Champlain Canal is located to the east of the Subject Property and the Delaware and Hudson Railroad is to the west. The Subject Property is located within a residential, agricultural and industrial area of Fort Edward, mainly consisting of undeveloped land, agricultural land, residences and industrial properties

## 5.3 SUBJECT PROPERTY WIDE OBSERVATIONS

The following conditions were specifically assessed for their potential to indicate RECs and may include conditions inside or outside structures on the Subject Property.

### 5.3.1 Hazardous Substances and Petroleum Products

CEC observed indications of former operations that treated and stored, sediments and debris that were impacted by PCBs from the Hudson River Superfund Site. CEC did not observe any other indications of former operations that used, treated, stored, disposed of, or generated hazardous materials or petroleum products on the Subject Property.

### 5.3.2 Storage Tanks

#### *5.3.2.1 Underground Storage Tanks (USTs)*

CEC did not observe USTs or obvious visual evidence of the presence of USTs (i.e. vent pipes, fill ports, etc.).

#### *5.3.2.2 Aboveground Storage Tanks (ASTs)*

CEC did not observe obvious visual evidence of the presence of ASTs (i.e. vent pipes, fill ports, etc.). There were two empty fractionation tanks associated with the former sediment processes located on the Subject Property. There were three circular-shaped concrete pads located between the two buildings on the Subject Property, where above-ground storage tanks associated with the former sediment processing facility were formerly located.

### 5.3.3 Odors

CEC did not observe obvious strong, pungent, or noxious odors during the reconnaissance at the Subject Property.

### 5.3.4 Pools of Liquid

Pools or sumps of liquid were not observed during the reconnaissance, with the exception of the southern stormwater basin, which contained six to twelve inches of storm water. However, CEC did observe the presence of water in several troughs in the floors of the Dewatering Building and the water treatment building.

### 5.3.5 Drums and Containers

CEC observed one drum, labelled as containing synthetic motor oil, at the exterior of the water treatment building. The drum appeared to be full or mostly full. The drum was stored on pavement and staining was not observed on the pavement.

### 5.3.6 Unidentified Substance Containers

CEC did not observe containers containing unidentified substances at the Subject Property.

### 5.3.7 Suspect Polychlorinated Biphenyl (PCB) Containing Equipment

The Subject Property and immediate vicinity were viewed for the presence of potential PCB containing equipment, such as electrical transformers, capacitors, and hydraulic equipment.

#### *5.3.7.1 Transformers*

CEC observed transformers on the Subject Property. Two exterior pad mounted transformers were observed to the north of the water treatment building. CEC did not observe obvious staining or other indication of a leak.

Floor mounted transformers were also observed at the interior of both buildings. CEC did not observe obvious staining or other indication of a leak.

#### *5.3.7.2 Other Potential PCB-Containing Equipment*

CEC did not observe other major classes of equipment suspected of containing PCBs on the Subject Property. Several fluorescent light bulbs and fixtures were observed within the buildings.

## 5.4 INTERIOR OBSERVATIONS

### 5.4.1 Heating and Cooling

According to the property owner's representative, when the facility was in operation, it was a seasonal operation and was not operational in the winter months. During the shoulder seasons (spring and fall), the water treatment building was formerly heated with column mounted electric heaters. The Dewatering Building was not heated or cooled.

### 5.4.2 Stains or Corrosion

Evidence of minor staining and wear and tear related to prior operations were observed on the floor of the Dewatering Building; which CEC considers to be *de minimus*, as defined by the Standard.

### 5.4.3 Drains and Sumps

Both buildings have extensive floor drains/troughs that reportedly discharge to the on-Site stormwater collection system.

## 5.5 EXTERIOR OBSERVATIONS

The Subject Property is primarily covered by the two buildings and/or concrete or asphalt surfaces. The south stormwater basin is concrete and the overflow basin beyond was contained mainly sand. An earthen berm separated the stormwater basin from the overflow basin. The two basins are connected by a series of culverts. Entrance to the Site is via a secured fence. A chain link fence surrounds the area of the water treatment building. The area in between the two buildings is paved and is used for storage of equipment. The area to the east of the buildings is vegetated/wooded and the Champlain Canal is located to the east of that. A railroad abuts the Subject Property to the west.

Concrete walls associated with the "bins" of the former sediment processing operations remain in place. Loading/unloading of trucks and/or train cars was occurring on the northerly abutting parcel.

CEC has assessed the following exterior conditions for potential RECs.

### 5.5.1 Pits, Ponds, Lagoons, and Surface Waters

With the exception of the stormwater basin and associated overflow basin, CEC did not identify obvious pits, ponds, lagoons or surface waters on the Subject Property. Approximately six to twelve inches of standing water was present in the stormwater basin and the overflow basin was dry.

### 5.5.2 Stained Surfaces and Distressed Vegetation

The majority of the Subject Property is covered with impervious surfaces and there are very limited vegetated areas. CEC did not observe areas of distressed vegetation during the reconnaissance.

### 5.5.3 Solid Waste

CEC did not observe evidence of solid waste piles or dumping on the Subject Property, with the exception of one pile of manure that had been placed on the concrete surface of the former sediment processing area, up against one of the concrete retaining walls.

### 5.5.4 Waste Water

According to the owner's representative, sanitary waste from the bathroom in the water treatment building was stored in a subsurface holding tank, which was routinely pumped out and transported off of the property for disposal. Waste water was not observed currently being generated at the Subject Property.

### 5.5.5 Storm Water

CEC observed the existing catch basins on the Subject Property and the stormwater basin contained standing water.

### 5.5.6 Wells

No wells were observed on the Subject Property. According to the owner's representative, Water service was piped to both buildings but was only utilized in the water treatment building, not the Dewatering Building.

CEC was informed that the fractionation tanks, the drum, and the pile of manure were removed from the Subject Property prior to the date of this report.

## 5.6 ADJACENT PROPERTY OBSERVATIONS

To the extent that they were visibly and/or physically observable, CEC viewed each adjacent property from the Subject Property and adjacent public areas to evaluate the apparent land use for the potential to indicate RECs in connection with the Subject Property. The property to the east consists of a vegetated area, beyond which is the Champlain Canal. Beyond the canal appeared to be mostly large tracts of residential/agricultural land, relatively undeveloped.

The active railroad abuts the Subject Property to the west and beyond that uses appeared to be industrial. The northerly abutting parcel appeared to be in use for loading and unloading of railroad cars and trucks.

Property to the south appeared to be residential.

# 6.0 INTERVIEWS

CEC interviewed various individuals in order to evaluate historical uses and identify potential RECs associated with the Subject Property. The individuals interviewed were asked to provide responses in good faith and to the best of their knowledge. The following sections identify the individuals interviewed and summarize the information each provided; however, additional information provided by these individuals may be presented in other sections of this report.

## 6.1 CURRENT OWNER

The Assessor's card indicated that Fort Edward Local Development Corporation is the current owner of both parcels. John Davidson of D.A. Collins Companies provided access to the Subject Property and accompanied CEC and the Client during the March 2019 Site reconnaissance. A representative of DA Collins provided access to, but did not accompany, CEC for the September, 2019 reconnaissance.

Mr. Davidson indicated that he is familiar with the former operations on the Subject Property and he is not aware of any illegal dumping, USTs, spills, or other potential source of contamination at the property, other than its known former use.

Mr. Davidson indicated that the Subject Property is located in the jurisdiction of two separate Town governments, those being the Town of Fort Edward and the Village of Fort Edward. He also indicted that permits related to the construction and/or operation of the former sediment processing facility were not required as it was designed and constructed as part of the federal Superfund Site.

## 6.2 CURRENT MANAGER

Mr. Davidson represents the current managers of the Subject Property.

## 6.3 CURRENT OCCUPANTS

There are no occupants at the Subject Property.

## 6.4 GOVERNMENT OFFICIALS

Government officials of the Fort Edward were interviewed as part of the Record Review. Refer to Section 4.0 for information obtained from the governmental departments.

## 6.5 OTHER INTERVIEWS

No other parties were interviewed as part of this Phase I ESA.

# 7.0 PHASE I – ESA EVALUATION

## 7.1 FINDINGS

Based upon the information gathered as part of this Phase I ESA, the following is a summary of CEC's findings:

- The Subject Property consists of portions of two parcels of land located in a commercial/industrial and residential area of Fort Edward, NY. Historically, the Subject Property was reportedly used as agricultural land, a sand mining operation and a contaminated sediment processing facility.

- According to New York State GIS mapping, the closest water supply well is located over one-half mile from the Subject Property.

- The closest surface water body is the Champlain Canal located to the east of the Subject Property.

- Groundwater likely flows in a south/southeasterly direction, toward the canal.

- The Subject Property is zoned for industrial use.

- Two buildings and other features associated with former operation as a contaminated sediment processing facility remain. Reports of other environmental assessments indicate that the Subject Property has been remediated/decontaminated and that post-decontamination sampling results of the structures and improvements indicate that they meet the criteria established by the USEPA for unrestricted use at the Subject Property.

- Prior environmental assessment has been performed under the direction of the USEPA.

- Several off-site releases have occurred at abutting properties, however these releases do not appear to be likely to impact the Subject Property.

## 7.2 SIGNIFICANT DATA GAPS

During the course of this ESA, CEC obtained and reviewed all standard historical sources with the exception of recorded land title records. It is CEC's opinion that in this instance recorded land title records are unlikely to be sufficiently useful.

There is no specific street address for the Subject Property, which made obtaining prior records difficult to review. Several discrepancies in the addresses and locations of the Subject Property

and the surrounding properties became apparent during the municipal and historic research. However, it is the opinion of CEC that these discrepancies have not significantly impaired the outcome of the findings.

CEC did not identify any other significant data gaps.

## 7.3 PHASE I CONCLUSIONS AND OPINIONS

Based on the findings of this ESA, CEC offers the following opinions relative to the potential for environmental impact on the Subject Property by the conditions identified:

CEC did not identify RECs associated with the Subject Property, except as described herein.

The former use of the Subject Property is a HREC. The offloading, dewatering, processing and loading of PCB contaminated sediment at the Subject Property was a REC. The facility was decommissioned and decontaminated under the direction of the USEPA. Post-decontamination sampling results indicate that it has been completed to the satisfaction of the regulatory authority and, as such this condition is not considered a current REC.

CEC has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-13 for the Subject Property. Any exception to, or deletions from, this practice are described in Sections 1.4 and 9.0 of this report.

At the request of the Client, and to confirm that the decontamination was successful, CEC performed a Limited Site Investigation (LSI), which is described in the following section.

# 8.0 LIMITED SUBSURFACE INVESTIGATION

The Subject Property was formerly utilized by General Electric as a portion of a larger (110 acre) facility for processing sediments and debris excavated from the Upper Hudson River that were impacted by release(s) of PCBs. It was used for this purpose during two phases of dredging that occurred in 2009 and in 2011 through 2015, respectively. The sediment processing is complete; and, demobilization began in 2015, and was completed in 2016. The processing facility was decommissioned, the equipment was removed, and the former processing facility has been the subject of remediation and verification sampling under oversight by the United States Environmental Protection Agency (USEPA). Two buildings and asphalt and concrete pavement remain on the 22-acre parcel that is being considered for purchase by WL Plastics Corp (WL Plastics). Based on the Clients' request, CEC performed a limited investigation of remaining building materials and subsurface soil conditions.

## 8.1 PURPOSE

The primary purpose of the LSI was to evaluate the potential for residual contamination to exist as a result of the use of the Subject Property as a sediment processing facility associated with the Hudson River PCB Superfund Site. In addition, the LSI was performed to:

- Evaluate/confirm the validity and completeness of the results of post-cleanup sampling previously conducted by others;
- Identify and address any data gaps in prior sampling (pre-siting of the facility and post-cleanup), and;
- Evaluate potential areas of worker exposure and/or soils that could be disturbed during redevelopment.

## 8.2 SCOPE OF SERVICES

This LSI consisted of the following specific tasks:

- Review of prior reports, referenced in Section 4.4.5, above, to identify potential areas of concern and/or potential data gaps;
- Performed an initial site reconnaissance to evaluate potential subsurface sampling locations and to evaluate remaining building materials that could potentially be a source of exposure to construction or facility workers;

- In consultation with the Client, developed a sampling plan for the collection of asphalt, soil and building material samples;

- Oversaw advancement of soil borings and performed field sampling activities;

- Submitted select samples to a certified laboratory for analysis for PCBs and/or for disposal characterization parameters;

- Evaluated analytical data upon receipt from the laboratory; and,

- Prepared a summary report.

## 8.3 SUBSURFACE SOIL EVALUATION

On March 14, 2019, CEC oversaw the advancement of seven soil borings at the Subject Property, which were advanced by Cascade Drilling using a track-mounted direct push drill rig. CEC personnel observed soil conditions and field screened soil samples using a photoionization detector (PID) to evaluate for the presence of total organic vapors (TOVs).

The following is a summary of the soil boring locations and general descriptions:

| Boring ID | Location | Reason for Evaluation | Field Observations |
|---|---|---|---|
| CECSB-001 | Approx. 38 feet off of southwest corner of Dewatering Building | Within proposed building addition footprint (southeast corner) | Asphalt, subgrade material, gravel, silt, sand, geotextile at 2 feet, multi-layer liner at 2.5 feet, boring ended at 4 feet.<br>No odor, staining, or elevated PID readings. |
| CECSB-002 | Approx. 40 feet off of northwest corner of Dewatering Building | Within proposed building addition footprint (northeast corner) | Asphalt, subgrade material, gravel, silt, sand, geotextile at 2 feet, multi-layer liner at 2.5 feet, boring ended at 4 feet. No odor, staining, or elevated PID readings. |
| CECSB-003 | Approx. 100 feet off of northwest corner of Dewatering Building | Within proposed building addition | Core stuck in casing (see description below) |

| Boring ID | Location | Reason for Evaluation | Field Observations |
|---|---|---|---|
| | | footprint (northwest corner) | |
| CECSB-004 | In approx. center of sediment processing area | Approximate center of former sediment processing area | Core stuck in casing (see description below) |
| CECSB-005 | Approx. 100 feet off of northwest corner of Dewatering Building | Within proposed building addition footprint (southwest corner) | Core stuck in casing (see description below) |
| CECSB-006 | Outside of fence at southwest corner of water treatment building | Within area of potential rail spur extension | Grass, loam, dark brown sandy soil.<br>No odor, staining, or elevated PID readings.<br>Boring ended at 3.5 feet. |
| CECSB-007 | Outside of fence at the intersection of the Main Haul Road and the North Extension | Within area of potential rail spur extension | Grass, loam, dark brown sandy soil.<br>No odor, staining, or elevated PID readings.<br>Boring ended at 3.5 feet. |

As anticipated, groundwater was not encountered during the soil boring activities.

The cores from CECSB-003, CECSB-004, and CECSB-005 were brought back to CEC's facility in Raynham, where the samples were successfully removed from the casings. However, due to the breaking of the interior plastic sleeves, the samples were not removed in a uniform manner that would allow for discerning exact depths of the various types of material encountered. However, the materials encountered appeared to be very similar to those encountered in CECSB-001 and CECSB-002. No staining, odors or elevated PID readings were observed.

Two samples of the asphalt from sample locations CECSB-01 and CECSB-04 and two shallow soil samples from CECSB-07 and CECSB-02 were submitted for laboratory analysis for PCBs. In addition, two composite soil samples (one from the borings in the proposed building footprint; and one from the borings CECSB-006 and CECSB-007) were submitted for analysis for disposal characterization parameters, including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides, herbicides, PCBs, and other chemical characteristics.

PCBS were not detected in any of the soil samples, with the exception of one Aroclor detected in the sample CECSB-07 at a concentration of 0.9 parts per million, which is below the cleanup standard established by the USEPA for this property and is below the standards established by the State of New York for soil in commercial and industrial settings, respectively.

VOCs, SVOCs, pesticides, herbicides, were primarily not detected. Some metals were detected but at concentrations below the applicable standards established by the State of New York.

Soil analytical data is summarized in Table 1 and copies of the lab reports are included in Appendix J.

On September 9, 2019, CEC oversaw the advancement of eleven soil borings at the Subject Property, which were advanced by Crawford Drilling using a track-mounted direct push drill rig. CEC personnel observed soil conditions and field screened soil samples using a photoionization detector (PID) to evaluate for the presence of total organic vapors (TOVs).

The following is a summary of the soil boring locations and general descriptions:

| Boring ID | Location | Reason for Evaluation | Field Observations |
|---|---|---|---|
| CECSB-201 through CECSB-205 | Within southern stormwater basin. | Within stormwater basin that once collected stormwater from processing facility. | Concrete, gravel, fine to medium grain sand, some gravel.<br>Moist at 5 feet.<br><br>No odor, staining, or elevated PID readings |
| CECSB-206 | Within the southern "bin" of the sediment processing area at the northern extent of the Subject Property. | Former sediment processing area | Asphalt, gravel, concrete, brown sand, geotextile and multi-layer liner, overlying light tan to dark brown sand.<br><br>No odor, staining, or elevated PID readings. |
| CECSB-207 | Central to the middle sediment processing | Former sediment processing area | Asphalt and gravel, gray gravelly sand, geotextile |

| Boring ID | Location | Reason for Evaluation | Field Observations |
|---|---|---|---|
| | bin at the northern extent of the Subject Property | | and multi-layer liner over brown loamy sand with some brick (fill) fragments.<br><br>No odor, staining, or elevated PID readings |
| CECSB-208 | Proximal to rail line loading area, northern corner of Subject Property. | Near area used for loading rail cars | Asphalt and gravel, brown coarse sand, geotextile and multi-layer liner, over brown sand and gravel with brick fragments.<br><br>No odor, staining, or elevated PID readings |
| CECSB-209 | Within drainage swale between sediment processing bins. | Drainage swale was exposed to stormwater runoff and water from sediments | Asphalt and gravel, sandy gravel, gray sand, brown/gray coarse sand, gravel drainage layer, geotextile and fabric was on either side of this layer.<br><br>No odor, staining, or elevated PID readings. |
| CECSB-210 | Northern corner of Subject Property, near rail car loading area | Visible staining near dirt ramp used for loading rail cars. | Asphalt and concrete, geotextile and multi-layer liner, brown and black coarse sand, brown gravelly sand.<br><br>No odor, or elevated PID readings, staining on asphalt surface. |

| Boring ID | Location | Reason for Evaluation | Field Observations |
|---|---|---|---|
| CECSB-211 | Within center of northern most sediment processing area. | Former sediment processing area | Asphalt and concrete and compacted gravel, brown coarse sand, geotextile and multi-layer liner over brown and black sand with topsoil and brick (fill).<br><br>No odor, staining, or elevated PID readings |

As anticipated, groundwater was not encountered during the soil boring activities.

In addition to the soil boring, CEC personnel collected a soil sample from the overflow basin. A hand auger was used to collect a clay and sand sample from 3.5-4 feet below the ground surface. This sample was collected 15 feet beyond an outfall discharge point. See Figure 2 for locations of soil borings and the overflow basin sample.

The Overflow Basin Clay and Bins Comp (composite of CECSB-206, 207, and 211) were submitted for laboratory analysis for PCBs only. Sample CECSB-202 was submitted for laboratory analysis for VOCs only. The Overflow Basin Sand, Stormwater Basin (a composite from CECSB-201 through CECSB-205), and Fill Comp (composited from CECSB-207 and CECSB-211) were submitted for laboratory analysis for PCBs, metals, SVOCs, and TPH. Samples CECSB-09 and CECSB-210 were submitted for laboratory analysis for all of the above mentioned analyses.

VOCs, SVOCs, TPH, PCBs, cyanide and hexavalent chromium were not detected in laboratory analyses. Some metals were detected but only arsenic was detected at concentrations above the applicable standards established by the State of New York.

Soil analytical data is summarized in Table 2 and copies of the lab reports are included in Appendix J.

## 8.4 BUILDING MATERIALS EVALUATION

On March 14, 2019, CEC personnel collected samples of the building materials within the former Dewatering Building, as summarized below:

- Exposed fibrous (assumed fiberglass) insulation: Samples of the insulation were collected from all four interior walls of the building. The samples were collected from areas that appeared to be stained, or had other signs of possible impact, such as being located near former machinery or ductwork.

- Floor Epoxy: Floor epoxy was chipped from the existing floor in areas where staining was observed; in areas where it was evident that equipment was formerly located, and/or in areas surrounding the floor troughs.

- Floor Trough Debris: Debris was observed in several of the troughs in the floor. Samples of the debris, including pieces of concrete, sand, dirt, and other debris, were collected from the various troughs.

Composite samples of each of these materials were submitted to a certified laboratory for analysis for PCBs. PCBs were detected in one sample of the floor chips and one sample from the troughs, but at concentrations below the cleanup level of 1 part per million established by the USEPA.

A summary of the analytical data is provided in Table 2. A copy of the analytical report is included in Appendix J.

## 8.5 LIMITED SITE INVESTIGATION CONCLUSIONS

In March and September, 2019, site investigation activities were implemented at the Subject Property to evaluate for the potential for PCBs to remain in soils, pavement, and/or building materials at concentrations that may warrant further remediation. In addition, the subsurface soil was evaluated to determine whether there are any residual impacts to soil that may require any special management related to potential future construction activity at and/or future use of the Subject Property.

Based on the results of the subsurface investigation and the results from the building materials evaluation, CEC is of the opinion that further assessment is not warranted, conditions requiring reporting to the NYSDEC were not identified, and the building materials do not have significant residual impacts. Soil management related to future construction should be conducted in consultation with an environmental professional to determine appropriate soil handling procedures.

## 9.0 DEVIATIONS

CEC has performed this Phase I ESA in general conformance with the scope and limitations of the Standard with no identified deletions and no additions.

## 10.0 ADDITIONAL SERVICES

With the exceptions of the LSI activities described in Section 8.0, CEC did not perform additional services as part of this Phase I - ESA.

## 11.0 REFERENCES


- *Hudson River PCBs Superfund Site, Facility Siting Report* (ecology and environment, inc, 2004);

- *Phase I Final Design Report – Hudson River PCBs Superfund Site* (Blasland, Bouck & Lee, 2006);

- *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process;* ASTM; 2013

- *CEC's Proposal for Phase I Environmental Site Assessment;* March 26, 2016

- *7.5 Minute Topographic Quadrangle Map;* United States Geological Survey, 2013

- *The EDR Radius Map Report;* Environmental Data Resources, Inc., March 28, 2016

- *The EDR Aerial Photo Decade Package;* Environmental Data Resources, Inc., March 28, 2016

- *The EDR Historical Topographic Map Report;* Environmental Data Resources, Inc., March 28, 2016

- *The EDR Certified Sanborn® Map Report;* Environmental Data Resources, Inc., March 28, 2016;

- *General Electric Phase 2 Sediment Processing Facility Demobilization and Restoration Plan, Hudson River PCBs Superfund Site,* (Arcadis, 2015);

- *Sediment Processing Facility Decontamination Report, Hudson River PCBs Superfund Site* (Parsons, 2016);

- *General Electric Sediment Processing Facility Environmental Sampling Data Summary Report* (Arcadis, 2016); and,

- *Final Second Five Year Review Report for Hudson River PCBs Superfund Site* (USEPA, 2019).

- *Certification of Completion of Remedial Action under 2006 Consent Decree (USEPA, 2019)*

## 12.0 LIMITATIONS

This report presents CEC's field observations, results and opinions as they existed on the dates of the LSI. Environmental evaluations and conclusions are inherently limited as environmental conditions change with time. Conclusions are drawn from information obtained during CEC's evaluation as they existed on the date of the site sampling. Conditions inferred to exist between sampling points may differ significantly from the conditions that actually exist there. The activities documented herein were intended to evaluate whether specific impacts were present at the site and did not necessarily meet regulatory guidelines, as may be required of the party responsible for the impact. Therefore, it should be recognized that alternate and/or more rigorous assessment methods may produce different results.

The test pit logs and related information presented herein depict subsurface conditions at the test locations and at the time of the activities. Soil conditions at other locations and actual conditions between test pits may differ.

Chemical data presented herein are applicable to the location, time of sample collection, and the parameters analyzed. Chemical conditions may change with time and reported conditions may not represent current or future conditions. Chemical concentrations between sampling points may differ.

The existing environmental document provided was reviewed with respect to the environmental condition of the Subject Property and its accuracy/completeness was not independently verified by CEC. CEC can only provide comment regarding a prior consultant's interpretation of data and can only comment on the rationale and methods used to perform site assessment. However, without having performed the field tasks ourselves, CEC can only comment on the written documentation of another consultant, field observations, sampling locations and techniques, etc., and cannot be responsible for site conditions not observed/noted in the reports, etc. Accordingly, CEC is not in a position to "certify" the work of another firm.

## 12.1 QUALIFICATIONS AND SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

This report was prepared by Ms. Molly Cote and reviewed by Mr. Jonathan D. Kitchen, both EP's with CEC. Their qualifications are attached as Appendix L.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR 312.10 and we have the specific qualifications based on the education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

**Prepared by:**

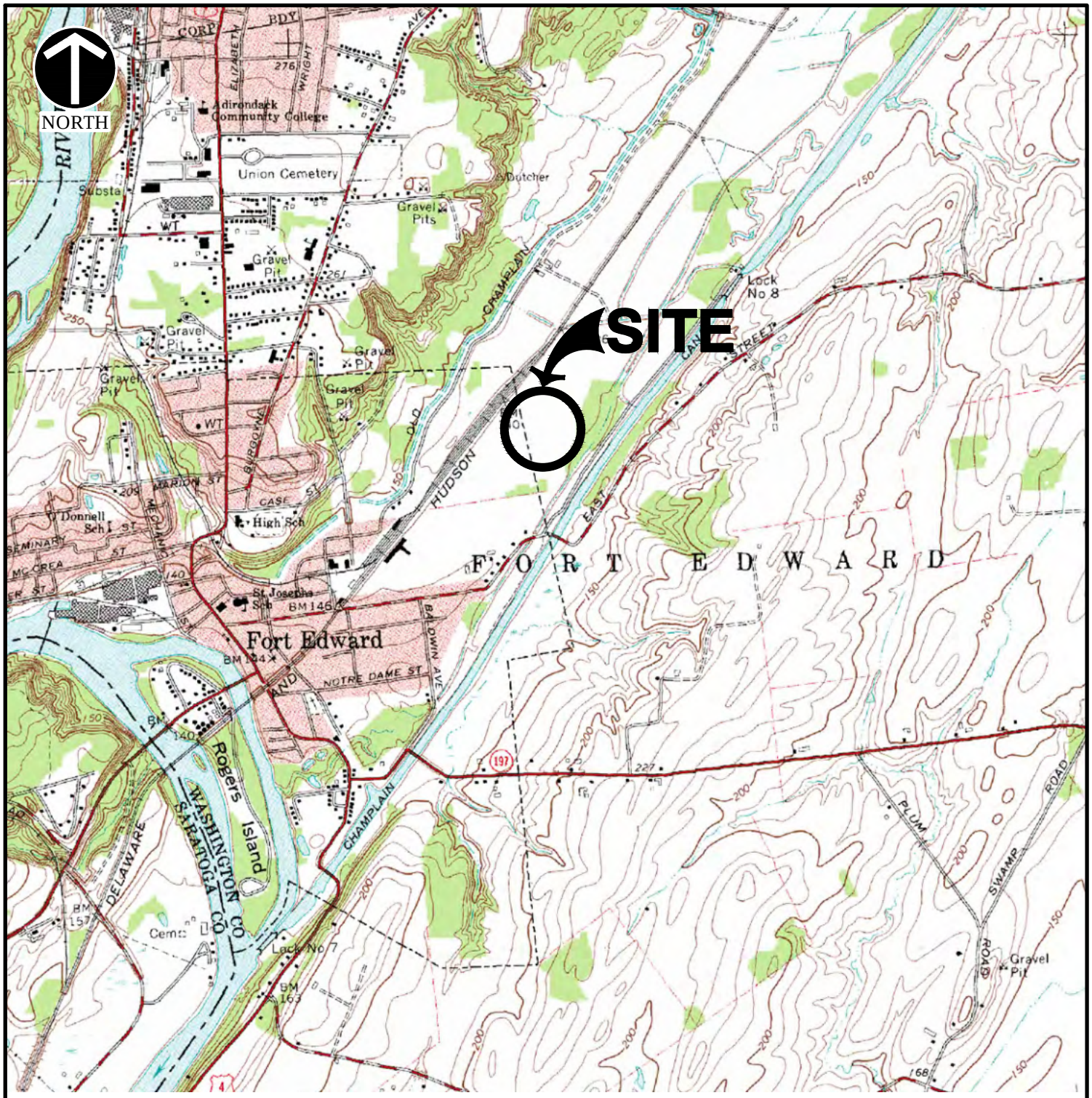
Molly Cote

Molly Cote
Project Manager III

**Reviewed by:**

Jonathan D. Kitchen
Principal

# FIGURES




## REFERENCE

1. USGS MAPS ARE BASED ON GIS DATA PROVIDED BY THE NEW YORK STATE GIS CLEARINGHOUSE, OPERATED BY THE NYS ITS GIS PROGRAM OFFICE.

SCALE IN FEET

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CEC

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www.cecinc.com


W.L. PLASTICS CORPORATION
LOCK 8 WAY
FORT EDWARD, NEW YORK

SITE LOCUS

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|---|---|---|---|---|---|---|---|
| DRAWN BY: | DR | CHECKED BY: | MC | APPROVED BY: | MC | FIGURE NO.: | 1 |
| DATE: | APRIL 2019 | DWG SCALE: | 1" = 2000' | PROJECT NO: | 190-487 | | |

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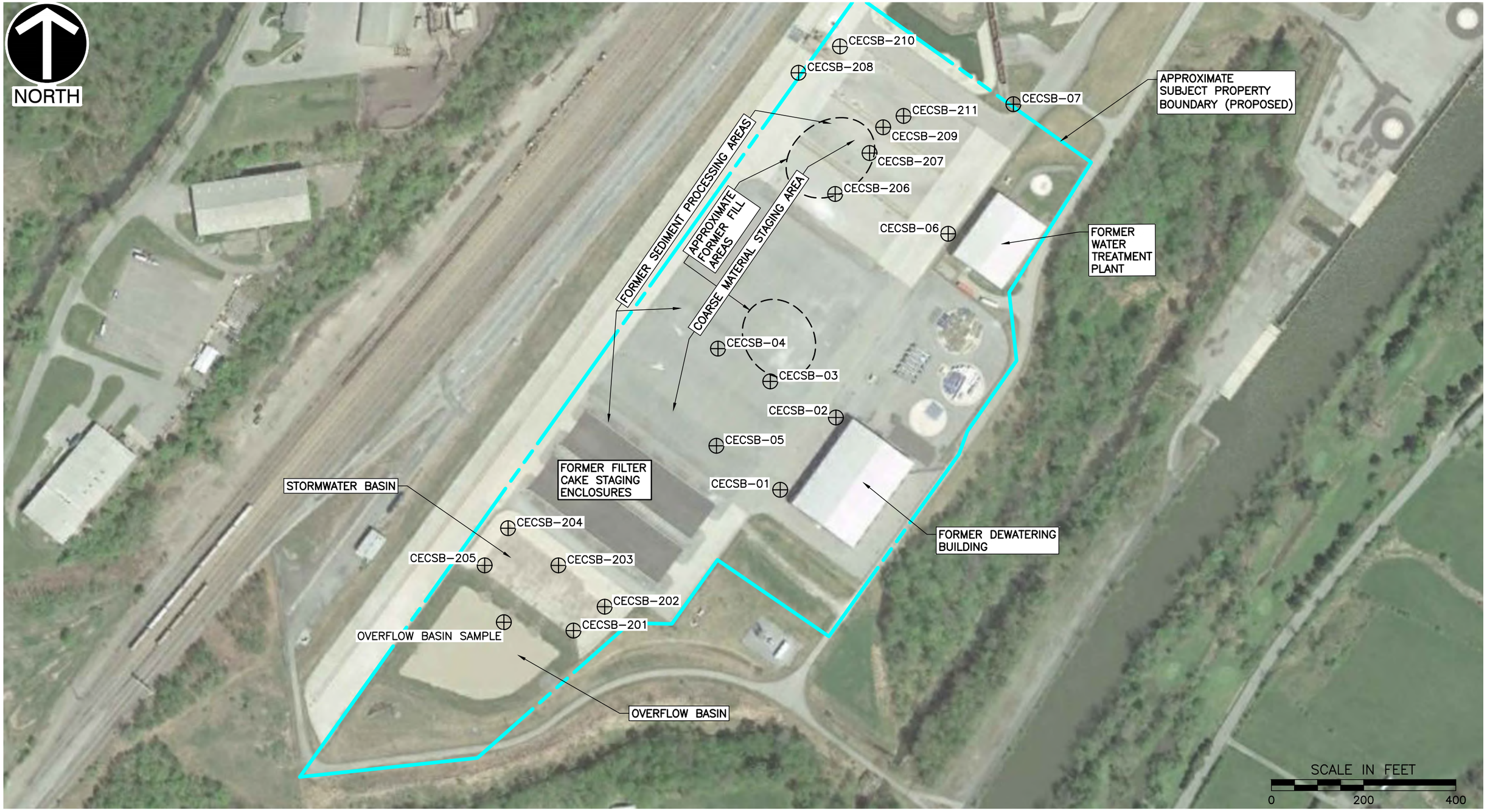


## REFERENCE

1. ORTHOGRAPHIC IMAGERY PROVIDED BY GOOGLE EARTH, IMAGERY DATE <5/12/2018 >, ACCESSED <4/11/2018>


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W.L. PLASTICS CORPORATION
OFF LOCK 8 WAY
FORT EDWARD, NEW YORK

SUBJECT PROPERTY PLAN

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DRAWN BY: | DR | CHECKED BY: | MC | APPROVED BY: | MC | FIGURE NO.: | 2 |
| DATE: | OCTOBER 2019 | DWG SCALE: | 1"= 200' | PROJECT NO: | 194-684 | | |

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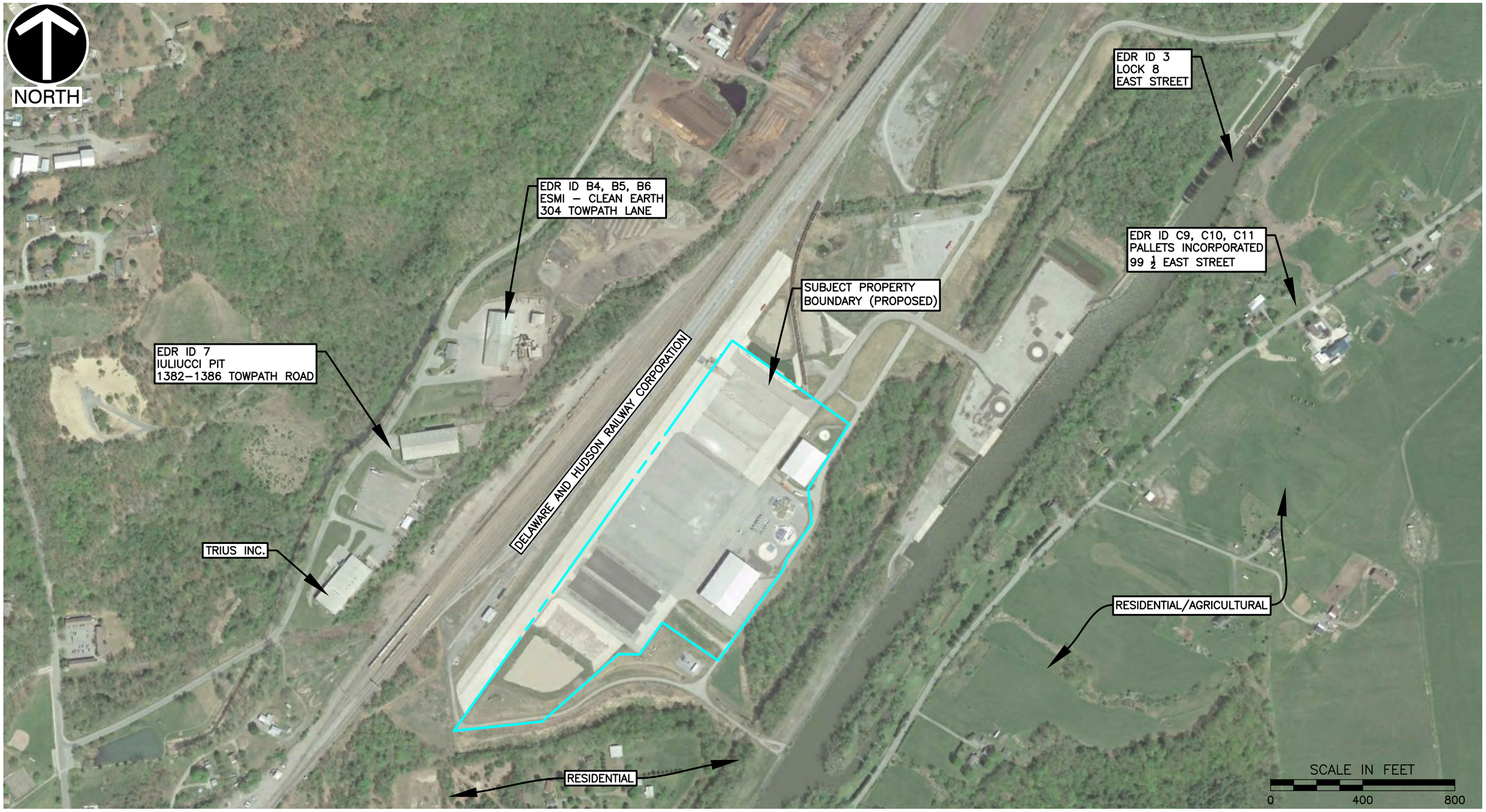


## REFERENCE

1. ORTHOGRAPHIC IMAGERY PROVIDED BY GOOGLE EARTH, IMAGERY DATE <5/12/2018 >, ACCESSED <4/11/2018>


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FORT EDWARD, NEW YORK

SURROUNDING PROPERTIES PLAN

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DRAWN BY: | DR | CHECKED BY: | MC | APPROVED BY: | MC | FIGURE NO.: | 3 |
| DATE: | OCTOBER 2019 | DWG SCALE: | 1"= 400' | PROJECT NO: | 194-684 | | |

P:\2019\194-684\-CADD\Dwg\194684-EN01-Site Plan-Fig2&3.DWG\3 SURROUNDING PROPERTIES PLAN} LS:(10/17/2019 - drivas) - LP: 10/17/2019 12:03 PM

# TABLES

Table 1
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 190-487
Summary of Soil Data

| Sample ID: | Building Comp | RR Comp | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|
| Sample Type: | Composite | Composite | | |
| Sample Date: | 3/14/2019 | 3/14/2019 | Protection of Public Health / Restricted | |
| Lab Sample ID: | 1903434-03 | 1903434-04 | Unrestricted | Industrial |
| **VOCs (mg/kg)** | | | | |
| Toluene | 0.103 | ND | 0.7 | 1000 |
| **Total SVOCs (mg/kg)** | | | | |
| | ND | ND | NE | NE |
| **Total Petroleum Hydrocarbons (mg/kg)** | | | | |
| | 676 | <222 | NE | NE |
| **Total Metals (mg/kg)** | | | | |
| Arsenic | <4.42 | <5.12 | 13 | 16 |
| Barium | 26.1 | 45.6 | 350 | 10,000 |
| Beryllium | <0.19 | 0.31 | 7.2 | 2,700 |
| Cadmium | <0.88 | <1.02 | 2.5 | 60 |
| Chromium (III) | 8.1 | 9 | 30 | 6,800 |
| Hexavalent Chromium | <0.5 | <0.5 | 1 | 800 |
| Copper | 9.81 | 17.4 | 50 | 10,000 |
| Lead | 14.8 | 10.5 | 63 | 3,900 |
| Manganese | 156 | 234 | 1,600 | 10,000 |
| Mercury | <0.033 | <0.033 | 0.18 | 5.7 |
| Nickel | 7.57 | 8.59 | 30 | 10,000 |
| Selenium | <0.88 | <1.02 | 4 | 6,800 |
| Silver | 0.89 | <1.02 | 2 | 6,800 |
| Zinc | 15.1 | 34 | 109 | 10,000 |
| **TCLP Metals** | | | | |
| Arsenic | <0.05 | <0.05 | NE | NE |
| Cadmium | <0.01 | <0.01 | NE | NE |
| Chromium | <0.02 | <0.02 | NE | NE |
| Lead | <0.05 | 0.08 | NE | NE |
| Mercury | <0.0005 | <0.0005 | NE | NE |

Notes:
TPH = Total Petroleum Hydrocarbons
mg/kg = milligrams per Kilogram
PID = Photoionization Detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Unrestricted Use standard
< = Less than thelaboratory Detection Limit (DLs). The DL is shown.
NE= Not established

Table 1 (continued)
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 190-487
Summary of Soil Data - Pesticides & Herbicides

| Sample ID: | Building Comp | RR Comp | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|
| Sample Type: | Composite | Composite | | |
| Sample Date: | 3/14/2019 | 3/14/2019 | Protection of Public Health / Restricted | |
| Lab Sample ID: | 1903434-03 | 1903434-04 | Unrestricted | Industrial |
| **Pesticides (mg/kg)** | | | | |
| | ND | ND | Varies and/or NE | |
| **Herbicides (mg/kg)** | | | | |
| | ND | ND | Varies and/or NE | |

Notes:
mg/kg = milligrams per Kilogram
PID = Photoionization Detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Unrestricted Use standard
< = Less than thelaboratory Detection Limit (DLs). The DL is shown.
NE= Not established

Table 1 (continued)
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 190-487
Summary of Soil Data - Classical Chemistry

| Sample ID: | Building Comp | RR Comp | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|
| Sample Type: | Composite | Composite | | |
| Sample Date: | 3/14/2019 | 3/14/2019 | Protection of Public Health / Restricted | |
| Lab Sample ID: | 1903434-03 | 1903434-04 | Unrestricted | Industrial |
| **Classical Chemistry** | | | | |
| Conductivity (umhos/cm) | 426 | 148 | NE | NE |
| Corrosivity (pH) (S.U.) | 8.23 | 8.10 | NE | NE |
| Eh (ORP) (mv) | 330 | 320 | NE | NE |
| Flashpoint (°F) | > 200 | > 200 | NE | NE |
| Free Liquid (mL/5 minutes) | 0.3 | 0.3 | NE | NE |
| Reactive Cyanide (mg/kg) | <2 | <2 | NE | NE |
| Reactive Sulfide (mg/kg) | <2 | <2 | NE | NE |

Notes:
mg/kg - milligrams per kilogram; mg/L = milligrams per Liter; umhos/cm - micromhos per centimeter; S.U. = Standard Units
PID = Photoionization Detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Unrestricted Use standard
< = Less than thelaboratory Detection Limit (DLs). The DL is shown.
NE = Not established

Table 1 (continued)
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 190-487
Summary of Soil Data - PCBs

| Sample ID: | CECSB-01 | CECSB-02 | CECSB-04 | CECSB-07 | Building Comp | RR Comp | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|---|---|---|---|
| Sample Type: | Grab | Grab | Grab | Grab | Composite | Composite | | |
| Sample Date: | 3/14/2019 | 3/14/2019 | 3/14/2019 | 3/14/2019 | 3/14/2019 | 3/14/2019 | Protection of Public Health / Restricted | |
| Lab Sample ID: | 1903434-02 | 1903434-06 | 1903434-01 | 1903434-05 | 1903434-03 | 1903434-04 | Unrestricted | Industrial |
| **Polychlorinated Biphenyls (PCB) mg/kg** | | | | | | | | |
| Aroclor 1016 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1221 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1232 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1242 | <0.02 | <0.06 | <0.02 | 0.9 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1248 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1254 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1260 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1262 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |
| Aroclor 1268 | <0.02 | <0.06 | <0.02 | <0.08 | <0.05 | <0.06 | 0.1 | 25 |

Notes:
PCBs = polychlorinated biphenyls
mg/Kg = milligrams per kilogram
PID = Photoionization Detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Unrestricted Use standard
< = Less than thelaboratory Detection Limit (DLs). The DL is shown.
NE= Not established

Table 1 (continued)
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 190-487
Summary of Solids Data - PCBs

| Sample ID: | Insulation NS | Insulation EW | Floor Chips | Troughs East | Troughs West | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|---|---|---|
| Sample Type: | Composite | Composite | Composite | Composite | Composite | | |
| Sample Date: | 3/14/2019 | 3/14/2019 | 3/14/2019 | 3/14/2019 | 3/14/2019 | | |
| Lab Sample ID: | 1903434-07 | 1903434-08 | 1903434-09 | 1903434-10 | 1903434-11 | Protection of Public Health / Restricted | |
| **Polychlorinated Biphenyls (PCB) mg/kg** | | | | | | Unrestricted | Industrial |
| Aroclor 1016 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1221 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1232 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1242 | <0.2 | <0.2 | 0.3 | <0.2 | 0.3 | 0.1 | 25 |
| Aroclor 1248 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1254 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1260 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1262 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |
| Aroclor 1268 | <0.2 | <0.2 | <0.1 | <0.2 | <0.06 | 0.1 | 25 |

Notes:
PCBs = polychlorinated biphenyls
mg/kg = milligrams per kilogram
PID = Photoionization Detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Unrestricted Use standard

Table 2
WL Plastics Corp. - Fort Edwards, NY
CEC NY Project: 194-684
Summary of Soil Data

| Sample ID: | Overflow Basin Clay | Overflow Basin Sand | Stormwater Basin | CECSB-202 | FILL Comp | BINS Comp | CECSB-210 | CELSB-209 | New York State DEC - 6 NYCRR Part 375 - Soil Cleanup Objectives | |
|---|---|---|---|---|---|---|---|---|---|---|
| Sample Depth (feet): | - | - | - | 0-5 | - | - | 30-36 | 30-36 | | |
| PID Readings (ppmv): | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Sample Type: | Composite | Composite | Composite | Composite | Composite | Composite | Composite | Composite | | |
| Sample Date: | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | 9/9/2019 | Protection of Public Health / Restricted | |
| Lab Sample ID: | 19I0292-01 | 19I0292-02 | 19I0292-03 | 19I0292-04 | 19I0292-05 | 19I0292-06 | 19I0292-07 | 19I0292-08 | Unrestricted | Industrial |
| **Total VOCs (mg/kg)** | | | | | | | | | | |
| | NT | NT | NT | ND | NT | NT | ND | ND | NE | NE |
| **Total SVOCs (mg/kg)** | | | | | | | | | | |
| | NT | ND | ND | NT | ND | NT | ND | ND | NE | NE |
| **Total Petroleum Hydrocarbons (mg/kg)** | | | | | | | | | | |
| | NT | ND | ND | NT | ND | NT | ND | ND | NE | NE |
| **Total Metals (mg/kg)** | | | | | | | | | | |
| Arsenic | NT | 5.88 | 5.65 | NT | **37.4** | NT | **33.0** | ND | 13 | 16 |
| Barium | NT | 25.9 | 18.5 | NT | 24.8 | NT | 14.9 | 18.2 | 350 | 10,000 |
| Beryllium | NT | 0.22 | 0.27 | NT | 0.13 | NT | ND | 0.17 | 7.2 | 2,700 |
| Cadmium | NT | ND | ND | NT | ND | NT | ND | 0.52 | 2.5 | 60 |
| Chromium (III) | NT | 4.88 | 4.01 | NT | 7.81 | NT | 6.59 | 6.66 | 30 | 6,800 |
| Copper | NT | 4.86 | 6.61 | NT | 10.7 | NT | 6.58 | 7.46 | 50 | 10,000 |
| Lead | NT | ND | 34.4 | NT | 27.9 | NT | 10.1 | ND | 63 | 3,900 |
| Manganese | NT | 35.8 | 33.7 | NT | 485 | NT | 124 | 127 | 1,600 | 10,000 |
| Mercury | NT | ND | ND | NT | 0.018 | NT | ND | ND | 0.18 | 5.7 |
| Nickel | NT | 4.24 | 3.81 | NT | 16.4 | NT | 6.27 | 6.84 | 30 | 10,000 |
| Selenium | NT | ND | ND | NT | ND | NT | ND | ND | 4 | 6,800 |
| Silver | NT | ND | ND | NT | ND | NT | ND | ND | 2 | 6,800 |
| Zinc | NT | 25.2 | 40.0 | NT | 43.9 | NT | 23.8 | 30.1 | 109 | 1000 |
| **Total PCBs (mg/kg)** | | | | | | | | | | |
| | ND | ND | ND | ND | ND | ND | ND | ND | 0.1 | 25 |
| **Classical Chemistry (mg/kg)** | | | | | | | | | | |
| Hexavalent Chromium | NT | ND | ND | NT | ND | NT | ND | ND | 1 | 800 |
| Total Cyanide | NT | ND | ND | NT | ND | NT | ND | ND | NE | NE |

Notes:
mg/kg = milligrams per Kilogram
PID = photoionization detector; ppmv = parts per million by volume
**BOLD** = Concentration is above the Restricted Use standard
NE= Not established
ND = Not detected
NT = Not tested

# APPENDIX D

## Records of Communication and Records Reviewed

# Property Description Report For: 1400 Towpath Ln, Municipality of Fort Edward

*No Photo Available*

| | | | |
|---|---|---|---|
| | | **Status:** | Active |
| | | **Roll Section:** | Taxable |
| | | **Swis:** | 533089 |
| | | **Tax Map ID #:** | 163.-2-20.1 |
| | | **Property Class:** | 710 - Manufacture |
| | | **Site:** | COM 1 |
| | | **In Ag. District:** | No |
| | | **Site Property Class:** | 710 - Manufacture |
| | | **Zoning Code:** | M1 |
| | | **Neighborhood Code:** | 00030 |
| **Total Acreage/Size:** | 51.41 | **School District:** | Fort Edward |
| **Land Assessment:** | 2019 - $1,562,800 | **Total Assessment:** | 2019 - $4,332,000 |
| **Full Market Value:** | 2019 - $5,700,000 | | |
| **Equalization Rate:** | 2019 - 80.00% | **Property Desc:** | TOV |
| **Deed Book:** | 4005 | **Deed Page:** | 132 |
| **Grid East:** | 740477 | **Grid North:** | 1620634 |

## Owners

Fort Edward Local PropDev
Corp
P.O. Box 127
118 Broadway
Fort Edward NY 12828

## Sales

| Sale Date | Price | Property Class | Sale Type | Prior Owner | Value Usable | Arms Length | Addl. Parcels | Deed Book and Page |
|---|---|---|---|---|---|---|---|---|
| 12/28/2018 | $1 | 710 - Manufacture | Land & Building | WCC, LLC | No | No | Yes | 4005/132 |

## Utilities

| | | | |
|---|---|---|---|
| **Sewer Type:** | Private | **Water Supply:** | Comm/public |
| **Utilities:** | Electric | | |

## Inventory

| | | | |
|---|---|---|---|
| **Overall Eff Year Built:** | 2009 | **Overall Condition:** | Normal |
| **Overall Grade:** | Excellent | **Overall Desirability:** | 3 |

## Buildings

| AC% | Sprinkler% | Alarm% | Elevators | Basement Type | Year Built | Condition | Quality | Gross Floor Area (sqft) | Stories |
|---|---|---|---|---|---|---|---|---|---|
| 0 | 100 | 100 | 0 | | 2009 | Normal | Average | 41280 | 2 |
| 0 | 100 | 100 | 0 | | 2009 | Normal | Average | 24800 | 2 |

## Site Uses

| Use | Rentable Area (sqft) | Total Units |
|---|---|---|

## Improvements

| Structure | Size | Grade | Condition | Year |
|---|---|---|---|---|
| Misc. imprv. | 8875329 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 216427 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 5887304 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 12208870 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 1240669 x 0 | Average | Normal | 2009 |

## Land Types

| Type | Size |
|---|---|
| Primary | 51.41 acres |

# Taxes

| Year | Description | Amount |
|---|---|---|
| 2019 | County | $208,351.27 |
| 2019 | School | $118,668.43 |
| 2018 | County | $820,197.47 |
| 2018 | School | $124,470.66 |

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

# Property Description Report For: Towpath Ln/e Off, Municipality of V. Fort Edward

*No Photo Available*

| | | | |
|---|---|---|---|
| | | **Status:** | Active |
| | | **Roll Section:** | Taxable |
| | | **Swis:** | 533001 |
| | | **Tax Map ID #:** | 163.15-1-4 |
| | | **Property Class:** | 710 - Manufacture |
| | | **Site:** | COM 1 |
| | | **In Ag. District:** | No |
| | | **Site Property Class:** | 710 - Manufacture |
| | | **Zoning Code:** | 06 |
| | | **Neighborhood Code:** | 00030 |
| **Total Acreage/Size:** | 28.00 | **School District:** | Fort Edward |
| **Land Assessment:** | 2019 - $851,200 | **Total Assessment:** | 2019 - $3,268,000 |
| **Full Market Value:** | 2019 - $4,300,000 | | |
| **Equalization Rate:** | 2019 - 80.00% | **Property Desc:** | Village Easement 3679/232 |
| **Deed Book:** | 4005 | **Deed Page:** | 132 |
| **Grid East:** | 739467 | **Grid North:** | 1619707 |

## Owners

Fort Edward Local PropDev Corp
P.O. Box 127
118 Broadway
Fort Edward NY 12828

## Sales

| Sale Date | Price | Property Class | Sale Type | Prior Owner | Value Usable | Arms Length | Addl. Parcels | Deed Book and Page |
|---|---|---|---|---|---|---|---|---|
| 12/28/2018 | $1 | 710 - Manufacture | Land & Building | WCC, LLC | No | No | Yes | 4005/132 |

## Utilities

| | | | |
|---|---|---|---|
| **Sewer Type:** | Private | **Water Supply:** | Comm/public |
| **Utilities:** | Electric | | |

## Inventory

| | | | |
|---|---|---|---|
| **Overall Eff Year Built:** | | **Overall Condition:** | Normal |
| **Overall Grade:** | Average | **Overall Desirability:** | 3 |

## Buildings

| AC% | Sprinkler% | Alarm% | Elevators | Basement Type | Year Built | Condition | Quality | Gross Floor Area (sqft) | Stories |
|---|---|---|---|---|---|---|---|---|---|

## Site Uses

| Use | Rentable Area (sqft) | Total Units |
|---|---|---|

## Improvements

| Structure | Size | Grade | Condition | Year |
|---|---|---|---|---|
| Misc. imprv. | 4779023 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 116538 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 3170087 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 6100323 × 0 | Average | Normal | 2009 |
| Misc. imprv. | 114672 x 0 | Average | Excellent | 2009 |
| Misc. imprv. | 6574007 x 0 | Average | Normal | 2009 |

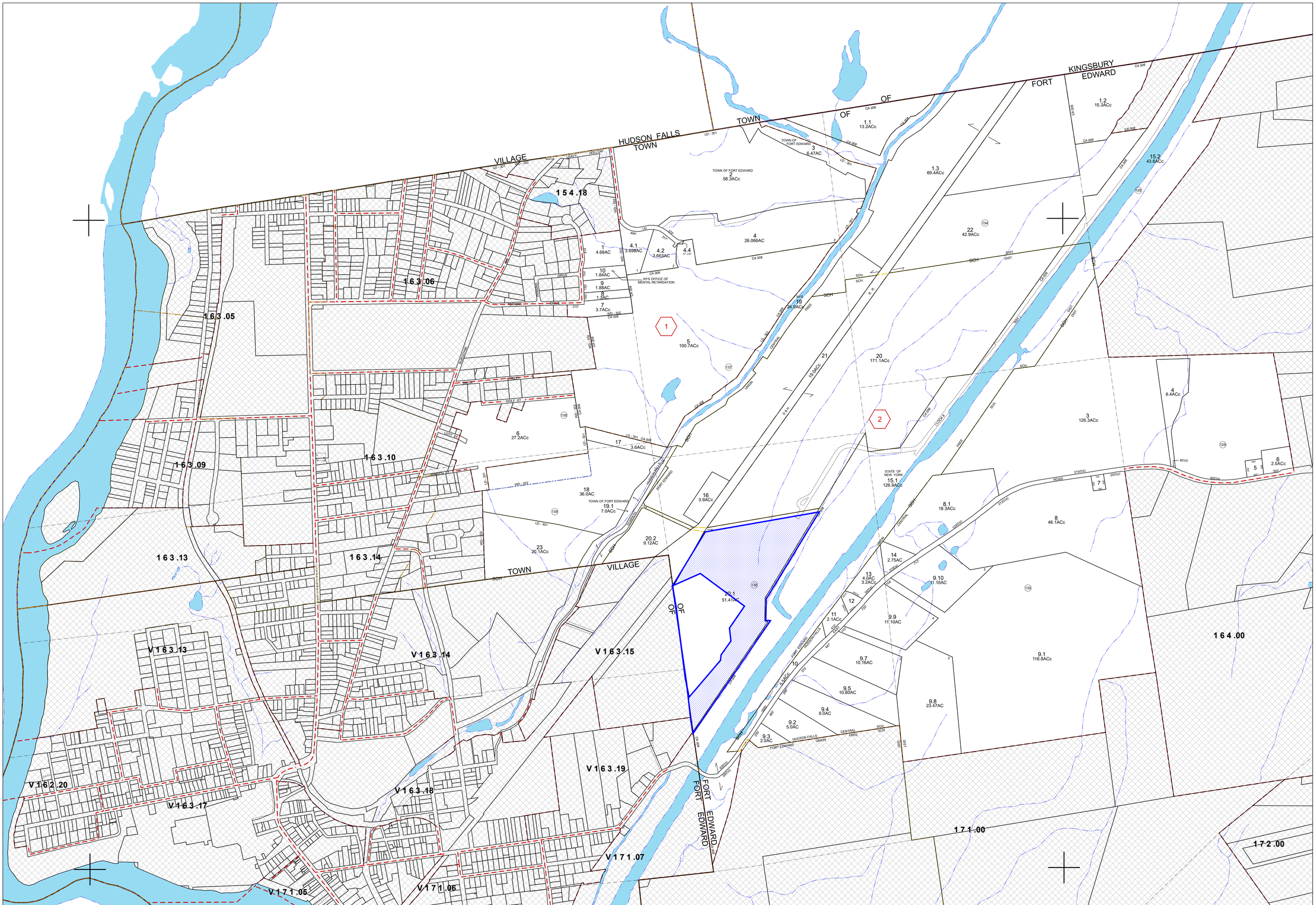
## Land Types

| Type | Size |
|---|---|
| Primary | 28.00 acres |

# Taxes

| Year | Description | Amount |
|---|---|---|
| 2019 | County | $411,113.26 |
| 2019 | School | $89,521.79 |
| 2019 | Village | $50,302.19 |
| 2018 | County | $1,034,469.55 |
| 2018 | School | $93,898.92 |
| 2018 | Village | $225,249.06 |

*** Taxes reflect exemptions, but may not include recent changes in assessment.**




PREPARED FOR
**WASHINGTON COUNTY BOARD OF SUPERVISORS**
FORT EDWARD, NEW YORK

THIS DOCUMENT PREPARED FOR TAX PURPOSES ONLY

NORTH

COORDINATES BASED ON
NEW YORK STATE PLANE COORDINATE SYSTEM
EASTERN ZONE NAD 83

0 200 400 800 Feet

scale: 1 inch = 400 feet

**SPECIAL DISTRICTS**

| | | |
|---|---|---|
| AG: | CA006 | Consolidated Ag District 6 |
| LIGHT: | LD301 | Fort Edward Light |
| WATER: | WD302 | Fort Edward Water 1 |
| SCHOOL: | 533001 | Fort Edward Union Free School |
| | 534401 | Hudson Falls Central School |
| FIRE: | FD301 | Fort Edward Fire |

**LEGEND**

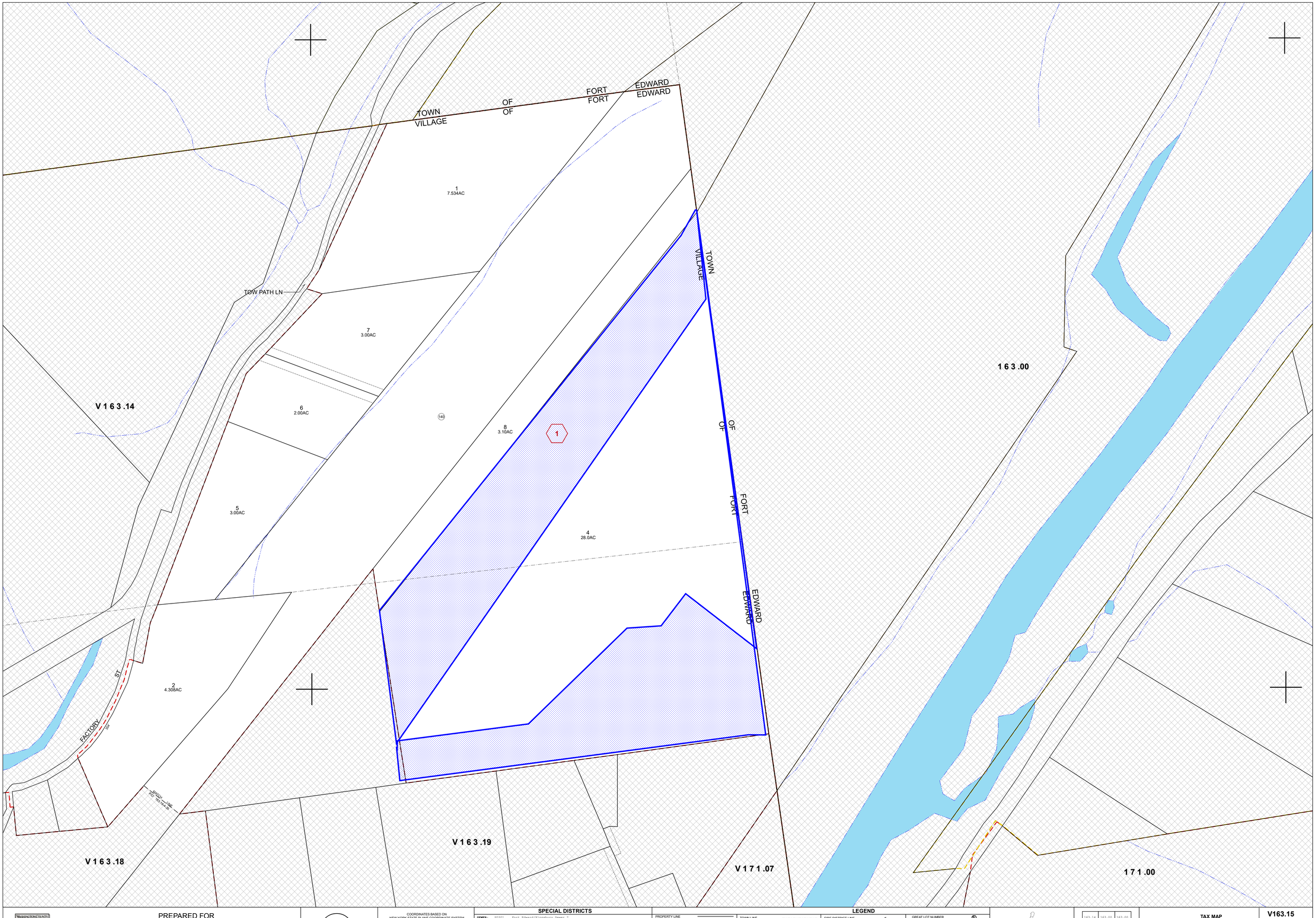
PROPERTY LINE
ORIGINAL LOT LINE
RAILROAD
STREAM OR DITCH
ROAD OR RAILWAY BNDY
COUNTY LINE
TOWN LINE
VILLAGE LINE
BLOCK LIMIT
GREAT LOT LINE
SCHOOL DISTRICT LINE — SCH
AGRICULTURAL DISTRICT — AGR
FIRE DISTRICT LINE
DENOTES COMMON OWNER
TAX MAP BLOCK NUMBER
TAX MAP PARCEL NUMBER 76.00-1-11
FILED PLAN LOT NUMBER 14
GREAT LOT NUMBER 9
CALCULATED ACREAGE 75ACc
DEED ACREAGE 175 AC
SCALED DIMENSION 225' (S)
DEED DIMENSION 173.2'
COORDINATE LOCATOR 12345

SHEET INDEX

TAX MAP
**TOWN OF FORT EDWARD**
WASHINGTON COUNTY, NEW YORK

163.00

UPDATED THROUGH: October 31, 2019




PREPARED FOR
**WASHINGTON COUNTY BOARD OF SUPERVISORS**
FORT EDWARD, NEW YORK

THIS DOCUMENT PREPARED FOR TAX PURPOSES ONLY

NORTH

COORDINATES BASED ON
NEW YORK STATE PLANE COORDINATE SYSTEM
EASTERN ZONE NAD 83

0 50 100 200 Feet

scale: 1 inch = 100 feet

## SPECIAL DISTRICTS

| | | |
|---|---|---|
| SEWER: | SD301 | Fort Edward/Kingsbury Sewer 3 |
| SCHOOL: | 533001 | Fort Edward Union Free School |
| FIRE: | FD301 | Fort Edward Fire |

## LEGEND

| | | | | | |
|---|---|---|---|---|---|
| PROPERTY LINE | TOWN LINE | FIRE DISTRICT LINE | GREAT LOT NUMBER | 5 |
| ORIGINAL LOT LINE | VILLAGE LINE | DENOTES COMMON OWNER | CALCULATED ACREAGE | 75ACc |
| RAILROAD | BLOCK LIMIT | TAX MAP BLOCK NUMBER | DEED ACREAGE | 175 AC |
| STREAM OR DITCH | GREAT LOT LINE | TAX MAP PARCEL NUMBER 76.00-1-11 | SCALED DIMENSION | 223' (S) |
| ROAD OR RAILWAY BNDY | SCHOOL DISTRICT LINE SCH | | DEED DIMENSION | 173.2' |
| COUNTY LINE | AGRICULTURAL DISTRICT AGR | FILED PLAN LOT NUMBER 14 | COORDINATE LOCATOR | 12345 |

| | | |
|---|---|---|
| 163.14 | 163.00 | 163.00 |
| 163.14 | | 163.00 |
| V163.18 | V163.19 | V163.19 |

SHEET INDEX

TAX MAP
**V163.15**

# VILLAGE OF FORT EDWARD

**WASHINGTON COUNTY, NEW YORK**

UPDATED THROUGH: October 31, 2019

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com

January 8, 2020

Ms. Aimee Mahoney, Town Clerk & Mr. Peter Amorosi, Village Clerk
Town and Village of Fort Edward
118 Broadway
Fort Edward, NY 12828
Via Email: amahoney@roadrunner.com & clerk@villageoffortedward.com

*Re: FOIL Request*
*1400 Towpath Lane Site*

Dear Ms. Mahoney and Mr. Amorosi:

Our office is completing a review for the above listed site which is referenced with tax map numbers 163.-2-20.1 and 163.15-1-4.

Pursuant to the Freedom of Information Law the following information is requested:

Assessment Records:
- Copies of the property assessment cards (current and former);
- Indicate current and former owners, date of purchase, book and page;
- Deeds (if available).

Building Department Records:
- Building permits for major structures;
- Demolition permits for the site;
- Violations for the site;
- Underground storage tank installation or removal permits for the site.

Historian Records:
- Previous use of the site, including previous owners if available;
- General previous use of the site area

Fire Department Records:
- Underground or above ground storage tanks;
- Major fires;
- Spills;
- Hazardous materials.

Engineering Records:
- If municipal services (water, sanitary sewer, storm sewer) are provided to this site please verify and identify dates of connection (if available)

Clerk's Records:

- Records of environmental related liens, violations or notices for the site;
- Identify municipal or private solid waste facilities within ½ mile of the site;
- Identify known soils or groundwater contamination investigations /cleanups in the site area.

Our office will gladly compensate your office for any copying or postal/fax expenses. Please contact this office before any copies are made if the total fee exceeds $20.00 in order to schedule an appointment to review files. If you have any questions or comments regarding this request, please feel free to contact our office at (202) 878-0167 or l.cameron@ctmale.com. Your assistance is greatly appreciated.

Sincerely,
C.T. MALE ASSOCIATES

Larene Cameron
Environmental Scientist/ Geologist

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com

RECEIVED
JAN 08 2020
TOWN CLERK FOR FORT EDWARD

January 8, 2020

Ms. Aimee Mahoney, Town Clerk & Mr. Peter Amorosi, Village Clerk
Town and Village of Fort Edward
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Via Email: amahoney@roadrunner.com & clerk@villageoffortedward.com

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Building Department Records:
- Building permits for major structures;
- Demolition permits for the site;
- Violations for the site;
- Underground storage tank installation or removal permits for the site.

(202-878-0167)

Historian Records:
- Previous use of the site, including previous owners if available;
- General previous use of the site area

— nothing

Fire Department Records:
- Underground or above ground storage tanks;
- Major fires;
- Spills;
- Hazardous materials.

— nothing

Engineering Records:
- If municipal services (water, sanitary sewer, storm sewer) are provided to this site please verify and identify dates of connection (if available)

Clerk's Records:

- Records of environmental related liens, violations or notices for the site;
- Identify municipal or private solid waste facilities within ½ mile of the site;
- Identify known soils or groundwater contamination investigations /cleanups in the site area.

Our office will gladly compensate your office for any copying or postal/fax expenses. Please contact this office before any copies are made if the total fee exceeds $20.00 in order to schedule an appointment to review files. If you have any questions or comments regarding this request, please feel free to contact our office at (202) 878-0167 or l.cameron@ctmale.com. Your assistance is greatly appreciated.

Sincerely,
C.T. MALE ASSOCIATES

Larene Cameron

Larene Cameron
Environmental Scientist/ Geologist

533001 INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWIS Code 533001

C2. Date Deed Recorded 12/28/18 (Month Day Year)

C3. Book 4005 C4. Page 132

157

New York State Department of **Taxation and Finance**

Office of Real Property Tax Services

**RP- 5217-PDF**

Real Property Transfer Report (8/10)

## PROPERTY INFORMATION

1. Property Location: 1400 (*STREET NUMBER) Towpath Ln and e/off (*STREET NAME)
Fort Edward (*CITY OR TOWN) Fort Edward (VILLAGE) 12828 (*ZIP CODE)

Doc #: 00011883

2. Buyer Name: FORT EDWARD LOCALPROPERTY (*LAST NAME/COMPANY) DEVELOPMENT CORPORATION (FIRST NAME)
a/k/a F.J. Edward Local Property Development Corporation (LAST NAME/COMPANY) (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form) (LAST NAME/COMPANY) (FIRST NAME)
(STREET NUMBER AND NAME) (CITY OR TOWN) (STATE) (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed 2 # of Parcels OR ☐ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:
4A. Planning Board with Subdivision Authority Exists ☐
4B. Subdivision Approval was Required for Transfer ☐
4C. Parcel Approved for Subdivision with Map Provided ☐

5. Deed Property Size (*FRONT FEET) X (*DEPTH) OR 78.84 (*ACRES)

6. Seller Name: WCC, LLC (*LAST NAME/COMPANY) (FIRST NAME)
(LAST NAME/COMPANY) (FIRST NAME)

*7. Select the description which most accurately describes the use of the property at the time of sale:
J. Industrial

Check the boxes below as they apply:
8. Ownership Type is Condominium ☐
9. New Construction on a Vacant Land ☐
10A. Property Located within an Agricultural District ☐
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

## SALE INFORMATION

11. Sale Contract Date N/A

*12. Date of Sale/Transfer 12/28/18

*13. Full Sale Price 0.00

( Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount.*

14. Indicate the value of personal property included in the sale .00

15. Check one or more of these conditions as applicable to transfer:
☐ A. Sale Between Relatives or Former Relatives
☐ B. Sale between Related Companies or Partners in Business.
☐ C. One of the Buyers is also a Seller
☐ D. Buyer or Seller is Government Agency or Lending Institution
☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
☐ G. Significant Change in Property Between Taxable Status and Sale Dates
☐ H. Sale of Business is Included in Sale Price
☒ I. Other Unusual Factors Affecting Sale Price (Specify Below)
☐ J. None

Comment(s) on Condition: DONATION / GIFT

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 18

*17. Total Assessed Value ~~10,000,000~~ 8000,000

Received County Clerks Office Dec 28,2018 02:37P Washington County Stephanie Lemery

*18. Property Class 710

*19. School District Name FORT EDWARD

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
163.15-1-4 ~~Village~~ 533001 163.-2-20.1 ~~Town~~ 533089

## CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

**SELLER SIGNATURE**

WCC, LLC
by Thomas J. Long 12-27-2018
SELLER SIGNATURE DATE

**BUYER SIGNATURE**

Robert D. Williams 12/27/18
BUYER SIGNATURE DATE

Neil Owen 12/27/18
BUYER SIGNATURE DATE

**BUYER CONTACT INFORMATION**

(Enter information for the buyer. Note: If buyer is LLC,society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, than a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

FORT EDWARD LOCALPROPERTY (*LAST NAME) DEVELOPMENT CORPORATION (FIRST NAME)

(*AREA CODE) (*TELEPHONE NUMBER (Ex: 5555555))

118 (*STREET NUMBER) Broadway (PO Box 127) (*STREET NAME)

Fort Edward (*CITY OR TOWN) NY (*STATE) 12828 (*ZIP CODE)

**BUYER'S ATTORNEY**

(LAST NAME) (FIRST NAME)

(AREA CODE) (TELEPHONE NUMBER (Ex: 5555555))

Washington County
Stephanie Lemery County Clerk
383 Broadway Building A
Fort Edward, New York 12828

Doc#: 00124262
Bk: 4005 Pg: 132

6D 2018 00124262

Volm-4005 Pg-132

**Instrument Number: 2018- 00124262**

As
Deed

**Recorded On:** December 28, 2018

**Parties:** WCC LLC
To
FORT EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION

**Billable Pages:** 3

**Recorded By:** LITTLE OCONNOR AND BORIE PC

**Num Of Pages:** 4

**Comment:**

**** Examined and Charged as Follows: ****

| | | | | | |
|---|---|---|---|---|---|
| Deed | 55.50 | Cover Page | 5.00 | RP5217 Commercial | 250.00 |
| TP584 Affidavit | 5.00 | | | | |
| Recording Charge: | 315.50 | | | | |

| | Amount | Consideration Amount | RS#/CS# | | | | |
|---|---|---|---|---|---|---|---|
| Tax-Transfer | 0.00 | 0.00 | RS 1008 | Basic | 0.00 | | |
| FORT EDWARD | | | | Local | 0.00 | Special Additional | 0.00 |
| | | | | Additional | 0.00 | Transfer | 0.00 |
| Tax Charge: | 0.00 | | | | | | |

Received
County Clerks Office
Dec 28,2018 02:35P
Washinston County
Stephanie Lemery

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Washington County, NY

**File Information:**

Document Number: 2018- 00124262
Receipt Number: 424221
Recorded Date/Time: December 28, 2018 02:35:58P
Book-Vol/Pg: Bk-R Vl-4005 Pg-132
Cashier / Station: K Rich / Cashier Station 2

**Record and Return To:**

LITTLE OCONNOR AND BORIE PC
19 W NOTRE DAME ST
PO BOX 898
GLENS FALLS NY 12801

WASHINGTON COUNTY

Stephanie C. Lemery
Washington County Clerk

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR (CORPORATION)

**THIS INDENTURE**, made this 27 day of December, Two Thousand Eighteen,

**BETWEEN WCC, LLC**, a New York Limited Liability Company with offices at 269 Ballard Road, Wilton, New York 12831

party of the first part, and

**FORT EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION**, a Not-For-Profit Corporation with offices at 118 Broadway (P.O. Box 127), Fort Edward, NY 12828 a/k/a Ft. Edward Local Property Development Corporation

party of the second part,

**WITNESSETH** that the party of the first part, in consideration of One Dollar ($1.00) lawful money of the United States, the full, good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

**ALL THOSE PIECES OR PARCELS OF LAND**, situate in the Town of Fort Edward, and Village of Fort Edward, County of Washington and State of New York, described in Schedule A annexed hereto and made a part hereof.

**BEING** a portion of the premises conveyed by Elinor S. Burch and Robert Liebig to WCC, LLC by correction deed dated February 4, 2000 and recorded in the Washington County Clerk's Office on March 4, 2002 in Book 900 of Deeds at Page 293 together with premises conveyed by Thomas F. Longe to WCC, LLC by deed dated July 28, 2004 which deed was recorded in the Washington County Clerk's Office October 19, 2004 in Book 1812 at Page 128 as Document # 00007837.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, its successors and assigns forever. And the party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way except failing to pay real property taxes which are in arrears and which simultaneously herewith are being settled and made current.

**AND** the party of the first part/grantor, in compliance with Section 13 of the Lien law, covenants that the party of the first part/grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the

cost of the improvement before using any part of the total of the same for any other purpose. The word "party" or "grantor" shall be construed as if it read "parties" or "grantors" whenever the sense of this document so requires.

**SAID** conveyance does not represent all or substantially all of the assets of WCC, LLC.

**IN WITNESS WHEREOF**, the party of the first part has hereunto set its hand and seal the day and year first above written.

WCC, LLC

IN PRESENCE OF

By: _____
Thomas Longe, Member

_____
Robert Manz, Member

STATE OF NEW YORK )
COUNTY OF WARREN )SS.:

On the 27 day of December, in the year 2018, before me, the undersigned, personally appeared **THOMAS LONGE**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

MICHAEL J. OCONNOR
Notary Public, State of New York
Warren Co. #02OC2937400
My Commission Expires Sept. 9, 2022

STATE OF NEW YORK )
COUNTY OF WARREN )SS.:

On the 27 day of December, in the year 2018, before me, the undersigned, personally appeared **ROBERT MANZ**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

*Record and Return to:*

MICHAEL J. OCONNOR
Notary Public, State of New York
Warren Co. #02OC2937400
My Commission Expires Sept. 9, 2022

Received
County Clerks Office
Dec 28,2018 02:35P
Washington County
Stephanie Lemery

LITTLE, O'CONNOR & BORIE, P.C.
Nineteen West Notre Dame Street - P.O. Box 898 - Glens Falls, New York 12801-0898
Phone – (518) 792-2113 - Fax – (518) 792-6972

## SCHEDULE A

All that certain piece or parcel of land situate, lying and being in the Town and Village of Fort Edward, County of Washington and the State of New York, more particularly bounded and described as follows: **BEGINNING** at the point in the northwesterly bounds of the lands of the People of the State of New York, known as the Champlain Canal, where the same is intersected by the westerly bounds of the corporate lines of the Town of Fort Edward and the easterly corporate line of the Village of Fort Edward, being also in the easterly bounds of lands of James and Julia Wilson; running thence along said lands North 07 degrees, 42 minutes and 02 seconds West, along said Village/Town line, a distance of 179.92 feet to the northeasterly corner of said lands of Wilson; thence running South 81 degrees, 28 minutes and 58 seconds West, along the northerly bounds of said lands of Wilson and along the northerly bounds of lands now or formerly of Bowe, a distance of 597.18 feet to the northeast corner of lands of James and Cheryl Wilson; thence running along the northerly bounds thereof, the following two courses and distances:
(1) South 81 degrees, 29 minutes and 02 seconds West, a distance of 107.91 feet;
(2) South 78 degrees, 45 minutes and 22 seconds West, a distance of 129.48 feet to the northeast corner of lands of WCC, LLC as described in book 1812 of deeds at page 128; thence running along said lands the following two courses and distances:
(1) South 82 degrees, 56 minutes and 17 seconds West, a distance of 299.51 feet;
(2) North 08 degrees, 14 minutes and 35 seconds West, a distance of 536.68 feet to the southerly bounds of lands of CP Railroad; thence running along said lands, North 38 degrees, 31 minutes and 53 seconds East, a distance of 1559.08 feet to the easterly corporate line of the Village of Fort Edward and westerly corporate line of the Town of Fort Edward; thence running along said line and still along the lands of CP Rail, North 08 degrees, 09 minutes and 51 seconds West, a distance of 116.40 feet to an angle point in said CP Railroad; thence continuing along said railroad, North 35 degrees, 42 minutes and 22 seconds East, a distance of 764.14 feet to the southwesterly corner of a strip of land owned by the State of New York for a drainage ditch; thence running along said drainage ditch, North 82 degrees, 11 minutes and 08 seconds East, a distance of 1303.19 feet to the westerly bounds of other lands of the State of New York, known as the Champlain Canal; thence running along said canal lands the following four courses and distances:
(1) South 29 degrees, 34 minutes and 50 seconds West, a distance of 1220.55 feet;
(2) South 00 degrees, 06 minutes and 10 seconds East, a distance of 297.86 feet;
(3) North 69 degrees, 09 minutes and 20 seconds East, a distance of 42.12 feet;
(4) South 34 degrees, 15 minutes and 20 seconds West, a distance of 1610.48 feet to the point and place of beginning, containing 78.84 acres of land to be the same more or less.

Bearings given in the above description refer to grid North.

SUBJECT to easements of record.

RP3105 REV 1/95

# NEW YORK STATE
## OFFICE OF REAL PROPERTY SERVICES
## COMMERCIAL PROPERTY RECORD CARD

533001 163.15-1-4
WCC, LLC
Towpath Ln/E Off

Cls 710
28.00 Ac

533001
LOT SIZE
28.0 Ac

SALE PRICE SALE DATE

T/V-

| LABEL CORRECTION AREA | SWIS | TAX MAP # | OWNER | PROP CLASS | LOC # | LOC | SCH DIS | LOT SIZE |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

### AUDIT CONTROL SECTION

QUALITY CONTROL REVIEWER | DATE

REJECT CODE | ASSISTANCE CODE

SIGNATURE BELOW DOES NOT MEAN CONTENTS VERIFIED, ONLY THAT DATA WAS COLLECTED IN YOUR PRESENCE.

SIGNATURE _____ DATE _____

| COLLECTOR | DATE (MMDDYY) | TIME | ACTIVITY | ENTRY | SOURCE |
|---|---|---|---|---|---|
| | | : | | | |
| | | : | | | |

### SALES INFORMATION SECTION

| DATE (MMDDYY) | SALE PRICE | TYPE | VALID |
|---|---|---|---|
| 09 29 95 | 0 | 1 | 0 |
| 07 28 04 | 1 | 1 | 0 |

ALTERNATE NAME:

### AUDIT CONTROL CODES

ACTIVITY
N = NONE L = LISTED
M = MEASURED ONLY

ENTRY
1 = INTERIOR INSPECTION
2 = INTERIOR REFUSAL
3 = TOTAL REFUSAL
4 = ESTIMATE
5 = NO ENTRY

SOURCE
1 = OWNER 4 = OTHER
2 = RELATIVE 5 = NOAH
3 = TENANT 6 = ASSESSOR DATA

### SALES INFORMATION CODES

SALE TYPE
1 = LAND ONLY
2 = BLDG. ONLY
3 = LAND & BLDG.

VALID
0 = INVALID SALE
1 = VALID SALE

SWIS/SBL/CD 533001 163.15-1-4

CARD NO. 1 OF 1

| SITE INFORMATION SECTION | SITE NO. | 01 | PROP CLASS | 710 | USED AS | 710 |
|---|---|---|---|---|---|---|

| | | | | | | |
|---|---|---|---|---|---|---|
| NEIGHBORHOOD CODE | | | | | | 30 |
| ZONING CODE | | | | | | 06 |
| SEWER | 1 NONE | 2 PRIVATE | 3 COMM/PUBLIC | | | 2 |
| WATER | 1 NONE | 2 PRIVATE | 3 COMM/PUBLIC | | | 3 |
| UTILITIES | 1 NONE | 2 GAS | 3 ELECTRIC | 4 GAS & ELECTRIC | | 3 |
| OVERALL DESIRABILITY | 1 POOR | 2 FAIR | 3 NORMAL | 4 GOOD | 5 EXCEL | 3 |
| OVERALL CONDITION | 1 POOR | 2 FAIR | 3 NORMAL | 4 GOOD | 5 EXCEL | 3 |
| OVERALL EFFECTIVE YEAR BUILT | | | | | | 2009 |
| OVERALL GRADE | A EXCEL | B GOOD | C AVERAGE | D ECONOMY | E MINIMUM | C |

NOTES:

I&E SENT / /

I&E RECEIVED / /

### LAND BREAKDOWN SECTION

| LAND TYPE | FRONT FEET | DEPTH | ACRES | SQUARE FEET | SOIL RTNG | WTR TYP | INF CDE | INFLUENCE % |
|---|---|---|---|---|---|---|---|---|
| 01 | | | 28.00 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

### LAND CODES

LAND TYPES

| | | | | | |
|---|---|---|---|---|---|
| 01 | PRIMARY | 06 | PASTURE | 11 | ORCHARD |
| 02 | SECONDARY | 07 | WOODLAND | 12 | REAR |
| 03 | UNDEVELOPED | 08 | WASTELAND | 13 | VINEYARD |
| 04 | RESIDUAL | 09 | MUCK | 14 | WETLAND |
| 05 | TILLABLE | 10 | WATERFRONT | 15 | LEASED LAND |

SOIL RATING

| | | | |
|---|---|---|---|
| P | POOR | (05) | 01 - 10 |
| N | NORMAL | (06) | 01 - 10 |
| G | GOOD | (07) | 01 - 04 |
| | | (09) | 01 - 04 |
| | | (11) | 01 - 10 |
| | | (13) | 01 - 10 |

INFLUENCE CODE

| | | | |
|---|---|---|---|
| 1 | TOPOGRAPHY | | |
| 2 | LOCATION | | |
| 3 | SHAPE | | |
| 4 | RESTRICTED USE | | |
| 5 | VIEW | | |
| 6 | WETNESS | 7 | OTHER |

WATERFRONT TYPE

| | | | | | |
|---|---|---|---|---|---|
| 1 | POND | 3 | LAKE | 5 | OCEAN |
| 2 | RIVER | 4 | CANAL | 6 | BAY |

## COMMERCIAL BUILDING SECTION

| | |
|---|---|
| BUILDING & SECTION | 01 1 |
| NO. IDENTICAL BLDGS. | 2 |
| MODEL | 0892 |
| EFFECTIVE YEAR BUILT | 2009 |
| CONSTRUCTION QUALITY | 2.0 |
| USER ADJUSTMENT | .85 |
| CONDITION | 5 |
| PERIMETER | 1000 |
| GROSS FLOOR AREA | 40000 |
| NO. STORIES | 01 |
| STORY HEIGHT | 36 |
| WALL A PERCENT | 100 |
| WALL B PERCENT | |
| WALL C PERCENT | |
| AIR COND. PERCENT | |
| SPRINKLER PERCENT | 100 |
| ALARM PERCENT | 100 |
| NO. ELEVATORS | |
| BASEMENT TYPE | |
| BASEMENT PERIMETER | |
| BASEMENT SQ. FT. | |

SWIS/SBL/CD

MAP #

## IMPROVEMENT SECTION

| STRUC CD | MC | DIMENSION 1 | DIMENSION 2 | QUANTITY | GR | CD | YEAR BUILT |
|---|---|---|---|---|---|---|---|
| See Attached Report | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

## COMMERCIAL RENTABLE SECTION

| USED AS | SQUARE FEET | UNIT | # UNITS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

## APARTMENT SECTION

| | USED AS | SQUARE FEET | # APARTMENTS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| TOTAL | A | | | | |

| | SQUARE FEET | # APARTMENTS | ANN RENT/UNIT | TYP |
|---|---|---|---|---|
| E&1B | | | | |
| 2BED | | | | |
| 3BED | | | | |

TYPE CODES
1 = ACTUAL
2 = ECONOMIC
3 = ACTUAL & ECONOMIC

## UNIT CODES

| | | | |
|---|---|---|---|
| 02 | APTS | 10 | BAYS |
| 03 | ROOMS | 11 | GALLONS |
| 04 | SEATS | 12 | PADS |
| 05 | BEDS | 13 | RUNS |
| 06 | STALLS | 14 | HOLES |
| 07 | LANES | 15 | PLOTS |
| 08 | COURTS | 16 | BARRELS |
| 09 | SLIPS | 17 | ACRES |

## IMPROVEMENT CODES

MEASURE CODE

| | | | |
|---|---|---|---|
| 1 | QUANTITY | 3 | SQUARE FEET |
| 2 | DIMENSIONS | 4 | DOLLARS |

| GRADE | | CONDITION | |
|---|---|---|---|
| A | EXCELLENT | 1 | POOR |
| B | GOOD | 2 | FAIR |
| C | AVERAGE | 3 | NORMAL |
| D | ECONOMY | 4 | GOOD |
| E | MINIMUM | 5 | EXCELLENT |

## I & E SUMMARY SECTION

| | |
|---|---|
| RENT RESTRICTED 1=YES 2=NO | |
| DOLLAR/PERCENT CODE 1=PERCENT 2=DOLLARS | |
| POTENTIAL GROSS INCOME | |
| VACANCY & CREDIT LOSS | |
| ADDITIONAL INCOME | |
| EFFECTIVE GROSS INCOME | |
| TOTAL EXPENSES | |
| NET OPERATING INCOME | |

RPS Version 4 [Improvement Update Group assessor Name RLEMERY]

| | | | | | |
|---|---|---|---|---|---|
| 163.15-1-4 | 533001 Fort Edward | Active | R/S: 1 | School: Fort Edward | |
| WCC,LLC | Roll Year: 2009 Curr Yr | Manufacture | | Land AV: 432,500 | |
| Towpath Ln/e Off | Land Size: 28.00 acres | | | Total AV: 29,658,800 | |

- Parcel 163.15-1-4
  - Notes
  - Assessment
    - Spec Dist(
  - Description
  - Owner(s)
  - Images
  - Gis
  - Site (1) Ind
    - Land(s)
    - Imprvmt(s)
    - Bldg 1 Sec
    - Valuation
  - Sale07/28/04

Total 10 Improvements: To open, click the appropriate row (Right Click to Add)

| Structure Code | Dim1 | Dim2 | SQFT / Misc | Actual Yrblt | Eff Yrblt |
|---|---|---|---|---|---|
| MS1 | 4779023.00 | .00 | .00 | 2009 | 0 |
| MS1 | 572242.00 | .00 | .00 | 2009 | 0 |
| MS1 | 116538.00 | .00 | .00 | 2009 | 0 |
| MS1 | 6100323.00 | .00 | .00 | 2009 | 0 |
| MS1 | 3170087.00 | .00 | .00 | 2009 | 0 |

Site No: 1 ACCTNMB:

Struct Code: MS1 Misc. imprv.

Measure Cd: 4 Dollars

Dimension 1: 4779023.00

Dimension 2: .00

SQFT / Misc: .00

Quantity:

Constr Grade: A Excellent

# L-F-S: 000000 - 000 - 00

Bldg Nbr: 0 Bldg Section: 0

Overall Cond: 5 Excellent

Actual Yr Built: 2009

Eff Year Built:

Pct Good:

Functional Obs:

Ser Life Yrs:

Imp Description:

RCN:

RCNLD:

RPS Version 4

Note- Parcel (Max 255 Char)

Misc. Items: #1 Site Excavation; #2 Manholes Culverts, Etc.; #3 Site Utility; #4 Railroad Spurs/Siding; #5 Site Electrical Power; #6 Paving/Fencing/Walls; #7Rail Support Bldg-#8 Addi. Real Prop. #9 Add.Soft Costs; #10 Sales Tax.

Save Delete Cancel Print

Click on folder to Open Window

start RPS Version 4 - [Impr...

**SWIS: 533001 163.15-1-4** **Site Nbr: 1**

| | | | | | |
|---|---|---|---|---|---|
| Prop Loc: | Towpath Ln/e Off | | Sale Price: $1 | Valuation Date: | 7/1/2008 |
| Owner Name: | WCC,LLC | | Sale Date: 7/28/2004 | Cost Table: | COST 2005 |
| School District: | 533001 | Valuation District: 0 | 2009 Land Av: $432,500 | Location Mult: | 1.15 |
| Property Class: | 710 Manufacture | Route No: | 2009 Total Av: $29,658,800 | Land Table: | 2006NEWLAND |
| Neighborhood: | 30 | Zoning Code: 06 | Company: 0 | Company Location: 0 | |

**Land Information**

| Land Type | Description | Grp | Soil Rating | Total Land Size | Unit of MSR | Partial Size | Rate | Partial Value | Total Value | Infl Pct | Dpt Pct | Adj Total Value |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01 | Primary | 17 | | 28.00 | ACRES | 5.00 | 30,000.00 | 150,000 | | | | |
| | | | | | | 5.00 | 20,000.00 | 100,000 | | | | |
| | | | | | | 15.00 | 10,000.00 | 150,000 | | | | |
| | | | | | | 3.00 | 5,000.00 | 15,000 | 415,000 | 1.05 | 0.000 | 435,750 |

**Total Land (Rounded)** $435,800

**Util/Indust Building 1 Section 1 Model # 0892 HIGH-BAY HEAVY INDUSTRIAL**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Gross Floor Area: | 40,000 | Year Built/Age: | 2009 / -1 | Num Stories: | 1.0 | Ext Wall: | 100 A |
| Total Perimeter: | 1000 | Quality/Qual Adj: | 2.0 / 1.000 | Story Height: | 36 | | 0 B |
| Ratio: | 40.000 | Condition: | Excellent | | | | 0 C |

Bsmt Type:
Bsmt Area: 0
Bsmt Perim: 0

| Building Component | | RCN | Building Component | | RCN |
|---|---|---|---|---|---|
| Basement | | 0 | Plumbing | | 24,192 |
| Exterior wall | | 141,624 | Heating | | 26,800 |
| Site prep | | 3,600 | Air Conditioning | 0 | 0 |
| Ext Foundation | | 51,120 | Electrical | | 115,600 |
| Int Foundation | | 39,008 | Sprinkler | 100 | 20,000 |
| Misc | | 0 | Fire Alarm | 100 | 6,000 |
| Roof | | 114,400 | Elevator | Num: 0 | 0 |
| Parapet wall | | 12,170 | | | |
| Slab on ground | | 54,800 | | | |
| Structural floor | | 0 | | | |
| Framing | | 139,440 | | | |
| Floor | | 12,000 | | | |
| Ceiling finish | | 0 | | | |
| Partitions | | 20,654 | | | |
| Base Subtotal | | 781,409 | | | |
| Location adjustment | 3.14 | 1,672,215 | | | |
| Architect's fees | 4.90 | 120,228 | | | |

**Total RCN** Pct in SBL: 100 $2,573,851 (Total RCN@100% $2,573,851 )

**Total RCNLD** PCT Good: 100.00 User Adj: 86 Func Obs: 0 Nbr Identical: 2 RCNLD $4,427,024

**Improvements Information**

| Struc. Code | Description | Primary Rating Dim1 | Dim2 | Quantity | Grd | Cond | YrBlt | Measure | Rate | RCN | PCT Good | Funct Utility | RCNLD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MS1 | Miscellaneous struct | 4,779,023.00 | | 1.00 | A | 5 | 2009 | 4,779,023.00 | 0.00 | 4,779,023 | 100 | 100 | 4,779,023 |
| MS1 | Miscellaneous struct | 572,242.00 | | 1.00 | A | 5 | 2009 | 572,242.00 | 0.00 | 572,242 | 100 | 100 | 572,242 |
| MS1 | Miscellaneous struct | 116,538.00 | | 1.00 | A | 5 | 2009 | 116,538.00 | 0.00 | 116,538 | 100 | 100 | 116,538 |
| MS1 | Miscellaneous struct | 6,100,323.00 | | 1.00 | A | 5 | 2009 | 6,100,323.00 | 0.00 | 6,100,323 | 100 | 100 | 6,100,323 |

SWIS: 533001 163.15-1-4 Site Nbr: 1

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MS1 | Miscellaneous struct | 3,170,087.00 | 1.00 | A | 5 | 2009 | 3,170,087.00 | 0.00 | 3,170,087 | 100 | 100 | 3,170,087 |
| MS1 | Miscellaneous struct | 6,574,007.00 | 1.00 | A | 5 | 2009 | 6,574,007.00 | 0.00 | 6,574,007 | 100 | 100 | 6,574,007 |
| MS1 | Miscellaneous struct | 114,672.00 | 1.00 | C | 5 | 2009 | 114,672.00 | 0.00 | 114,672 | 100 | 100 | 114,672 |
| MS1 | Miscellaneous struct | 2,540,514.00 | 1.00 | A | 5 | 2009 | 2,540,514.00 | 0.00 | 2,540,514 | 100 | 100 | 2,540,514 |
| MS1 | Miscellaneous struct | 6,276,223.00 | 1.00 | A | 5 | 2009 | 6,276,223.00 | 0.00 | 6,276,223 | 100 | 100 | 6,276,223 |
| MS1 | Miscellaneous struct | 657,840.00 | 1.00 | A | 5 | 2009 | 657,840.00 | 0.00 | 657,840 | 100 | 100 | 657,840 |

| | | |
|---|---|---|
| Improvements Totals: | $30,901,469 | $30,901,469 |
| UCARS Apportionment Value: | 0 | $0 |

Site Totals

| | |
|---|---|
| Land: | $435,800 |
| Land + Util/Indust Buildings + Improvements: | $35,764,243 |
| Total Cost Value: | $35,764,200 |

NOTE: The shaded area indicates the RCNLD for this asset has reached the depreciation floor. No reduction in value below the floor is calculated.

533001 INSTRUCTIONS(RP-5217-PDF-INS): www.orps.state.ny.us

FOR COUNTY USE ONLY

C1. SWIS Code 533001

C2. Date Deed Recorded 12/28/18 (Month Day Year)

C3. Book 4005 C4. Page 132

157

New York State Department of **Taxation and Finance**

Office of Real Property Tax Services

**RP-5217-PDF**

Real Property Transfer Report (8/10)

## PROPERTY INFORMATION

Doc #: 00011883

1. Property Location: 1400 (*STREET NUMBER) Towpath Ln and e/off (*STREET NAME)

Fort Edward (*CITY OR TOWN) Fort Edward (VILLAGE) 12828 (*ZIP CODE)

2. Buyer Name: FORT EDWARD LOCALPROPERTY (*LAST NAME/COMPANY) DEVELOPMENT CORPORATION (FIRST NAME)

a/k/a FT. Edward Local Property Development Corporation (LAST NAME/COMPANY) (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form) (LAST NAME/COMPANY) (FIRST NAME)

(STREET NUMBER AND NAME) (CITY OR TOWN) (STATE) (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed 2 # of Parcels OR ☐ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists ☐

4B. Subdivision Approval was Required for Transfer ☐

4C. Parcel Approved for Subdivision with Map Provided ☐

5. Deed Property Size: (*FRONT FEET) X (*DEPTH) OR 78.84 (*ACRES)

6. Seller Name: WCC, LLC (*LAST NAME/COMPANY) (FIRST NAME)

(LAST NAME/COMPANY) (FIRST NAME)

*7. Select the description which most accurately describes the use of the property at the time of sale:

J. Industrial

Check the boxes below as they apply:

8. Ownership Type is Condominium ☐

9. New Construction on a Vacant Land ☐

10A. Property Located within an Agricultural District ☐

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

## SALE INFORMATION

11. Sale Contract Date N/A

*12. Date of Sale/Transfer 12/28/18

*13. Full Sale Price 0.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount.*

15. Check one or more of these conditions as applicable to transfer:

- ☐ A. Sale Between Relatives or Former Relatives
- ☐ B. Sale between Related Companies or Partners in Business.
- ☐ C. One of the Buyers is also a Seller
- ☐ D. Buyer or Seller is Government Agency or Lending Institution
- ☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
- ☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
- ☐ G. Significant Change in Property Between Taxable Status and Sale Dates
- ☐ H. Sale of Business is Included in Sale Price
- ☒ I. Other Unusual Factors Affecting Sale Price (Specify Below)
- ☐ J. None

Comment(s) on Condition: Donation/Gift

14. Indicate the value of personal property included in the sale .00

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 18

*17. Total Assessed Value ~~10,000,000~~ 8,000,000

Received County Clerks Office Dec 28,2018 02:37P Washington County Stephanie Lemery

*18. Property Class 710

*19. School District Name FORT EDWARD

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

163.15-1-4 ~~Village~~ 533001 163.-2-20.1 ~~Town~~ 533089

## CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

**SELLER SIGNATURE**

WCC, LLC

[signature] 12-27-2018

SELLER SIGNATURE DATE

[signature] 12/27/18

**BUYER SIGNATURE**

[signature] 12/27/18

BUYER SIGNATURE DATE

**BUYER CONTACT INFORMATION**

(Enter information for the buyer. Note: If buyer is LLC,society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

FORT EDWARD LOCALPROPERTY (*LAST NAME) DEVELOPMENT CORPORATION (FIRST NAME)

(*AREA CODE) (*TELEPHONE NUMBER (Ex: [illegible]))

118 (*STREET NUMBER) Broadway (PO Box 127) (*STREET NAME)

Fort Edward (*CITY OR TOWN) NY (*STATE) 12828 (*ZIP CODE)

**BUYER'S ATTORNEY**

(LAST NAME) (FIRST NAME)

(AREA CODE) (TELEPHONE NUMBER (Ex: [illegible]))

RP3105 REV 1/95

# NEW YORK STATE
## OFFICE OF REAL PROPERTY SERVICES
## COMMERCIAL PROPERTY RECORD CARD

**AUDIT CONTROL CODES**

ACTIVITY
N = NONE L = LISTED
M = MEASURED ONLY

ENTRY
1 = INTERIOR INSPECTION
2 = INTERIOR REFUSAL
3 = TOTAL REFUSAL
4 = ESTIMATE
5 = NO ENTRY

SOURCE
1 = OWNER 4 = OTHER
2 = RELATIVE 5 = NOAH
3 = TENANT 6 = ASSESSOR DATA

**SALES INFORMATION CODES**

SALE TYPE
1 = LAND ONLY
2 = BLDG. ONLY
3 = LAND & BLDG.

VALID
0 = INVALID SALE
1 = VALID SALE

SWIS/SBL/CD: 533089 163.-2-20.1 CARD NO. 1 OF 1

| SITE INFORMATION SECTION | SITE NO. | 01 | PROP CLASS | 710 | USED AS | M |
|---|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| NEIGHBORHOOD CODE | | | | | |
| ZONING CODE | | | | | N |
| SEWER | 1 NONE | 2 PRIVATE | 3 COMM/PUBLIC | | |
| WATER | 1 NONE | 2 PRIVATE | 3 COMM/PUBLIC | | |
| UTILITIES | 1 NONE | 2 GAS | 3 ELECTRIC | 4 GAS & ELECTRIC | |
| OVERALL DESIRABILITY | 1 POOR | 2 FAIR | 3 NORMAL | 4 GOOD | 5 EXCEL |
| OVERALL CONDITION | 1 POOR | 2 FAIR | 3 NORMAL | 4 GOOD | 5 EXCEL |
| OVERALL EFFECTIVE YEAR BUILT | | | | | 2UC |
| OVERALL GRADE | A EXCEL | B GOOD | C AVERAGE | D ECONOMY | E MINIMUM |

53[redacted]089 163.-2-20.1
W[redacted]C, LLC
14[redacted]0 Towpath Ln.

Cls 710
51.41 Ac

HC

SALE PRI[redacted]E SALE DATE

533001 5D
LOT SIZE
51.41 Ac

T/V-

| LABEL COR[redacted]RECTION AREA | SWIS | TAX MAP # | OWNER | PROP CLASS | LOC # | LOC | SCH DIS | LOT SIZE |
|---|---|---|---|---|---|---|---|---|

**AUDIT CONTROL SECTION**

QUALITY CON[redacted]ROLREVIEWER DATE

REJECT CODE ASSISTANCE CODE

SIGNATURE BELOW DOES NOT MEAN CONTENTS VERIFIED, ONLY THAT DATA WAS COLLECTED IN YOUR PRESENCE.

SIGNATURE _____ DATE _____

| COLLEC[redacted]OR | DATE (MMDDYY) | TIME | ACTIVITY | ENTRY | SOURCE |
|---|---|---|---|---|---|
| | | : | | | |
| | | : | | | |

NOTES:

**SALES INFORMATION SECTION**

| DAT[redacted] (MIDDYY) | SALE PRICE | TYPE | VALID |
|---|---|---|---|
| 06[redacted]0289 | 257950 | 1 | 1 |
| 09[redacted]2995 | 0 | 1 | 0 |
| ALTERNATE NAME: 01/28/04 | Ø | 1 | 0 |

| I&E SENT | I&E RECEIVED |
|---|---|
| / / | / / |

**LAND BREAKDOWN SECTION**

| LAND TYPE | FRONT FEET | DEPTH | ACRES | SQUARE FEET | SOIL RTNG | WTR TYP | INF CDE | INFLUENCE % |
|---|---|---|---|---|---|---|---|---|
| 01 | | | 51.41 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

**LAND CODES**

LAND TYPES

| | | | | | |
|---|---|---|---|---|---|
| 01 | PRIMARY | 06 | PASTURE | 11 | ORCHARD |
| 02 | SECONDARY | 07 | WOODLAND | 12 | REAR |
| 03 | UNDEVELOPED | 08 | WASTELAND | 13 | VINEYARD |
| 04 | RESIDUAL | 09 | MUCK | 14 | WETLAND |
| 05 | TILLABLE | 10 | WATERFRONT | 15 | LEASED LAND |

SOIL RATING

| | | | |
|---|---|---|---|
| P | POOR | (05) | 01 - 10 |
| N | NORMAL | (06) | 01 - 10 |
| G | GOOD | (07) | 01 - 04 |
| | | (09) | 01 - 04 |
| | | (11) | 01 - 10 |
| | | (13) | 01 - 10 |

INFLUENCE CODE

| | | | |
|---|---|---|---|
| 1 | TOPOGRAPHY | | |
| 2 | LOCATION | | |
| 3 | SHAPE | | |
| 4 | RESTRICTED USE | | |
| 5 | VIEW | | |
| 6 | WETNESS | 7 | OTHER |

WATERFRONT TYPE

| | | | | | |
|---|---|---|---|---|---|
| 1 | POND | 3 | LAKE | 5 | OCEAN |
| 2 | RIVER | 4 | CANAL | 6 | BAY |

## COMMERCIAL BUILDING SECTION

| | | |
|---|---|---|
| BUILDING & SECTION | 01 1 | 02 1 |
| NO. IDENTICAL BLDGS. | 1 | 1 |
| MODEL | 0892 | 0892 |
| EFFECTIVE YEAR BUILT | 2009 | 2009 |
| CONSTRUCTION QUALITY | 0.3 | 0.3 |
| USER ADJUSTMENT | 1.15 | 1.15 |
| CONDITION | 6 | 6 |
| PERIMETER | 1040 | 690 |
| GROSS FLOOR AREA | 41280 | 24800 |
| NO. STORIES | 02 | 02 |
| STORY HEIGHT | 36 | 36 |
| WALL A PERCENT | 100 | 100 |
| WALL B PERCENT | | |
| WALL C PERCENT | | |
| AIR COND. PERCENT | | |
| SPRINKLER PERCENT | 100 | 100 |
| ALARM PERCENT | 100 | 100 |
| NO. ELEVATORS | | |
| BASEMENT TYPE | | |
| BASEMENT PERIMETER | | |
| BASEMENT SQ. FT. | | |

SWIS/SBL/CD

MAP #

## IMPROVEMENT SECTION

| STRUC CD | MC | DIMENSION 1 | DIMENSION 2 | QUANTITY | GR | CD | YEAR BUILT |
|---|---|---|---|---|---|---|---|
| See Attached Report | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

## COMMERCIAL RENTABLE SECTION

| USED AS | SQUARE FEET | UNIT | # UNITS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

## APARTMENT SECTION

| | USED AS | SQUARE FEET | # APARTMENTS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| TOTAL | A | | | | |

| | SQUARE FEET | # APARTMENTS | ANN RENT/UNIT | TYP |
|---|---|---|---|---|
| E&1B | | | | |
| 2BED | | | | |
| 3BED | | | | |

**TYPE CODES**

1 = ACTUAL
2 = ECONOMIC
3 = ACTUAL & ECONOMIC

## UNIT CODES

| | | | |
|---|---|---|---|
| 02 | APTS | 10 | BAYS |
| 03 | ROOMS | 11 | GALLONS |
| 04 | SEATS | 12 | PADS |
| 05 | BEDS | 13 | RUNS |
| 06 | STALLS | 14 | HOLES |
| 07 | LANES | 15 | PLOTS |
| 08 | COURTS | 16 | BARRELS |
| 09 | SLIPS | 17 | ACRES |

## IMPROVEMENT CODES

**MEASURE CODE**

| | | | |
|---|---|---|---|
| 1 | QUANTITY | 3 | SQUARE FEET |
| 2 | DIMENSIONS | 4 | DOLLARS |

| GRADE | | CONDITION | |
|---|---|---|---|
| A | EXCELLENT | 1 | POOR |
| B | GOOD | 2 | FAIR |
| C | AVERAGE | 3 | NORMAL |
| D | ECONOMY | 4 | GOOD |
| E | MINIMUM | 5 | EXCELLENT |

## I & E SUMMARY SECTION

| | |
|---|---|
| RENT RESTRICTED 1=YES 2=NO | |
| DOLLAR/PERCENT CODE 1=PERCENT 2=DOLLARS | |
| POTENTIAL GROSS INCOME | |
| VACANCY & CREDIT LOSS | |
| ADDITIONAL INCOME | |
| EFFECTIVE GROSS INCOME | |
| TOTAL EXPENSES | |
| NET OPERATING INCOME | |

RPS Version 4 - [Description Update , Group assessor, Name RL

File Edit View Toolbar Window Help

163.-2-20.1
WCC,LLC
1400 Towpath Ln

533089 Fort Edward
Roll Year: 2009 Curr Yr
Land Size: 51.41 acres

Active
Manufacture

R/S: 1

School: Fort Edward
Land AV: 737,400
Total AV: 45,744,800

- Parcel 163.-2-20.1
  - Notes
  - Assessment
    - Spec Dist(
  - Description
  - Owner(s)
  - Images
  - Gis
  - Site (1) Ind
    - Land(s)
    - Imprvmt(s)
    - Bldg 1 Sec
      - Compo
    - Bldg 2 Sec
      - Compo
    - Valuation
  - Sale07/28/04

Prop Class: 710 Manufacture
Ownership Code:
Roll Section: 1 Taxable
Roll Subsection:
School Code: 533001 Fort Edward
Cons. School:
Easement Code:
Allocation Factor: .0000
Appraisal No:

Desc 1: Dewatering Faciltiy-TOV
Desc 2:
Desc 3:
Desc Print Code: P = Print on Roll & Bill
Land Com Code:
Land Com Year:
Ag District: Ag Dist No:
Arrears: SSI Recipient:
Date Last Phy Insp: 00/00/0000
Company Code: 0 Co 0
Company Apport: .0000 Loc:
Run RPS440 Edits: ✓ Major Type: B

Total 6 Roll Years:

| Roll Yr | Prop Class | Roll Section | Owner Code |
|---|---|---|---|
| 2009 | Manufacture | Taxable | |
| 2008 | Manufacture | Taxable | |

RPS Version 4

Note- Parcel (Max 255 Char)

Misc. Items: #1 Site Excavation; #2 Drainage & Piping; #3 Site Utility; #4 Trenching; #5 Site Electrical Power; #6 Paving /Fencing/Walls; #7 Tanks; #8 Add. Real Prop.; #9 Add. Soft Cost; #10 Sales Tax.

Save | Delete | Cancel | Print

Click on folder to Open Window

start | RPS Version 4 - [Desc...

# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

OFFICE – 518.747.5212 ----------FAX 518.747.2493

1400 Tow path

CO/VIOLATION SEARCH

DATE: 1/9/20

ADDRESS:

CO # N/A (ATTACH COPY)

DWELLING IN EXISTANCE BEFORE TOWN ISSUED CO'S N/A

PENDING VIOLATIONS no yes(EXPLANATION)_____

ROAD IS TOWN MAINTAINED EAST RD

FEE IS $30 CHECK PAYABLE TO TOWN OF FORT EDWARD OR CASH

No Permits on record for building, demo, tanks

NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES
PROPERTY RECORD CARD

SWIS 533089 TAX MAP No. 163.-2-20.1

OWNER Fort Edward Local PropDev Corp

LOCATION 1400 Towpath Ln Fort Edward 12828

PROP CLASS 710 SCHOOL DIST 533001

SALE PRICE SALE DATE

| Site Info. | SWIS/SBL 533089 | 16300000020200010000 | Card No. 1 |
|---|---|---|---|
| | Site No. 1 | Property Class | 710 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Used As Code | | | | | | M01 |
| Route No. | | | | | | |
| Nbhd. Code: | 30 | | Val Dist: | | | 0 |
| Sewer Type: | 1=None | 2=Private | 3=Comm/Public | | | 2 |
| Water Supply: | 1=None | 2=Private | 3=Comm/Public | | | 3 |
| Utilities: | 1=No Public | 2=Gas | 3=Electric | 4=Gas and Electric | | 3 |
| Overall Desire: | 1=Poor | 2=Fair | 3=Normal | 4=Good | 5=Excellent | 3 |
| Overall Cond: | 1=Poor | 2=Fair | 3=Normal | 4=Good | 5=Excellent | 3 |
| Overall Grade: | A=Excellent | B=Good | C=Average | D=Economy | E=Minimum | A |
| DC Entry Type: | 1=Inter Inspec | 2=Inter Refuse | 3=Total Refusal | 4=Est | 5=No Entry | 1 |
| Zoning Code: | | | | | | M1 |
| Overall Eff Yr. Blt. | | | | | | 2009 |
| Economic OBS | | | | | | 0 |

NOTES

## Audit Control Section

| Collector | Date(mmddyy) | Time | Activity | Source |
|---|---|---|---|---|
| | / / | : | | |
| | / / | : | | |

| Audit Control Codes Activity | Source | Sales Information Codes Sales Type | Valuation Useable |
|---|---|---|---|
| N=None<br>M=Measured Only<br>L=Listed | 1=Owner<br>2=Relative<br>3=Tenant<br>4=Other<br>5=NOAH<br>6 =Assess. Data | 1=Land Only<br>2=Bldg. Only<br>3=Land and Bldg<br>4=Right-of-Way | 0=No<br>1=Yes |

## Reappraisal Cycle Section

Date of Last Phy Insp. Date of Reappraisal 4/7/2018

## Sales Information Section

| Sale Date | Sale Price | Sale Type | Valuation Useable |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

## Land Breakdown Section

Waterfront Type:
1=Pond 2=River 3=Lake 4=Canal 5=Ocean 6=Bay

Land Type
01=Primary 05=Tillable 09=Muck 13=Vineyard
02=Secondary 06=Pasture 10=Waterfront 14=Wetland
03=Undeveloped 07=Woodland 11=Orchard 15=Leased Land
04=Residual 08=Wasteland 12=Rear

Soil Rating
P Poor : (05) 01 - 10 (09) 01 - 04
N Normal : (06) 01 - 10 (11) 01 - 10
G Good : (07) 01 - 04 (13) 01 - 10

Influence Code
1=Topog 5=View
2=Location 6=Wetness
3=Shape 7=Environment
4=Restricted Use 8=Other

| Land Type | Front Feet | Depth | Acres | Square Feet | Soil Rating | Water Type | Depth Factor | Infl % | Infl Cd1 | Infl Cd2 | Infl Cd3 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 01 | 0.00 | 0.00 | 51.41 | 0 | | | 0 | 165 | 8 | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

Signature below does not mean contents verified, only that data was collected in your presence.

SIGNATURE _____

## Commercial Building Section

| | | | | | |
|---|---|---|---|---|---|
| BLD and SECTION | 1 | 1 | BLD and SECTION | 2 | 1 |
| NO. IDENT. BLDGS | | 1 | NO. IDENT. BLDGS | | 0 |
| BOECKH MODEL NO. | | 0892 | BOECKH MODEL NO. | | 0892 |
| ACTUAL YR. BLT | 2009 | | ACTUAL YR. BLT | 2009 | |
| EFF. YR. BLT | 2009 | | EFF. YR. BLT | 2009 | |
| CONST. QUAL | 2.0 | | CONST. QUAL | 2.0 | |
| CONDITION | | 3 | CONDITION | | 3 |
| BLDG. PERIM. | 1,040 | | BLDG. PERIM. | 690 | |
| GROSS FLR AREA | 41,280 | | GROSS FLR AREA | 24,800 | |
| NO. STORIES | | 2.0 | NO. STORIES | | 2.0 |
| STORY HEIGHT | | 36 | STORY HEIGHT | | 36 |
| WALL A PCT | | 100 | WALL A PCT | | 100 |
| WALL B PCT | | 0 | WALL B PCT | | 0 |
| WALL C PCT | | 0 | WALL C PCT | | 0 |
| AIR COND. PCT | | | AIR COND. PCT | | |
| SPRINKLER PCT | | | SPRINKLER PCT | | 100 |
| ALARM PCT | | 100 | ALARM PCT | | 100 |
| NO. ELEVATORS | | | NO. ELEVATORS | | |
| BSMT. TYPE | | | BSMT. TYPE | | |
| BSMT PERIM | | | BSMT PERIM | | 0 |
| BSMT.SQ FT. | | | BSMT.SQ FT. | | |
| FUNCT OBS. | | | FUNCT OBS. | | |
| PHYSICAL DEP. | | 45 | PHYSICAL DEP. | | 45 |
| DEPREC ADJ. | | 50 | DEPREC ADJ. | | 50 |

### COMMERCIAL RENTABLE SECTION

| USED AS | SQ.FT. | UNIT | #UNITS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

### APARTMENT SECTION

| TOTAL | USED AS CODE | RENTABLE SQ.FT. | #APARTMENTS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| | | | | | |

| | SQUARE FEET | #APARTMENTS | ANN RENT/UNIT | TYP |
|---|---|---|---|---|
| EFF 1 BED | | | | |
| EFF 2 BED | | | | |
| EFF 3 BED | | | | |

TYPE CODES
1=ACTUAL
2=ECONOMIC
3=ACTUAL and ECONOMIC

### IMPROVEMENT SECTION

| Structure Code | MC | Dim1 | Dim2 | SQFT (MISC) | Quantity | Constr. Grade | Overall COND. | Actual Yr. Built | Effective Yr. Built | PCT. GOOD | FUNC OBS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| MS1 | 4 | 8875329.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 0 | 0 |
| MS1 | 4 | 216427.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 0 | 0 |
| MS1 | 4 | 5887304.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 0 | 0 |
| MS1 | 4 | 12208870.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 0 | 0 |

UNIT CODES
02=APTS
03=ROOMS
04=SEATS
05=BEDS
06=STALLS
07=LANES
08=COURTS
09=SLIPS
10=BAYS
11=GALLONS
12=PADS
13=RUNS
14=HOLES
15=PLOTS
16=BARRELS
17=ACRES

| MEAS. CODE | CONST. GRADE | CONDITION |
|---|---|---|
| 1=Quantity | A=Excellent | 1=Poor |
| 2=Dimensions | B=Good | 2=Fair |
| 3=Square Feet | C=Average | 3=Normal |
| 4=Dollars | D=Economy | 4=Good |
| | E=Minimum | 5=Excellent |

### I and E SUMMARY SECTION

| | | | |
|---|---|---|---|
| USER DATA CODE | 1=USE DATA | 2=DO NOT USE | |
| DOLLAR/PERCENT CODE | 1=PERCENT | 2=DOLLARS | |
| POTENTIAL GROSS INCOME | | | |
| VACANCY/CREDIT LOSS | | | |
| ADDITIONAL INCOME | | | |
| EFF GROSS INCOME | | | |
| TOTAL EXPENSES | | | |
| NET OPERAT INCOME | | | |
| RENT RESTRICTED | | | |

**NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE**
**OFFICE OF REAL PROPERTY TAX SERVICES**
**PROPERTY RECORD CARD - ( ADDITIONAL IMPROVEMENTS)**

SWIS 533089 TAX MAP No. 163.-2-20.1

OWNER Fort Edward Local PropDev Corp

LOCATION 1400 Towpath Ln Fort Edward 12828

PROP CLASS 710 SCHOOL DIST 533001

SALE PRICE SALE DATE

| Site Info. | SWIS/SBL 533089 16300000020200010000 | | | | | Card No. 2 |
|---|---|---|---|---|---|---|
| | | | Site No. 1 | | | Property Class 710 |
| Route No. | | | | | | |
| Nbhd Code: | 30 | | | | | Val Dist: 0 |
| Sewer Type: | 1=None | 2=Private | 3=Comm/Public | | | 2 |
| Water Supply: | 1=None | 2=Private | 3=Comm/Public | | | 3 |
| Utilities: | 1=No Public | 2=Gas | 3=Electric | 4=Gas and Electric | | 3 |
| Site Desireability | 1=Inferior | 2=Typical | 3=Superior | | | |
| Nbhd Type: | 1=Rural | 2=Suburban | 3=Urban | 4=Commercial | | |
| Nbhd Rating: | 1=Below Avg. | 2=Average | 3=Above Ave | | | |
| Road Type: | 1=None | 2=Unimproved | 3=Improved | 4=Right-of-Way | | |
| DC Entry Type: | 1=Inter Inspec | 2=Inter Refuse | 3=Total Refuse | 4=Est | 5=No Entry | 1 |
| Zoning Code: | | | | | | M1 |

## IMPROVEMENT SECTION

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| RC1=CarPort<br>RG1=Gar-1.0 aat<br>RG2=Gar-1.5 aat<br>RG3=Gar-2.0 aat | RG4=Gar-1.0 det<br>RG5=Gar-1.5 det<br>RG6=Gar-2.0 det<br>RG7=Garage/wApt | LS1=St/Vnyl<br>LS2=Fibgls<br>LS3=Concrete<br>LS4=Gunite<br>LS5=Abv Grn | FB1=1.0 Dry<br>FB2=1.5 Dry<br>FB3=2.0 Dry<br>FB4=1.0 Gen | FB5=1.5 Gen<br>FB6=2.0 Gen<br>FB7=Pole<br>FB8=Horse | GH2=Grnhse-res<br>TC1=Tennis Court | CP5=Roof Only<br>CP6=W/Slab<br>CP7=W/Screen | FC1=Shed<br>FC2=Aluminum<br>FC3=Galvanized<br>FC4= Finshd | MH1=Basement<br>MH2=Roof<br>MH5=Mobile Home<br>MH6=7x12 Room | MH7=7x24 Room<br>MH8=Tip-Out Room<br>MH9=Wood Addon | RP1=Open<br>RP2=Cover<br>RP3=Screen<br>RP4=Enclsd | RP5=Up Op<br>RP6=Up Cov<br>RP7=Up Scr<br>RP8=Up Enc |

| Structure Code | MC | Dimension 1 | Dimension 2 | SQFT (MISC) | Quantity | Grade | Condition | Actual Yr. Built | Eff. Yr. Built | PCT. GOOD | FUNC OBS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| MS1 | 4 | 1240669.00 | 0 | 0 | 0 | C | 3 | 2009 | 0 | 0 | 0 |

NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES
PROPERTY RECORD CARD

SWIS 533001 TAX MAP No. 163.15-1-4

OWNER Fort Edward Local PropDev Corp

LOCATION Towpath Ln/e Off Fort Edward

PROP CLASS 710 SCHOOL DIST 533001

SALE PRICE $1.00 SALE DATE 12/28/2018

| Site Info. | SWIS/SBL 533001 | 16301500010040000000 | Card No. 1 |
|---|---|---|---|
| | Site No. 1 | Property Class | 710 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Used As Code | | | | | | M01 |
| Route No. | | | | | | |
| Nbhd. Code: | 30 | | Val Dist: | | | 0 |
| Sewer Type: | 1=None | 2=Private | 3=Comm/Public | | | 2 |
| Water Supply: | 1=None | 2=Private | 3=Comm/Public | | | 3 |
| Utilities: | 1=No Public | 2=Gas | 3=Electric | 4=Gas and Electric | | 3 |
| Overall Desire: | 1=Poor | 2=Fair | 3=Normal | 4=Good | 5=Excellent | 3 |
| Overall Cond: | 1=Poor | 2=Fair | 3=Normal | 4=Good | 5=Excellent | 3 |
| Overall Grade: | A=Excellent | B=Good | C=Average | D=Economy | E=Minimum | C |
| DC Entry Type: | 1=Inter Inspec | 2=Inter Refuse | 3=Total Refusal | 4=Est | 5=No Entry | 1 |
| Zoning Code: | | | | | | 06 |
| Overall Eff Yr. Blt. | | | | | | 2009 |
| Economic OBS | | | | | | 0 |

NOTES

Audit Control Section

| Collector | Date(mmddyy) | Time | Activity | Source |
|---|---|---|---|---|
| | / / | : | | |
| | / / | : | | |

| Audit Control Codes Activity | Source | Sales Information Codes Sales Type | Valuation Useable |
|---|---|---|---|
| N=None<br>M=Measured Only<br>L=Listed | 1=Owner<br>2=Relative<br>3=Tenant<br>4=Other<br>5=NOAH<br>6 =Assess. Data | 1=Land Only<br>2=Bldg. Only<br>3=Land and Bldg<br>4=Right-of-Way | 0=No<br>1=Yes |

Reappraisal Cycle Section

Date of Last Phy Insp. Date of Reappraisal 4/5/2017

Sales Information Section

| Sale Date | Sale Price | Sale Type | Valuation Useable |
|---|---|---|---|
| 2018-12-28 | $1.00 | 3 | 0 |
| | | | |
| | | | |

Land Breakdown Section

Waterfront Type:
1=Pond 2=River 3=Lake 4=Canal 5=Ocean 6=Bay

Land Type
01=Primary 05=Tillable 09=Muck 13=Vineyard
02=Secondary 06=Pasture 10=Waterfront 14=Wetland
03=Undeveloped 07=Woodland 11=Orchard 15=Leased Land
04=Residual 08=Wasteland 12=Rear

Soil Rating
P Poor : (05) 01 - 10 (09) 01 - 04
N Normal : (06) 01 - 10 (11) 01 - 10
G Good : (07) 01 - 04 (13) 01 - 10

Influence Code
1=Topog 5=View
2=Location 6=Wetness
3=Shape 7=Environment
4=Restricted Use 8=Other

| Land Type | Front Feet | Depth | Acres | Square Feet | Soil Rating | Water Type | Depth Factor | Infl % | Infl Cd1 | Infl Cd2 | Infl Cd3 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 01 | 0.00 | 0.00 | 28.00 | 0 | | | 0 | 124 | 8 | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

Signature below does not mean contents verified, only that data was collected in your presence.

SIGNATURE _____

## Commercial Building Section

| | | | |
|---|---|---|---|
| BLD and SECTION | | BLD and SECTION | |
| NO. IDENT. BLDGS | | NO. IDENT. BLDGS | |
| BOECKH MODEL NO. | | BOECKH MODEL NO. | |
| ACTUAL YR. BLT | | ACTUAL YR. BLT | |
| EFF. YR. BLT | | EFF. YR. BLT | |
| CONST. QUAL | | CONST. QUAL | |
| CONDITION | | CONDITION | |
| BLDG. PERIM. | | BLDG. PERIM. | |
| GROSS FLR AREA | | GROSS FLR AREA | |
| NO. STORIES | | NO. STORIES | |
| STORY HEIGHT | | STORY HEIGHT | |
| WALL A PCT | | WALL A PCT | |
| WALL B PCT | | WALL B PCT | |
| WALL C PCT | | WALL C PCT | |
| AIR COND. PCT | | AIR COND. PCT | |
| SPRINKLER PCT | | SPRINKLER PCT | |
| ALARM PCT | | ALARM PCT | |
| NO. ELEVATORS | | NO. ELEVATORS | |
| BSMT. TYPE | | BSMT. TYPE | |
| BSMT PERIM | | BSMT PERIM | |
| BSMT.SQ FT. | | BSMT.SQ FT. | |
| FUNCT OBS. | | FUNCT OBS. | |
| PHYSICAL DEP. | | PHYSICAL DEP. | |
| DEPREC ADJ. | | DEPREC ADJ. | |

### COMMERCIAL RENTABLE SECTION

| USED AS | SQ.FT. | UNIT | #UNITS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

### APARTMENT SECTION

| TOTAL | USED AS CODE | RENTABLE SQ.FT. | #APARTMENTS | TOTAL RENT | TYP |
|---|---|---|---|---|---|
| | | | | | |

| | SQUARE FEET | #APARTMENTS | ANN RENT/UNIT | TYP |
|---|---|---|---|---|
| EFF 1 BED | | | | |
| EFF 2 BED | | | | |
| EFF 3 BED | | | | |

TYPE CODES
1=ACTUAL
2=ECONOMIC
3=ACTUAL and ECONOMIC

### IMPROVEMENT SECTION

| Structure Code | MC | Dim1 | Dim2 | SQFT (MISC) | Quantity | Constr. Grade | Overall COND. | Actual Yr. Built | Effective Yr. Built | PCT. GOOD | FUNC OBS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| MS1 | 4 | 4779023.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 80 | 0 |
| MS1 | 4 | 116538.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 80 | 0 |
| MS1 | 4 | 3170087.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 0 | 0 |
| MS1 | 4 | 6100323.00 | 0.00 | 0.00 | 0.00 | C | 3 | 2009 | 0 | 0 | 0 |

UNIT CODES

02=APTS
03=ROOMS
04=SEATS
05=BEDS
06=STALLS
07=LANES
08=COURTS
09=SLIPS
10=BAYS
11=GALLONS
12=PADS
13=RUNS
14=HOLES
15=PLOTS
16=BARRELS
17=ACRES

| MEAS. CODE: | CONST. GRADE | CONDITION |
|---|---|---|
| 1=Quantity | A=Excellent | 1=Poor |
| 2=Dimensions | B=Good | 2=Fair |
| 3=Square Feet | C=Average | 3=Normal |
| 4=Dollars | D=Economy | 4=Good |
| | E=Minimum | 5=Excellent |

### I and E SUMMARY SECTION

| | | |
|---|---|---|
| USER DATA CODE | 1=USE DATA 2=DO NOT USE | |
| DOLLAR/PERCENT CODE | 1=PERCENT 2=DOLLARS | |
| POTENTIAL GROSS INCOME | | |
| VACANCY/CREDIT LOSS | | |
| ADDITIONAL INCOME | | |
| EFF GROSS INCOME | | |
| TOTAL EXPENSES | | |
| NET OPERAT INCOME | | |
| RENT RESTRICTED | | |

**NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE**
**OFFICE OF REAL PROPERTY TAX SERVICES**
**PROPERTY RECORD CARD - ( ADDITIONAL IMPROVEMENTS)**

SWIS 533001 TAX MAP No. 163.15-1-4

OWNER Fort Edward Local PropDev Corp

LOCATION Towpath Ln/e Off Fort Edward

PROP CLASS 710 SCHOOL DIST 533001

SALE PRICE 1.00 SALE DATE 12/28/2018

Site Info. SWIS/SBL533001 16301500010040000000 Card No. 2

Site No. 1 Property Class 710

Route No.

Nbhd Code: 30 Val Dist: 0

| | | | | | | |
|---|---|---|---|---|---|---|
| Sewer Type: | 1=None | 2=Private | 3=Comm/Public | | | 2 |
| Water Supply: | 1=None | 2=Private | 3=Comm/Public | | | 3 |
| Utilities: | 1=No Public | 2=Gas | 3=Electric | 4=Gas and Electric | | 3 |
| Site Desireability | 1=Inferior | 2=Typical | 3=Superior | | | |
| Nbhd Type: | 1=Rural | 2=Suburban | 3=Urban | 4=Commercial | | |
| Nbhd Rating: | 1=Below Avg. | 2=Average | 3=Above Ave | | | |
| Road Type: | 1=None | 2=Unimproved | 3=Improved | 4=Right-of-Way | | |
| DC Entry Type: | 1=Inter Inspec | 2=Inter Refuse | 3=Total Refuse | 4=Est | 5=No Entry | 1 |
| Zoning Code: | | | | | | 06 |

## IMPROVEMENT SECTION

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| RC1=CarPort<br>RG1=Gar-1.0 aat<br>RG2=Gar-1.5 aat<br>RG3=Gar-2.0 aat | RG4=Gar-1.0 det<br>RG5=Gar-1.5 det<br>RG6=Gar-2.0 det<br>RG7=Garage/wApt | LS1=St/Vnyl<br>LS2=Fibgls<br>LS3=Concrete<br>LS4=Gunite<br>LS5=Abv Grn | FB1=1.0 Dry<br>FB2=1.5 Dry<br>FB3=2.0 Dry<br>FB4=1.0 Gen | FB5=1.5 Gen<br>FB6=2.0 Gen<br>FB7=Pole<br>FB8=Horse | GH2=Grnhse-res<br>TC1=Tennis Court | CP5=Roof Only<br>CP6=W/Slab<br>CP7=W/Screen | FC1=Shed<br>FC2=Aluminum<br>FC3=Galvanized<br>FC4= Finshd | MH1=Basement<br>MH2=Roof<br>MH5=Mobile Home<br>MH6=7x12 Room | MH7=7x24 Room<br>MH8=Tip-Out Room<br>MH9=Wood Addon | RP1=Open<br>RP2=Cover<br>RP3=Screen<br>RP4=Enclsd | RP5=Up Op<br>RP6=Up Cov<br>RP7=Up Scr<br>RP8=Up Enc |

| Structure Code | MC | Dimension 1 | Dimension 2 | SQFT (MISC) | Quantity | Grade | Condition | Actual Yr. Built | Eff. Yr. Built | PCT. GOOD | FUNC OBS |
|---|---|---|---|---|---|---|---|---|---|---|---|
| MS1 | 4 | 114672.00 | 0 | 0 | 0 | C | 5 | 2009 | 0 | 0 | 0 |
| MS1 | 4 | 6574007.00 | 0 | 0 | 0 | C | 3 | 2009 | 0 | 0 | 0 |

# VILLAGE OF FORT EDWARD

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828
Phone (518) 747-4023 Fax (518) 747-0476
www.villageoffortedward.com



*BOARD OF TRUSTEES*

Mayor Matthew Traver

Trustee Peter Williams

Trustee Ed Carpenter

Trustee John Boucher Jr.

Trustee David Cutler


*Via US Mail & Facsimile (518) 786-7299*

01/10/2020

CT Male Associates
Larene Cameron
Environmental Scientist/Geologist

Re: FOIL Request
Request Concerning
1400 Towpath Road
**163.15-1-4 – Village Parcel only**

Dear Larene Cameron,

The village is in receipt of your Freedom of Information Law Request (FOIL) dated **January 8 2020** and received in the office on **January 8 2020**. Please note the following information compiled.

**Engineering Records**

**If municipal services (water, sanitary sewer, storm sewer) are provided to this site please verify and identify dates of connection (if available)**

*1. There are no municipal services at the location stated above.*

*2. There is a private water main*

*3. Private storm retention ponds*

If you have any questions please feel free to contact me at your convenience.

Sincerely,

Janelle Rose
Village Clerk's office
518-747-4023

Cc: Mayor Traver, *via electronic transmission*

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com

January 8, 2020

Ms. Aimee Mahoney, Town Clerk & Mr. Peter Amorosi, Village Clerk
Town and Village of Fort Edward
118 Broadway
Fort Edward, NY 12828
Via Email: amahoney@roadrunner.com & clerk@villageoffortedward.com

*Re: FOIL Request*
*1400 Towpath Lane Site*

Dear Ms. Mahoney and Mr. Amorosi:

Our office is completing a review for the above listed site which is referenced with tax map numbers 163.-2-20.1 and 163.15-1-4.

Pursuant to the Freedom of Information Law the following information is requested:

Assessment Records:
- Copies of the property assessment cards (current and former);
- Indicate current and former owners, date of purchase, book and page;
- Deeds (if available). ← County

Building Department Records:
- Building permits for major structures;
- Demolition permits for the site; N/A
- Violations for the site;
- Underground storage tank installation or removal permits for the site.

Historian Records:
- Previous use of the site, including previous owners if available; → previous owner
- General previous use of the site area

Fire Department Records:
- Underground or above ground storage tanks;
- Major fires;
- Spills; N/A
- Hazardous materials.

Engineering Records:
- If municipal services (water, sanitary sewer, storm sewer) are provided to this site please verify and identify dates of connection (if available) private water main

* no municipal services
* storm retention ponds (private)

Clerk's Records:

- Records of environmental related liens, violations or notices for the site;
- Identify municipal or private solid waste facilities within ½ mile of the site;
- Identify known soils or groundwater contamination investigations /cleanups in the site area.

Our office will gladly compensate your office for any copying or postal/fax expenses. Please contact this office before any copies are made if the total fee exceeds $20.00 in order to schedule an appointment to review files. If you have any questions or comments regarding this request, please feel free to contact our office at (202) 878-0167 or l.cameron@ctmale.com. Your assistance is greatly appreciated.

Sincerely,
C.T. MALE ASSOCIATES

Larene Cameron

Larene Cameron
Environmental Scientist/ Geologist

# 2019-20 Village of Fort Edward

FISCAL YEAR: 6/1/2019-5/31/2020 WARRANT DATE: 1/9/20 Bill No.: 000424

**MAKE CHECKS PAYABLE TO:**

Village of Fort Edward
P.O. Box 345
Fort Edward, NY 12828

**IN PERSON PAYMENT**

Village of Fort Edward
118 Broadway
Fort Edward, NY 12828
8:00am - 4:00pm

**PROPERTY ADDRESS - LEGAL DESCRIPTION:**

**SWIS:** 533001
**Parcel ID:** 163.15-1-4
Address: Towpath Ln/e Off
Town/Village: Fort Edward
School: 533001 - Fort Edward
NYS Tax & Finance School District Code:
Prop class: 710 Manufacture
Roll section: 1
Size: Acres-28.00
Bank code:
Estimated State Aid: VILL 110,146

**OWNER NAME AND ADDRESS:**

Ft Edward Local Devel Corp
118 Broadway
PO Box 127
Fort Edward, NY 12828

**PROPERTY TAXPAYERS BILL OF RIGHTS**

The assessor estimates the FULL MARKET VALUE of this property as of July 1, 2018 was: $4,300,000.00
The Total Assessed Value of this property is: $3,440,000.00
The UNIFORM PERCENTAGE OF VALUE used to establish assessments in your municipality was: 80.00
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your assessor for the publication "Contesting your Assessment in NYS". Please note that the period for filing for a review on the above assessment has passed.
Apply for Third Party Notification by: 1/9/20

| Exemption | Purpose | Value | Full Value | Exemption | Purpose | Value | Full Value | Exemption | Purpose | Value | Full Value |
|---|---|---|---|---|---|---|---|---|---|---|---|

| LEVY DESCRIPTION | TOTAL TAX LEVY | % CHANGE | TAXABLE VALUE OR UNITS | TAX RATE | TAX AMOUNT |
|---|---|---|---|---|---|
| 2019-20 Village Tax | 1,610,635 | -6.80 | 3,440,000 | 14.622729 | 50,302.19 |

**PAYMENT SCHEDULE/PENALTY SCHEDULE**

| Pay On Or Before: | Penalty Amount | Base Tax Amount | Total Due |
|---|---|---|---|
| 7/1/19 | $0.00 | $50,302.19 | $50,302.19 |
| 7/31/19 | $2,515.11 | $50,302.19 | $52,817.30 |
| 9/3/19 | $3,018.13 | $50,302.19 | $53,320.32 |
| 9/30/19 | $3,521.15 | $50,302.19 | $53,823.34 |

**TOTAL TAXES DUE $50,302.19**
**IF NOT PAID BY: 7/1/19**
**See Payment/Penalty Schedule**

**2019-20 Village of Fort Edward**

**REMITTANCE STUB**

Payment Received By:
Check:
Cash:
Date:

**BILL NO.: 000424**

**Fort Edward**

**Parcel ID: 163.15-1-4**

Ft Edward Local Devel Corp
118 Broadway
PO Box 127
Fort Edward, NY 12828

**PAYMENT/PENALTY SCHEDULE**

| PAY ON OR BEFORE: | PENALTY% | PENALTY AMOUNT | TOTAL DUE IS: |
|---|---|---|---|
| 7/1/19 | 0% | $0.00 | $50,302.19 |
| 7/31/19 | 5% | $2,515.11 | $52,817.30 |
| 9/3/19 | 6% | $3,018.13 | $53,320.32 |
| 9/30/19 | 7% | $3,521.15 | $53,823.34 |

**REMITTANCE STUB MUST BE RETURNED WITH PAYMENT. IF A RECEIPT IS NEEDED, CHECK THIS BOX [ ].**

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com

January 7, 2020

Ms. Danielle Rysedorph, Esq.
Records Access Office
New York State Department of Health
Corning Tower, Room 2364
Albany, New York 12237
Via Email: foil@health.state.ny.us

*Re: FOIL Request*
*1400 Towpath Lane Site*

Dear Ms. Rysedorph:

Our office is completing a review for the above listed site which is located on 1400 Towpath Lane in the Town/Village of Fort Edward, Washington County. The site is comprised of two adjoining parcels, referenced with tax map numbers 163.-2-20.1 and 163.15-1-4.

Pursuant to the Freedom of Information Law (FOIL), please indicate any Health Department records for groundwater, soil and/or surface water contamination at the subject site or immediate surrounding parcels.

C.T. Male Associates will reimburse for copying expenses. Please call this office before copies are made if the total fee exceeds $20.00. If you have any questions or comments regarding this request, or need additional information, please feel free to contact our office at (202) 878-0167 or l.cameron@ctmale.com. Your assistance is greatly appreciated.

Sincerely,
C.T. MALE ASSOCIATES

Larene Cameron
Environmental Scientist/ Geologist

NEW YORK STATE OF OPPORTUNITY. | Department of Health

**ANDREW M. CUOMO**
Governor

**HOWARD A. ZUCKER, M.D., J.D.**
Commissioner

**SALLY DRESLIN, M.S., R.N.**
Executive Deputy Commissioner

January 8, 2020

Larene Cameron
C.T. Male Associates
1342 Florida Avenue, NW
Washington, DC 20009

FOIL # 20-01-091

Dear Ms. Cameron:

This will acknowledge receipt of your request for records under the Freedom of Information Law, received by this office on January 7, 2020.

Your request has been forwarded to the appropriate Department program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/sjp

NEW YORK STATE OF OPPORTUNITY. | Department of Health

**ANDREW M. CUOMO**
Governor

**HOWARD A. ZUCKER, M.D., J.D.**
Commissioner

**SALLY DRESLIN, M.S., R.N.**
Executive Deputy Commissioner

February 3, 2020

Larene Cameron
C.T. Male Associates
1342 Florida Avenue, NW
Washington, DC 20009

FOIL #: 20-01-091

Dear Ms. Cameron:

This letter responds to your Freedom of Information Law request of January 7, 2020, in which you requested environmental records regarding "1400 Towpath Lane in the Town/Village of Fort Edward, Washington County."

Please be advised after conducting a diligent search, no records responsive to your request have been located.

The address is served by the Ford Edward Village public water system, (NY5700119). Any violation reports for the public water system can be found at the following website:

http://www.health.ny.gov/environmental/water/drinking/violations/previous_compliance_reports.htm

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/hw

ERIS
ENVIRONMENTAL RISK INFORMATION SERVICES

# FIRE INSURANCE MAPS

| | |
|---|---|
| **Project Property:** | 1400 Towpath Lane<br>1400 Towpath Lane<br>Fort Edward NY 12828 |
| **Project No:** | 20.0003 |
| **Requested By:** | C.T. MALE Associates |
| **Order No:** | 20200114171 |
| **Date Completed:** | January 15, 2020 |

**Please note that no information was found for your site or adjacent properties.**

**Environmental Risk Information Services**
A division of Glacier Media Inc.
1.866.517.5204 | info@erisinfo.com | erisinfo.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>GENERAL ELECTRIC CO.,<br><br>Defendant. | CIVIL ACTION NO. _____ |

CONSENT DECREE

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## I. BACKGROUND

A. The United States of America ("United States"), on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), filed a complaint in this matter pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9606 and 9607.

B. The United States in its complaint seeks, *inter alia*: (1) reimbursement of costs incurred and to be incurred by EPA and the Department of Justice for response actions at the Hudson River PCBs Superfund Site (the "Site") in the State of New York, together with accrued interest; and (2) performance of response work by the defendant at the Site consistent with the National Contingency Plan, 40 C.F.R. Part 300 (as amended) ("NCP").

C. In accordance with the NCP and Section 121(f)(1)(F) of CERCLA, 42 U.S.C. § 9621(f)(1)(F), EPA notified the State of New York (the "State") by letter dated February 4, 2002 of negotiations with General Electric Company ("Settling Defendant") regarding the implementation of the remedial design and remedial action for the Site, and EPA has provided the State with an opportunity to participate in such negotiations and be a party to this Consent Decree.

D. In accordance with Section 122(j)(1) of CERCLA, 42 U.S.C. § 9622(j)(1), by letter dated February 4, 2002, EPA notified the U.S. Department of the Interior and the National Oceanic and Atmospheric Administration of negotiations with Settling Defendant regarding the release of hazardous substances that may have resulted in injury to the natural resources under Federal trusteeship at the Site and encouraged the trustees to participate in the negotiation of this Consent Decree.

E. By entering into this Consent Decree Settling Defendant does not admit any liability to the Plaintiff or any other person or entity arising out of the transactions or occurrences alleged in the complaint, nor does it acknowledge that the release or threatened release of hazardous substance(s) at or from the Site constitutes an imminent or substantial endangerment to the public health or welfare or the environment.

F. Pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA placed the Site on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 21, 1984, 49 Fed. Reg. 37070.

G. In September 1984, EPA issued a Record of Decision for the Site which included: (i) an interim no action decision with regard to polychlorinated biphenyls ("PCBs") in the sediments of the Upper Hudson River; (ii) in-place capping, containment, and monitoring of Remnant Deposit sediments, and stabilization of the associated riverbanks and revegetation of those areas; and (iii) a detailed evaluation of the Waterford Water Works treatment facilities, including sampling and analysis of treatment operations to see if an upgrade or alteration of the facilities was needed.

H. Pursuant to a 1990 consent decree with EPA, Settling Defendant implemented the remedial action for the Remnant Deposits that was selected in the 1984 Record of Decision. Settling Defendant is conducting maintenance and long-term monitoring activities under that consent decree.

I. NYSDEC, with EPA funding, conducted a treatability study at the Waterford Water Works. The study was released in 1990 and found that PCB concentrations in Hudson River water were below analytical detection limits after treatment at the Water Works and met standards applicable to public water supplies.

J. In 1989, EPA decided to reassess the interim no-action decision in the 1984 Record of Decision with respect to PCB-contaminated Hudson River sediments. Beginning in 1990, EPA conducted a Reassessment Remedial Investigation and Feasibility Study which included, *inter alia*, analyses of the fate, transport, and human health and environmental risks associated with PCB contamination at the Site.

K. In December 2000, EPA issued the Reassessment Feasibility Study ("FS") in which the Agency evaluated potential remedial alternatives to address PCB contamination at the Site. Concurrently with the Reassessment FS, EPA issued a Proposed Plan in which EPA identified its preferred remedial alternative for the Site.

L. Pursuant to Section 117 of CERCLA, 42 U.S.C. § 9617, on December 6, 2000 EPA published notice of the completion of the FS and of the Proposed Plan for remedial action in a major local newspaper of general circulation. EPA held a public comment period on the Proposed Plan and supporting information from December 12, 2000 through April 17, 2001. Copies of the transcripts of the public meetings are available to the public as part of the administrative record upon which EPA based the selection of the response action.

M. On February 1, 2002, EPA issued a Record of Decision in which EPA selected a remedial action for the Site. The remedy selected in the ROD includes, *inter alia*, the targeted dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River. In the ROD, EPA estimated that the remedial action will remove approximately 2.65 million cubic yards of such sediment from the Upper Hudson River. The State concurred on the remedy selected in the ROD. The ROD includes a responsiveness summary to the public comments received on the Proposed Plan. Notice of the final plan was published in accordance with Section 117(b) of CERCLA.

N. On February 4, 2002, EPA issued a notice letter to Settling Defendant pursuant to the "special notice" procedures of Section 122(e) of CERCLA, 42 U.S.C. § 9622(e). The notice letter requested that Settling Defendant inform EPA as to whether it would voluntarily finance or perform the remedial design and remedial action for the selected remedy identified in the ROD, and reimburse the United States for Site-related past response costs, plus interest.

O. On July 23, 2002, EPA signed Administrative Order on Consent Index No. CERCLA-02-2002-2023, pursuant to which the Settling Defendant agreed, *inter alia*, to conduct sampling, analysis, and geophysical characterization of Hudson River sediments.

P. On August 13, 2003, EPA signed Administrative Order on Consent for Remedial Design and Cost Recovery, Index No. CERCLA-02-2003-2027, pursuant to which Settling Defendant agreed, *inter alia,* to perform remedial design activities needed for implementation of the remedial action selected in the ROD.

Q. Based on the information presently available to EPA, EPA believes that the Work will be properly and promptly conducted by the Settling Defendant if conducted in accordance with the requirements of this Consent Decree.

R. Solely for the purposes of Section 113(j) of CERCLA, the Remedial Action selected by the ROD and the Work to be performed by the Settling Defendant shall constitute a response action taken or ordered by the President.

S. The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and implementation of this Consent Decree will expedite the cleanup of the Site and will avoid prolonged and complicated litigation between the Parties, and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, it is hereby Ordered, Adjudged, and Decreed:

## II. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 9606, 9607, and 9613(b). This Court also has personal jurisdiction over the Settling Defendant. Solely for the purposes of this Consent Decree and the underlying complaint, Settling Defendant waives all objections and defenses that it may have to the jurisdiction of the Court or to venue in this District. Settling Defendant shall not challenge the terms of this Consent Decree or this Court's jurisdiction to enter and enforce this Consent Decree.

## III. PARTIES BOUND

2. This Consent Decree applies to and is binding upon the United States and upon Settling Defendant and its successors and assigns. Any change in ownership or corporate status of the Settling Defendant, including, but not limited to, any transfer of assets or real or personal property, shall in no way alter the Settling Defendant's responsibilities under this Consent Decree.

3. Settling Defendant shall provide a copy of this Consent Decree to each contractor hired to perform the Work (as defined below) required by this Consent Decree and to each entity representing Settling Defendant with respect to the Work and shall condition all contracts entered into hereunder upon performance of the Work in conformity with the terms of this Consent Decree and applicable law. Settling Defendant or its contractors shall provide written notice of the Consent Decree to all subcontractors hired to perform any portion of the Work required by this Consent Decree. Settling Defendant shall nonetheless be responsible for ensuring that its contractors and subcontractors perform the Work contemplated herein in accordance with this Consent Decree; provided, however, that for the purposes of this sentence, rail carriers shall not be considered contractors or subcontractors to Settling Defendant. Notwithstanding the proviso in the preceding sentence, Settling Defendant shall remain responsible for ensuring that the sediments dredged in connection with the Remedial Action are properly disposed of at an approved off-site facility. With regard to the activities undertaken pursuant to this Consent Decree, each contractor and subcontractor shall be deemed to be acting in connection with a contractual relationship with the Settling Defendant within the meaning of Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3).

## IV. DEFINITIONS

4. Unless otherwise expressly provided herein, terms used in this Consent Decree which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations as of the Effective Date of this Consent Decree. Whenever terms listed below are used in this Consent Decree or in the appendices attached hereto and incorporated hereunder, the following definitions shall apply:

"Approved Design Documents" shall mean the detailed plans and specifications for the Remedial Action that are approved by EPA pursuant to the RD AOC. The Approved Design Documents are to include the Phase 1 Final Design Report, the Phase 2 Final Design Report, the Remedial Action Community Health and Safety Plans, the Environmental Monitoring Plans for Phases 1 and 2 of the Remedial Action, and any EPA-approved revisions or addenda to such documents.

"ATSDR" shall mean the Agency for Toxic Substances and Disease Registry.

"CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601 - 9675.

"Certification Unit" shall mean an area developed in accordance with EPA's April 2004 *Engineering Performance Standard for Dredging Residuals* (and as such areas may be modified, if at all, for Phase 2) for the post-dredging sampling program and the subsequent statistical evaluation of post-dredging surface sediment data.

"Consent Decree" shall mean this Consent Decree and all appendices attached hereto (listed in Section XXX). In the event of conflict between the body (i.e., Sections I-XXXV) of this Consent Decree and any appendix, the body of this Consent Decree shall control.

"Day" shall mean a calendar day unless expressly stated to be a working day. "Working day" shall mean a day other than a Saturday, Sunday, or Federal holiday. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.

"Effective Date" shall be the effective date of this Consent Decree as provided in Paragraph 127.

"EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

"EPA Phase 1 Evaluation Report" shall mean the report to be prepared by EPA as described in subparagraph 13.b.

"Existing Contamination" shall mean any hazardous substances, pollutants or contaminants, present or existing on or under the Sediment Processing/Transfer Facility Property(ies) as of the date of signature of this Consent Decree by Settling Defendant, except that Existing Contamination does not include PCBs that moved from the Hudson River onto such Property(ies) as a result of natural forces.

"Federal Trustees for Natural Resources" shall mean the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the United States Fish and Wildlife Service and the National Park Service of the U.S. Department of the Interior.

"Fish Consumption Advisories and Fishing Restrictions" shall mean institutional controls that are required by the ROD and are implemented and/or modified by the responsible governmental authorities, including NYSDOH or other agency of the State, and that establish health advisories concerning PCBs and are related to the consumption of fish from the Hudson River and health-based restrictions related to fishing in the Hudson River.

"GE Phase 1 Evaluation Report" shall mean the report to be prepared by Settling Defendant pursuant to subparagraph 13.b.

"Institutional Controls" shall mean administrative and/or legal tools that limit land or resource use or otherwise help to minimize the potential for human exposure to contamination and protect the integrity of the remedy. Institutional controls may include, but are not limited to, informational tools (such as fish consumption advisories), governmental controls (such as bans on fishing for consumption purposes), proprietary controls (such as easements and/or restrictive covenants), and contractual agreements.

"Interest" shall mean interest at the rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a). The applicable rate of interest shall be the rate in effect at the time the interest accrues. The rate of interest is subject to change on October 1 of each year.

"Interim Response Costs" shall mean all direct and indirect costs (a) paid by EPA, or by the U.S. Department of Justice on behalf of EPA, in connection with the Site between July 1, 2004 (or June 27, 2004 with respect to EPA payroll costs and July 25, 2004 with respect to U.S. Department of Justice costs) and the Effective Date, or (b) incurred by such parties in connection with the Work Area prior to the Effective Date but paid after that date.

"Lower Hudson River" shall mean the Hudson River from the Federal Dam in Troy, New York (River Mile 153.9) downstream to the Battery in New York City.

"Managing Contractor(s)" shall mean the contractor(s) retained by Settling Defendant to assist it in managing the implementation of the Work under this Consent Decree.

"National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

"Non-Capped Phase 1 Costs" shall mean all direct and indirect costs, not inconsistent with the NCP, that EPA, or the U.S. Department of Justice on behalf of EPA, incurs: (1) to enforce this Consent Decree prior to the Phase 2 Election Date; and (2) to enforce any surviving obligations Settling Defendant has under the Consent Decree in the event that Settling Defendant notifies EPA pursuant to subparagraph 15.c., below, that Settling Defendant will not implement Phase 2 of the Remedial Action pursuant to this Consent Decree.

"Non-Capped Phase 2 Costs" shall mean all direct and indirect costs, not inconsistent with the NCP, that EPA, or the U.S. Department of Justice on behalf of EPA, incurs for one or more of the following purposes between the Phase 2 Election Date and the date of Certification of Completion of the Remedial Action pursuant to Paragraph 57, below: (a) to enforce this Consent Decree; (b) to engage in dispute resolution activities pursuant to Section XIX (Dispute

Resolution); (c) to take actions pursuant to Section XV (Emergency Response); and (d) to acquire real property interests, or to assist in the acquisition of real property interests, needed for the Remedial Action (including, but not limited to, the cost of attorney time and just compensation paid in connection with acquiring such real property interests).

"NYSDEC" shall mean the New York State Department of Environmental Conservation and any successor departments or agencies of the State.

"NYSDOH" shall mean the New York State Department of Health and any successor departments or agencies of the State.

"Operation, Maintenance and Monitoring" or "OM&M" shall mean all activities required to monitor and maintain the effectiveness of the Remedial Action in accordance with the Operation, Maintenance and Monitoring plans that are required pursuant to the SOW and approved by EPA, and all other activities required pursuant to those plans.

"Paragraph" shall mean a portion of this Consent Decree identified by an arabic numeral or an upper case letter.

"Party" or "Parties" shall mean the United States and/or the Settling Defendant.

"Past Response Costs" shall mean all direct and indirect costs not previously reimbursed by Settling Defendant, that EPA, the U.S. Department of Justice on behalf of EPA, or ATSDR, paid at or in connection with the Site through June 30, 2004 (or June 26, 2004 with respect to EPA payroll costs and July 24, 2004 with respect to U.S. Department of Justice costs), plus Interest on all such costs which has accrued pursuant to 42 U.S.C. § 9607(a) through such date.

"Peer Review" shall mean the independent external peer review conducted in accordance with Paragraph 14 of this Consent Decree.

"Phase 1" shall mean all parts of the Remedial Action that are needed for the implementation and evaluation of the first construction season of remedial dredging at the Work Area. Phase 1 includes, but is not limited to, the dredging conducted during that season, the construction of the Sediment Processing/Transfer Facility(ies) needed for Phase 1 dredging, the processing and off-site disposal of such dredged sediments, the preparation and finalization of the Phase 1 Evaluation Reports, and the Peer Review.

"Phase 1 Engineering Performance Standards" shall mean the performance standards for dredging-related resuspension, dredging residuals and dredging productivity, including the associated action levels and sampling, monitoring, contingency, record keeping and/or reporting elements of those standards, that are set forth in EPA's April 2004 *Engineering Performance Standards* for the Site, as modified by the Performance Standards Compliance Plan Scope and the Remedial Action Monitoring Scope, which are attachments to the Statement of Work at Appendix B of this Consent Decree.

"Phase 1 Quality of Life Performance Standards" shall mean the performance standards for air quality, noise, odor, lighting and navigation, including the associated action levels and sampling, monitoring, contingency, record keeping and/or reporting elements of those standards, that are set forth in EPA's May 2004 *Hudson River PCBs Superfund Site Quality of Life Performance Standards*, as modified by the Performance Standards Compliance Plan Scope and the Remedial Action Monitoring Scope.

“Phase 1 RA Response Costs” shall mean all direct and indirect costs, not inconsistent with the NCP, that EPA, or the U.S. Department of Justice on behalf of EPA, or ATSDR, incurs prior to the Phase 2 Election Date, in connection with (a) reviewing or developing plans, reports and other items pursuant to this Consent Decree, verifying or overseeing the Work, or otherwise implementing or overseeing this Consent Decree; (b) conducting any other activities related to the Work, including but not limited to community relations activities (including the cost of maintaining EPA’s Hudson River Field Office); (c) obtaining access for the Work required hereunder, or property interests for or relating to the Sediment Processing/Transfer Facility(ies) needed for the Remedial Action; (d) Institutional Controls relating to the Site; and (e) performing any other activities related to the Remedial Action, including but not limited to (i) preparation of EPA’s Phase 1 Evaluation Report, and the Peer Review of the Phase 1 Evaluation Reports, (ii) evaluation of remedial operations with respect to the Phase 1 Engineering Performance Standards and the Phase 1 Quality of Life Performance Standards; and (iii) developing, evaluating and/or requiring adjustments to the remedial operations, the Phase 1 Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, and/or to the scope of Phase 2. Phase 1 RA Response Costs shall also include all Interim Response Costs, and all RD Response Costs, as defined in the RD AOC, which have not already been reimbursed by Settling Defendant and are not otherwise included within the definition, above, of Interim Response Costs. Phase 1 RA Response Costs include, but are not limited to, payroll costs, contractor costs (including annual allocation costs), interagency agreement costs, travel costs, laboratory costs, and the costs incurred, prior to the Phase 2 Election Date, pursuant to Sections VII, IX (including, but not limited to, the cost of attorney time and any monies paid to secure access and/or to secure or implement institutional controls including, but not limited to, the amount of just compensation), and XV. In addition, to the extent that the State participates in any of the activities covered by items (a)-(e) above pursuant to a Cooperative Agreement or Superfund State Contract with EPA, the costs not inconsistent with the NCP that EPA incurs, prior to the Phase 2 Election Date, under such Cooperative Agreement or Superfund State Contract are included within the meaning of Phase 1 RA Response Costs. Notwithstanding the foregoing, Phase 1 RA Response Costs do not include Past Response Costs, Non-Capped Phase 1 Costs or costs incurred by the United States in performing the Work pursuant to Paragraph 105 (Work Takeover).

“Phase 2" shall mean all parts of the Remedial Action that will be conducted after Phase 1.

“Phase 2 Election Date” shall mean the date when Settling Defendant notifies EPA, pursuant to subparagraph 15.c. of this Consent Decree, whether it will perform Phase 2 of the Remedial Action.

“Phase 2 Engineering Performance Standards” shall mean the performance standards established by EPA for dredging-related resuspension, dredging residuals and dredging productivity, including, but not limited to, the associated action levels and sampling, monitoring, contingency, record keeping and/or reporting elements of those standards, that EPA determines will apply to Phase 2 of the Remedial Action.

“Phase 2 Quality of Life Performance Standards” shall mean the performance standards established by EPA for air quality, noise, odor, lighting and navigation, including, but not limited to, the associated action levels and sampling, monitoring, contingency, record keeping and/or

reporting elements of those standards, that EPA determines will apply to Phase 2 of the Remedial Action.

"Phase 2 RA Response Costs" shall mean all direct and indirect costs, not inconsistent with the NCP, that EPA, or the U.S. Department of Justice on behalf of EPA, or ATSDR, incurs between the Phase 2 Election Date and the date of Certification of Completion of the Remedial Action pursuant to Paragraph 57, below, in connection with (a) reviewing or developing plans, reports and other items pursuant to this Consent Decree, verifying or overseeing the Work, or otherwise implementing or overseeing this Consent Decree; (b) conducting any other activities related to the Work, including but not limited to community relations activities (including the cost of maintaining EPA's Hudson River Field Office); (c) obtaining access for the Work required hereunder; (d) Institutional Controls relating to the Site; and (e) performing any other activities related to the Remedial Action. Phase 2 RA Response Costs include, but are not limited to, payroll costs, contractor costs (including annual allocation costs), interagency agreement costs, travel costs, laboratory costs, and the costs incurred, between the Phase 2 Election Date and the date of Certification of Completion of the Remedial Action, pursuant to Sections VII and IX (including, but not limited to, the cost of attorney time and any monies paid to secure access and/or to secure or implement institutional controls). In addition, to the extent that the State participates in any of the activities covered by items (a)-(e) above pursuant to a Cooperative Agreement or Superfund State Contract with EPA, the costs not inconsistent with the NCP that EPA incurs, between the Phase 2 Election Date and the date of Certification of Completion of the Remedial Action, under such Cooperative Agreement or Superfund State Contract are included within the meaning of Phase 2 RA Response Costs. Notwithstanding the foregoing, Phase 2 RA Response Costs do not include Non-Capped Phase 2 Costs or costs incurred by the United States in performing the Work pursuant to Paragraph 105 (Work Takeover).

"Plaintiff" shall mean the United States.

"Post-Phase 2 Costs" shall mean all direct and indirect costs, not inconsistent with the NCP, that EPA, or ATSDR, or the U.S. Department of Justice on behalf of EPA, incurs in connection with the following activities: (a) conducting the first two periodic reviews pursuant to Paragraph 24, below, following the date of Certification of Completion of the Remedial Action pursuant to Paragraph 57, below; and (b) overseeing Settling Defendant's performance of, or conducting any other activities with respect to, OM&M from the date of Certification of Completion of the Remedial Action until the completion of the second of the two periodic reviews referred to in item (a) immediately above.

"RA Performance Standards" shall mean the Phase 1 Engineering Performance Standards, Phase 2 Engineering Performance Standards, Phase 1 Quality of Life Performance Standards, and Phase 2 Quality of Life Performance Standards; the Remedial Action Objectives and Remediation Goals set forth in Section 9.1 of the ROD; and the Applicable or Relevant and Appropriate Requirements ("ARARs") set forth or referred to in Tables 14-1 through 14-3 of the ROD (with the exception of those ARARs that were waived in the ROD based on technical impracticability (*see* ROD Section 14.2)). RA Performance Standards also include the requirements set forth in the documents entitled "Substantive Requirements Applicable to Releases of Constituents not Subject to Performance Standards," "Substantive Requirements of State Pollutant Discharge Elimination System Permit for Potential Discharge to the Champlain

Canal (land cut above Lock 7)," and "Substantive Requirements of State Pollutant Discharge Elimination System Permit for Potential Discharge to the Hudson River," which EPA provided to Settling Defendant on January 7, 2005.

"RCRA" shall mean the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6901-6992k (also known as the Resource Conservation and Recovery Act).

"RD AOC" shall mean the Administrative Order on Consent for Remedial Design and Cost Recovery, Index No. CERCLA-02-2003-2027, which EPA issued to Settling Defendant on August 13, 2003.

"Record of Decision" and "ROD" shall mean the EPA Record of Decision for the Site (including all attachments thereto) that was signed on February 1, 2002 by the Administrator of EPA and the Regional Administrator of EPA Region 2. The ROD is attached as Appendix A. Due to the large size of Part 3 of the ROD (the Responsiveness Summary), Appendix A includes an electronic copy (on CD-ROM), rather than a paper copy, of Part 3.

"Remedial Action" shall mean those activities, except for Remedial Design and Operation, Maintenance and Monitoring, to be undertaken to implement the ROD, in accordance with the SOW, the final Remedial Design plans and reports, the Remedial Action Work Plans, and other plans approved by EPA.

"Remedial Action Work Plans" and "RA Work Plans" shall mean the Remedial Action Work Plan for Phase 1 Dredging and Facility Operations (required pursuant to Section 2.3 of the SOW), the Remedial Action Work Plan for Phase 2, Year 1 Dredging and Facility Operations (required pursuant to Section 3.1 of the SOW), the Remedial Action Work Plan for Phase 2 Dredging and Facility Operations (required pursuant to Section 3.2 of the SOW), the Remedial Action Work Plan for Phase 1 Facility Site Work Construction (required pursuant to Section 2.1 of the SOW), the Remedial Action Work Plan for Phase 1 Processing Equipment Installation (required pursuant to Section 2.2 of the SOW) and the Remedial Action Work Plan for Phase 2 Facility Construction (required pursuant to Section 3.2 of the SOW), and any revisions and/or addenda thereto.

"Remedial Design" shall mean those activities undertaken to develop detailed plans and specifications for implementation of the Remedial Action.

"Remnant Deposits" shall mean the areas of PCB-contaminated sediment, designated by EPA in the ROD as Remnant Deposit Nos. 1 through 5, that are located in or adjacent to the Hudson River upstream of Rogers Island.

"Reserved OM&M Costs" shall mean all direct and indirect costs that the United States incurs, in connection with the following activities, subsequent to the time period described in the definition, above, of "Post-Phase 2 Costs": (a) conducting periodic reviews pursuant to Paragraph 24, below; and (b) overseeing Settling Defendant's performance of, or conducting any other activities with respect to, OM&M.

"Sampling AOC" shall mean Administrative Order on Consent, Index No. CERCLA-02-2002-2023, which EPA issued to Settling Defendant on July 23, 2002 with respect to the Site.

"Section" shall mean a portion of this Consent Decree identified by a Roman numeral.

“Sediment Processing/Transfer Facility(ies)” shall mean the facility(ies) at which sediments that are dredged from the Upper Hudson River in connection with the Remedial Action will be dewatered, stabilized (if needed), and then transferred to an appropriate means of transportation for either off-site disposal or beneficial use.

“Sediment Processing/Transfer Facility Property(ies)” shall mean the real properties described in Appendix D.

“Settling Defendant” shall mean General Electric Company.

“Site” shall mean the Hudson River PCBs Superfund Site located in the State of New York.

“Special Account” shall mean the Hudson River PCBs Site Special Account established by EPA within the EPA Hazardous Substances Superfund.

“State” shall mean the State of New York.

“Statement of Work” or “SOW” shall mean the statement of work for implementation of the Remedial Action and Operation, Maintenance and Monitoring at the Site, including all attachments thereto, as set forth in Appendix B to this Consent Decree, and any modifications thereto made in accordance with this Consent Decree.

“United States” shall mean the United States of America.

“Upper Hudson River” shall mean the Hudson River and Champlain Canal from the Fenimore Bridge in Hudson Falls (River Mile 197.3) to the Federal Dam at Troy (River Mile 153.9); provided that the Upper Hudson River does not include (i) the floodplain of the Hudson River or Champlain Canal, other than those parts of the Hudson River shoreline where dredging as part of the Remedial Action will be performed; (ii) the Remnant Deposits; (iii) Settling Defendant’s facilities in Hudson Falls and Fort Edward, New York; (iv) any locations in the Hudson River for which NYSDEC selected a remedy in its March 2004 Record of Decision for the GE Hudson Falls Plant Site and in its January 2000 Record of Decision for the GE Fort Edward Plant Site; (v) bedrock that is in the vicinity of Outfall 004 at the GE Fort Edward facility; and (vi) any other bedrock that is in the Upper Hudson River in the vicinity of Settling Defendant’s Hudson Falls and Fort Edward facilities and which is or may be a source of PCBs to the Hudson River.

“USACE” shall mean the United States Army Corps of Engineers.

“Waste Material” shall mean (1) any “hazardous substance” under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (2) any pollutant or contaminant under Section 101(33), 42 U.S.C. § 9601(33); and (3) any “solid waste” under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).

“Work” shall mean all activities Settling Defendant is required to perform under this Consent Decree, except those required by Section XXVI (Retention of Records). The Work includes Phase 2 if Settling Defendant notifies EPA, pursuant to subparagraph 15.c., below, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree.

“Work Area” shall mean any area at or near the Site where the Work will be performed, including (i) the Hudson River and Champlain Canal from the upstream end of Rogers Island at

Fort Edward downstream to the Federal Dam at Troy (or, if a Sediment Processing/Transfer Facility is located south of the Federal Dam at Troy, then downstream to the area of the Hudson River which is adjacent to that facility); (ii) the Sediment Processing/Transfer Facility Property(ies); (iii) those locations in the Hudson River and Champlain Canal where sampling or monitoring activities that are part of the Work will be performed; (iv) the shorelines immediately adjacent to those portions of the Hudson River and Champlain Canal where the Work will be performed; and (v) routes across real property that are necessary for access to perform the Work. The Work Area does not include the floodplain of the Hudson River or Champlain Canal except insofar as those areas fall within the definition given in the preceding sentence.

## V. GENERAL PROVISIONS

5. Objectives of the Parties. The objectives of the Parties in entering into this Consent Decree are to protect public health, welfare and/or the environment at the Site by the implementation of response actions at the Work Area by the Settling Defendant, to reimburse certain response costs of the Plaintiff, and to resolve the claims of Plaintiff against Settling Defendant to the extent provided in this Consent Decree.

6. Commitments by Settling Defendant Settling Defendant shall perform Phase 1 of the Remedial Action. In addition, as provided in subparagraph 15.c., below, Settling Defendant may also perform Phase 2 of the Remedial Action. Settling Defendant shall finance and perform the Work in accordance with this Consent Decree (including the attachments hereto), the Remedial Action Work Plans, and all other plans, standards, specifications, and schedules set forth or referenced herein or approved by EPA pursuant to this Consent Decree. To the extent provided in this Consent Decree, Settling Defendant shall also reimburse the United States for Past Response Costs and other costs. Work done in accordance with the SOW (including the attachments thereto), the submittals required by the SOW and approved by EPA, the Approved Design Documents, and the rest of this Consent Decree, shall be deemed to be done in accordance with the ROD; provided that this sentence does not affect any of the rights afforded to EPA elsewhere in this Consent Decree to require that changes be made to the SOW (including the attachments thereto) and/or to the Approved Design Documents. (For purposes of the preceding sentence only, the Consent Decree does not include the ROD.)

7. Compliance With Applicable Law.

a. All activities undertaken by Settling Defendant pursuant to this Consent Decree shall be performed in accordance with the requirements of all applicable federal and state laws and regulations. Subject to subparagraph b., below, Settling Defendant must also comply with all ARARs identified in Tables 14-1 through 14-3 of the ROD which pertain to the activities undertaken by Settling Defendant pursuant to this Consent Decree, except to the extent that an ARAR was waived by EPA in the ROD (see Section 14.2 of the ROD).

b. Under baseline conditions (that is, prior to the implementation of the Phase 1 and Phase 2 dredging), the federal water quality criterion of 0.014 µg/L for PCBs and the State water quality standard of 0.09 µg/L for PCBs, listed in Table 14-1 of the ROD, are sometimes exceeded in the water of the Hudson River below Rogers Island. Based on the information known to EPA as of the date of lodging of this Consent Decree, EPA believes that the Remedial Action will lead to this water quality criterion and water quality standard being consistently met in the river water in that area. Settling Defendant is not required by the second sentence of subparagraph 7.a.

above to perform any work, other than the work required pursuant to the SOW or otherwise required pursuant to this Consent Decree, for the purpose of attempting to achieve the 0.014 µg/L federal water quality criterion for PCBs or the 0.09 µg/L New York State Water Quality Standard that are identified on Table 14-1 of the ROD.

c. The activities conducted pursuant to this Consent Decree, if approved by EPA, shall be considered to be consistent with the NCP.

8. Permits.

a. As provided in Section 121(e) of CERCLA and Section 300.400(e) of the NCP, no permit shall be required for any portion of the Work conducted entirely on-site (i.e., within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the Work). The Sediment Processing/Transfer Facility(ies) shall be considered on-site for purposes of the CERCLA Section 121(e) permit exemption. Where any portion of the Work that is not on-site requires a federal or state permit or approval, Settling Defendant shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals.

b. Settling Defendant may seek relief under the provisions of Section XVIII (Force Majeure) of this Consent Decree for any delay in the performance of the Work resulting from a failure to obtain, or a delay in obtaining, any permit required for the Work.

c. This Consent Decree is not, and shall not be construed to be, a permit issued pursuant to any federal or state statute or regulation.

9. The ROD acknowledges that source control at Settling Defendant's Hudson Falls and Fort Edward plants is being addressed pursuant to State law. The ROD states further that, in the event that source control with respect to Settling Defendant's Hudson Falls facility is not successfully implemented pursuant to New York State law, EPA has authorized the performance of an Engineering Evaluation/Cost Analysis to evaluate options for a Non-Time Critical Removal Action at Hudson Falls pursuant to CERCLA in order to ensure that the PCB load to the river near Settling Defendant's Hudson Falls facility is significantly reduced. As of the United States' signature of this Consent Decree, it is EPA's expectation that if the source control measures at the Hudson Falls plant are successfully and timely implemented, no additional source control measures would be required at that plant, absent new information. Prior to EPA seeking to require any further source control actions at or near Settling Defendant's Hudson Falls plant or Fort Edward plant, EPA will: (i) notify Settling Defendant and the State of any deficiencies in the source control measures that have been or are being undertaken by the State under State law, or by Settling Defendant pursuant to any administrative agreements between the State and Settling Defendant, or of any releases of PCBs to the Hudson River from the Hudson Falls or Fort Edward plants (or from bedrock and/or soil in the vicinities of those plants) that are not being addressed by the State or pursuant to such administrative agreements, (ii) discuss with the State and Settling Defendant any such alleged deficiencies and the corrective measures and/or additional work that EPA deems necessary, and (iii) provide Settling Defendant with the opportunity to correct such deficiencies or perform such work. Any EPA decision regarding the need for or choice of such corrective measures or additional work shall not be subject to dispute resolution under Section XIX of this Consent Decree. Nothing in this Paragraph shall be construed as a covenant not to sue or to take administrative action by the United States.

## VI. PERFORMANCE OF THE WORK BY SETTLING DEFENDANT

10. Selection of Managing Contractor(s).

a. Settling Defendant shall retain one or more Managing Contractors to assist it in the management of the Work to be performed by Settling Defendant pursuant to Sections VI (Performance of the Work by Settling Defendant), VII (Remedy Review), VIII (Quality Assurance, Sampling and Data Analysis), and XV (Emergency Response) of this Consent Decree. The selection of the Managing Contractor(s) shall be subject to disapproval by EPA. Within 10 days after the Effective Date of this Consent Decree, Settling Defendant shall notify EPA in writing of the name, title, and qualifications of any contractor(s) proposed to be the Managing Contractor(s). The proposed Managing Contractor(s), as well as all other contractors and subcontractors who engage in the "practice of engineering" with respect to the Work on behalf of Settling Defendant, as the "practice of engineering" is defined at Section 7201 of the New York State Education Law, must comply with all applicable New York State legal requirements regarding the practice of engineering within the State of New York, including all applicable requirements of the New York State Education Law and Business Corporation Law.

b. With respect to any contractor proposed to be a Managing Contractor, Settling Defendant shall demonstrate that, where relevant to that contractor's duties, the proposed contractor has a quality system that complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), by submitting a copy of the proposed contractor's Quality Management Plan (QMP). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA will issue a notice of disapproval or an authorization to proceed. If at any time thereafter, Settling Defendant proposes to change a Managing Contractor, Settling Defendant shall give such notice to EPA including the name, title and qualifications of the proposed new Managing Contractor, and must obtain an authorization to proceed from EPA before the new Managing Contractor performs or manages any Work under this Consent Decree.

c. If EPA disapproves a proposed Managing Contractor, EPA will notify Settling Defendant in writing. In such event, Settling Defendant shall submit to EPA a list of contractors, including the qualifications of each contractor, that would be acceptable to Settling Defendant within 30 days of receipt of EPA's disapproval of the contractor previously proposed. EPA will provide written notice of the names of any contractor(s) that it disapproves and an authorization to proceed with respect to any of the other contractors. Settling Defendant may select any contractor from that list that is not disapproved and shall notify EPA of the name of the contractor selected within 21 days of EPA's authorization to proceed.

d. If EPA fails to provide written notice of its authorization to proceed or disapproval as provided in this Paragraph and this failure prevents the Settling Defendant from meeting one or more deadlines in a plan approved by the EPA pursuant to this Consent Decree, Settling Defendant may seek relief under the provisions of Section XVIII (Force Majeure) hereof.

11. Remedial Design Plans and Reports.

a. Notwithstanding any provision of the RD AOC, during the period between the lodging and the effective date of this Consent Decree, Settling Defendant shall provide review drafts of all deliverables under the RD AOC that relate to Phase 2 of the Remedial Action to EPA in accordance with the applicable schedule for submission of such deliverables under the RD AOC. During this period, EPA and Settling Defendant shall discuss any EPA comments and any revisions requested by EPA. If the parties agree on revisions to the deliverable in question, Settling Defendant shall make such revisions and submit a final version of the deliverable to EPA within 30 days of the date when the Parties agree on the revisions. If, during the period between the lodging and effective date of this Consent Decree, EPA and Settling Defendant do not agree on revisions to the deliverable or EPA does not approve a final version of the deliverable, then Settling Defendant shall submit that deliverable for final EPA review no later than 15 days after the effective date of this Consent Decree.

b. Notwithstanding any provision of the RD AOC, any disputes regarding deliverables submitted by Settling Defendant to EPA pursuant to the RD AOC for which the due date for the submission falls after the effective date of this Consent Decree shall be subject to the dispute resolution procedures in Section XIX, below, rather than the dispute resolution procedures in the RD AOC.

c. Each final Remedial Design plan and report that is submitted or finalized pursuant to the RD AOC shall be deemed incorporated into and become enforceable under this Consent Decree upon its approval by EPA and the completion of any dispute resolution regarding such document.

12. Remedial Action.

a. Settling Defendant shall implement Phase 1 of the Remedial Action in accordance with (1) this Consent Decree, including all attachments hereto (subject to Paragraph 6, above); (2) the Phase 1 Final Remedial Design plans and reports that have been or are approved or finalized by EPA pursuant to the RD AOC; (3) the Remedial Action Work Plans for Phase 1; and (4) all other work plans, schedules and other requirements relating to Phase 1 which are approved by EPA pursuant to this Consent Decree. The plans, reports and other requirements referred to in clauses (2), (3) and (4) of this subparagraph shall be consistent with the SOW, and the plans, reports and other requirements referred to in clauses (3) and (4) shall also be consistent with the Phase 1 Final Remedial Design plans and reports that have been or are approved or finalized by EPA pursuant to the RD AOC.

b. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c. of this Consent Decree, that it will perform Phase 2 of the Remedial Action, Settling Defendant shall implement Phase 2 in accordance with: (1) this Consent Decree, including all attachments hereto (as the SOW may be modified following the Phase 1 dredging); (2) the Phase 2 Final Remedial Design plans and reports that have been or are approved or finalized by EPA pursuant to the RD AOC, as such plans and reports may be modified (in accordance with subparagraph 15.b., below, and/or Section 3 of the SOW) following the Phase 1 dredging; (3) the Remedial Action Work Plans for Phase 2; and (4) all other work plans, schedules and other requirements relating to Phase 2 which are approved by EPA pursuant to this Consent Decree. The Phase 2 Final Remedial Design plans and reports shall be consistent with the SOW. Any revisions and/or addenda to the Phase 2 Final

Remedial Design plans and reports (after the EPA decision described in subparagraph 15.b) shall be consistent with the SOW as it may be modified following the Phase 1 dredging. In addition, the plans, reports and other requirements referred to in clauses (3) and (4) of this subparagraph shall be consistent with the SOW and the Phase 2 Final Remedial Design plans and reports, as the SOW and such plans and reports may be modified following the Phase 1 dredging.

c. Settling Defendant shall submit to EPA and the State all plans, submittals, or other deliverables required under the SOW in accordance with the applicable deadlines for such submissions.

d. Unless otherwise directed by EPA, Settling Defendant shall not commence any physical Remedial Action activities prior to EPA's approval of the work plan(s) for such work.

13. Phase 1 Evaluation Reports

a. Within 30 days after Settling Defendant completes one month of Phase 1 dredging at the estimated full production rate for Phase 2, Settling Defendant shall provide to EPA a Phase 1 Data Compilation which compiles all the data collected during Phase 1 up to and including that date and that are relevant to the issues identified in subparagraph 14.b., below, and any other topics that EPA has agreed should be included in the charge to the Peer Review Panel.

b. Within 60 days after Settling Defendant completes one month of Phase 1 dredging operations at the estimated full production rate for Phase 2, EPA and Settling Defendant will each finalize a complete draft of its Phase 1 Evaluation Report (individually, "EPA Phase 1 Evaluation Report" and "GE Phase 1 Evaluation Report") and provide such draft report to the other Party in electronic form. Each Phase 1 Evaluation Report will include an evaluation of the Phase 1 dredging operations with respect to the Phase 1 Engineering Performance Standards; set forth proposed changes to the Phase 1 Engineering Performance Standards if appropriate; and in general, evaluate the experience gained from the Phase 1 dredging operations insofar as such information is relevant to the issues identified in subparagraph 14.b. and any other issues that EPA has agreed should be encompassed in its charge to the Peer Review panel.

c. The Parties shall have 14 days (or a longer period, if agreed to by the Parties) after receipt of the draft Phase 1 Evaluation Reports to provide written comments to each other on those reports. The Parties shall have 10 days following receipt of such comments to have discussions regarding the content, findings and conclusions of the draft Phase 1 Evaluation Reports. EPA and Settling Defendant will incorporate into the Phase 1 Evaluation Reports those changes and/or additions on which EPA and Settling Defendant have reached agreement, if any.

14. Peer Review

a. The Peer Review will evaluate the Phase 1 Evaluation Reports. The Peer Review will be conducted in accordance with EPA's Science Policy Council Handbook: Peer Review (December 2000), or any applicable updates thereto; the Office of Management and Budget's *Final Information Quality Bulletin for Peer Review* (December 16, 2004), or any applicable updates thereto; and the provisions of this Paragraph.

b. The Peer Review panel shall, at a minimum, address the issues raised by the following questions:

(1) Does the experience in Phase 1 show that each of the Phase 1 Engineering Performance Standards can consistently be met individually and simultaneously?

(2) If not, and if EPA and/or Settling Defendant has proposed modified Engineering Performance Standards, does the experience in Phase 1 and any other evidence before the panel show that it will be practicable to consistently and simultaneously meet the Engineering Performance Standards that are being proposed for Phase 2?

(3) If the experience in Phase 1 and other evidence before the panel does not show that it will be practicable to consistently and simultaneously meet the Engineering Performance Standards that are being proposed for Phase 2, can the Phase 1 Engineering Performance Standards be modified so that they could consistently be met in Phase 2, and, if so, how?

(4) If EPA and/or Settling Defendant has proposed modifications to the monitoring and sampling program for Phase 2, are the proposed modifications adequate and practicable for determining whether the Phase 2 Engineering Performance Standards will be met?

c. The members of the Peer Review panel shall be selected by a neutral person ("the Peer Review Selector") chosen by agreement between EPA and Settling Defendant. If EPA and Settling Defendant cannot agree on a Peer Review Selector within 21 days of the lodging of this Consent Decree, then EPA will choose the Peer Review Selector. In selecting member(s) for the Peer Review panel, the Peer Review Selector shall select persons who have expertise relevant to the nature and scope of the review to be undertaken and shall endeavor to ensure that all relevant areas of expertise are represented on the panel. Panel members shall be impartial, and must not have a conflict of interest. Prior to the Peer Review Selector's selection of Peer Review panel members, both EPA and Settling Defendant will have an opportunity to identify to the Peer Review Selector the appropriate areas of expertise of Peer Review panel members and to recommend to the Peer Review Selector potential members for the panel. The members of the Peer Review panel that reviewed EPA's October 2003 draft Engineering Performance Standards shall be considered for membership on the Peer Review panel. In addition, the Peer Review Selector shall consider for selection such persons as are recommended by EPA or Settling Defendant. Neither EPA nor Settling Defendant shall have *ex parte* communications with the members of the Peer Review panel. Following selection of the panel members, EPA's Peer Review Contractor (a separate entity from the Peer Review Selector) shall manage the conduct of the peer review.

d. The Peer Review panel will not evaluate whether the Remedial Action will, or may, achieve the human health and/or environmental objectives of the ROD, nor will the Peer Review panel evaluate whether Phase 2 should be implemented.

e. EPA will provide Settling Defendant an opportunity to submit proposed charge questions to EPA prior to EPA's finalization of the charge to the Peer Review panel. EPA also will provide Settling Defendant with an opportunity to review and comment to EPA on EPA's draft charge questions prior to their finalization. EPA will prepare the final charge questions for the Peer Review panel. The charge shall include, at a minimum, questions that are in substantially the same form as the questions identified in subparagraph 14.b., above.

f. EPA will release the Phase 1 Evaluation Reports to the public, and the Peer Review Contractor will release the Phase 1 Evaluation Reports to the Peer Review panel. EPA will accept public comments on the Phase 1 Evaluation Reports for a period of not less than 30 days. EPA will compile public comments received on the Phase 1 Evaluation Reports and the Peer Review Contractor will make such comments (along with any written response that EPA and/or Settling Defendant chooses to provide to such comments) available to the Peer Review panel during the period of its review. When making such public comments available to the Peer Review panel, the Peer Review Contractor will ensure that Settling Defendant's comments, if any, are clearly identified.

g. The members of the Peer Review panel shall be provided a reasonable and adequate time to conduct the Peer Review.

h. EPA will provide Settling Defendant and the public with an opportunity to express their views orally to the Peer Review panel on the issues in the charge questions. At a minimum:

(1) If the Peer Review Contractor holds an introductory meeting for the Peer Review panel, then Settling Defendant will be given two hours at such meeting to present a review and summary of the Phase 1 data and of Settling Defendant's experience during Phase 1 insofar as such information is relevant to the charge questions; provided , however, that if EPA makes a presentation to the Peer Review panel at the introductory meeting and such presentation lasts longer than two hours, then Settling Defendant shall be given the same amount of time as EPA to present to the panel, up to a maximum of four hours for Settling Defendant's presentation.

(2) In lieu of holding an introductory meeting for the Peer Review panel, the Peer Review Contractor may initiate the Peer Review panel's review by transmitting to the panel members, by mail or electronic mail, the Phase 1 Evaluation Reports and the charge. If the Peer Review Contractor plans to do so, then EPA will give Settling Defendant an opportunity to provide the Peer Review Contractor with written or electronic presentation materials that the Peer Review Contractor will forward to the Peer Review panel members. If Settling Defendant elects to prepare such materials, it must submit such materials to EPA and the Peer Review Contractor no later than 25 days after the later of (i) the date that EPA transmits the draft charge to Settling Defendant, or (ii) the date on which EPA and Settling Defendant exchange draft Phase 1 Evaluation Reports. The Peer Review

Contractor will transmit Settling Defendant's presentation materials, if any, to the Peer Review panel when the Peer Review Contractor forwards the Phase 1 Evaluation Reports and the charge to the Peer Review panel. Any such presentation materials that Settling Defendant submits to the Peer Review Contractor may only be concerned with topics identified in subparagraph 14.b., above, and any other topics that EPA has agreed should be encompassed in its charge to the Peer Review.

(3) When the Peer Review panel is deliberating in public, the Peer Review Contractor shall inform the panel that it is free to request clarification from EPA with respect to the EPA Phase 1 Evaluation Report or the charge, from Settling Defendant with respect to the GE Phase 1 Evaluation Report and from EPA and Settling Defendant regarding information contained in and issues raised by their respective presentations to the panel under subsections (1) and (2), above, that are germane to the issues raised by the charge.

(4) On the initial day of the Peer Review panel's public deliberations, Settling Defendant will be given at least two hours to present its views on the charge questions to the Peer Review panel.

(5) On the final day of the Peer Review panel's public deliberations, prior to the panel's presentation of its final recommendations with respect to the charge questions, Settling Defendant will be given at least one hour to present its views on the charge questions to the Peer Review panel.

i. All monitoring and other data and information collected during the Phase 1 dredging with respect to the Phase 1 Engineering Performance Standards will be available to the Peer Review panel through the Peer Review Contractor.

j. After the Peer Review, the Peer Review Contractor will issue a report (the "Peer Review Report") that will state the Peer Review panel members' conclusions and recommendations with respect to the charge questions. Such report shall be released simultaneously to EPA, Settling Defendant and to the public, and EPA's response, if any, to such report, will also be made available to the public.

15. Phase 2

a. Following the Phase 1 dredging, EPA will provide Settling Defendant with an opportunity to discuss with EPA the changes that EPA believes are appropriate, if any, to the Phase 1 Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, the SOW, and/or the scope of Phase 2, before EPA makes a decision regarding such changes.

b. After providing Settling Defendant with an opportunity for discussion in accordance with the preceding subparagraph, and after the Peer Review, EPA will notify Settling Defendant, in writing, of EPA's decision regarding changes, if any, to the Phase 1 Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, the SOW, and the

scope of Phase 2. Within thirty (30) days of Settling Defendant's receipt of such notification or within such other time as agreed to by the Parties, Settling Defendant shall submit to EPA, for review and approval, the documents required by Section 3.1.1.1 of the SOW.

c. No later than August 1, 2008, Settling Defendant shall provide written notice to EPA and the State stating unequivocally whether Settling Defendant will implement, pursuant to this Consent Decree, Phase 2 of the Remedial Action; provided, however, that if EPA does not provide Settling Defendant by June 1, 2008 with written notification of EPA's decision regarding changes, if any, to the Phase 1 Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, the SOW, and the scope of Phase 2, Settling Defendant shall have until 90 days after its receipt of such written notification to notify EPA and the State, unequivocally and in writing, as to whether Settling Defendant will implement, pursuant to this Consent Decree, Phase 2 of the Remedial Action. If Settling Defendant notifies EPA that it will implement Phase 2 under this Consent Decree, then Settling Defendant shall proceed to implement and complete that work, in accordance with the SOW and the other requirements of this Consent Decree. Settling Defendant may not invoke the dispute resolution procedures of Section XIX, below, with respect to whether EPA's notification pursuant to subparagraph 15.b., above, is sufficient to trigger (i) the period for Settling Defendant to provide the notification required by this subparagraph c., or (ii) Settling Defendant's obligation to submit the documents pursuant to subparagraph 15.b., above.

16. To help ensure that there is no delay in the transition between Phase 1 and Phase 2 of the Remedial Action, Settling Defendant agrees to undertake those activities necessary to efficiently prepare for the remobilization of contractors and equipment that will be needed to undertake Phase 2 of the Remedial Action; provided, however, that Settling Defendant shall not be required to expend more than $5,000,000 on such activities during the period between the completion of Phase 1 dredging and Settling Defendant's notification pursuant to subparagraph 15.c., above. The costs of maintaining or owning plant and equipment purchased for Phase 1 shall not be included in computing the $5,000,000 figure. In addition, the $5,000,000 limit shall not include the costs of Settling Defendant's obligations, under other provisions of this Consent Decree, with respect to the performance of Phase 1. Further, if Settling Defendant notifies EPA pursuant to subparagraph 15.c., above, that Settling Defendant will not perform Phase 2, Settling Defendant shall continue conducting water column monitoring pursuant to the Remedial Action Monitoring Plan for three months following such notification, and shall also, in the year following Phase 1, perform the fish monitoring required by the Remedial Action Monitoring Plan. Each of Settling Defendant's monthly progress reports submitted pursuant to Paragraph 39, below, that covers a month which falls, in whole or in part, within the period from the completion of Phase 1 dredging through Settling Defendant's notification pursuant to subparagraph 15.c., above, shall specify the activities that Settling Defendant performed during such month, or plans to perform during the next two months, in order to prepare for remobilization of contractors and equipment needed to undertake Phase 2, and the cost of such activities. Within 14 days of EPA's request therefor, Settling Defendant shall also provide EPA with copies of invoices, proof of payment, and other appropriate documentation of these expenditures.

17. If EPA's notification pursuant to subparagraph 15.b., above, is provided to Settling Defendant during the calendar year which immediately follows the year in which the Phase 1 dredging takes place, then, beginning on the date of EPA's notification pursuant to subparagraph 15.b., above (or earlier, if possible) and prior to the deadline for Settling Defendant's notification to EPA pursuant to subparagraph 15.c., above, Settling Defendant and EPA will work together in good faith to identify and select, by mutual agreement, a discrete area(s) where Phase 2 dredging could be conducted in the remainder of that year; provided, however, that:

a. Dredging in such area(s) during that season will not be at the full Phase 2 production rate, but at a lower production rate to be determined by agreement of the Parties. The production rate shall be sufficient to dredge such discrete area(s) during that dredging season;

b. EPA's decision regarding changes, if any, to the Phase 1Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, the SOW or the scope of Phase 2 does not require fundamental modifications to aspects of the final Phase 2 remedial design plans and specifications that are applicable to the dredging that would be performed during the remainder of that dredging season;

c. Under this Consent Decree, no dredging shall be required to commence during the calendar year in which EPA provides the notification referred to in subparagraph 15.b., above, if EPA does not approve or finalize by September 1 of that year, the Remedial Action Work Plan for that year (or, as applicable and in accordance with Section 3.1.1.1 of the SOW, revisions and/or addenda to the RA Work Plan for Phase 1 Dredging and Facility Operations), and any necessary revisions and/or addenda to the Approved Design Documents that are applicable to the dredging that would be performed during the remainder of that dredging season;

d. All necessary governmental approvals for the performance of the dredging that would be done during the remainder of that dredging season are granted prior to the initiation of such work. Settling Defendant shall make timely requests for any such necessary government approvals; and

e. The performance of dredging during that dredging season shall not be necessary if it is rendered infeasible by weather constraints or by operational constraints that are beyond the control of Settling Defendant.

18. If Settling Defendant notifies EPA that it will undertake Phase 2 pursuant to this Consent Decree, and if the Parties agree on an area(s), pursuant to Paragraph 17, for performing dredging in the remainder of that construction season, Settling Defendant shall undertake such work, subject to the conditions in Paragraph 17. In such event, Settling Defendant shall commence dredging in that area(s) no later than 30 days after Settling Defendant's submission to EPA of the notification required by subparagraph 15.c., above. If Settling Defendant elects to undertake Phase 2, but the Parties do not agree on an area pursuant to Paragraph 17 or the conditions in Paragraph 17 are not met, Settling Defendant shall begin the Phase 2 dredging in accordance with the applicable schedule in the EPA-approved RA Work Plan for Phase 2 Dredging and Facility Operations (or in any EPA-approved revisions and/or addenda to the RA Work Plan for Phase 1 Dredging that apply to the first complete year of Phase 2).

19. OM&M. Settling Defendant shall perform the OM&M in accordance with the SOW, including the OM&M Scope which is included as Attachment E to the SOW, and the EPA-approved plans for the OM&M.

20. Modification of the SOW or Related Work Plans

a. Notwithstanding Paragraph 12, and except as provided in subparagraph 20.b., below, if EPA determines that modification to the work specified in the SOW and/or in work plans developed pursuant to the SOW is necessary to achieve and maintain the RA Performance Standards or to carry out and maintain the effectiveness of the remedy set forth in the ROD, EPA may require that such modification be incorporated in the SOW and/or such work plans, provided, however, that a modification may only be required pursuant to this subparagraph to the extent that it is consistent with, and would not materially expand, the scope of the remedy selected in the ROD, and to the extent that it would not materially expand the scope of the Work required by the SOW or the attachments thereto, and further, provided that Settling Defendant shall not be required under this Consent Decree to perform Phase 2 of the Remedial Action unless Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree.

b. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree, and if during Phase 2 EPA determines that modification to the work specified in the SOW and/or in the work plans developed pursuant to the SOW is necessary to achieve and maintain the Phase 2 Engineering Performance Standards or the Phase 2 Quality of Life Performance Standards, EPA may require that such modification be incorporated in the SOW and/or such work plans, provided, however, that a modification may only be required pursuant to this subparagraph to the extent that it is consistent with, and would not materially expand, the scope of the remedy selected in the ROD. Any modification required by EPA under this subparagraph may not require the use of equipment or technology that is not commercially available or that is not consistent with standard engineering and construction practices.

c. Nothing in this Paragraph shall be construed to limit EPA's ability under subparagraph 15.b. above to require changes to the Phase 1 Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, the SOW, and the scope of Phase 2, or to limit any rights EPA has under the terms of the SOW itself to require changes to be made to the SOW or work plans developed thereunder.

d. If Settling Defendant objects to any determination made or modification required pursuant to this Paragraph, it may seek dispute resolution pursuant to Section XIX (Dispute Resolution), Paragraph 83 (record review). The SOW and/or related work plans shall be modified in accordance with the final resolution of the dispute.

e. Settling Defendant shall implement any work required by any modifications incorporated in the SOW and/or in work plans developed pursuant to the SOW in accordance with this Paragraph.

f. Nothing in this Paragraph shall be construed to limit EPA's authority to require performance of further response actions as otherwise provided in this Consent Decree.

21. Evaluation of Benefits of Remedy

a. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c, above, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree, then, after Settling Defendant completes at least two construction seasons of Phase 2 dredging, Settling Defendant may submit to EPA a request for EPA to evaluate whether, in light of the experience gained from Settling Defendant's undertaking of the Work and any data gathered in connection with the Work and associated analysis of such data, the project is making reasonable progress toward achieving its human health and environmental protection objectives, as set forth in the ROD. For purposes of the preceding sentence, a construction season includes a season in which a discrete area(s) is dredged pursuant to Paragraph 17, above. Any such request shall be supported by relevant data gathered in connection with the Work and associated analysis of such data. Following its receipt of Settling Defendant's first request pursuant to this Paragraph, EPA will, based on the experience gained from performance of the Work and data gathered in connection with the Work and associated analysis of such data, evaluate whether the project is making reasonable progress toward achieving its human health and environmental protection objectives and, in light of that evaluation, determine whether the scope of Phase 2 and/or the ROD should be changed. EPA will endeavor to complete such evaluation and make a determination as to whether the scope of Phase 2 and/or the ROD should be changed within five months of EPA's receipt of Settling Defendant's request. EPA's determination pursuant to this Paragraph shall not be subject to dispute resolution under Section XIX of this Consent Decree.

b. Settling Defendant shall have two hours to make a presentation to EPA in support of its position on what the results of the evaluation should be.

c. The fact that EPA is in the process of conducting an evaluation pursuant to this Paragraph shall not relieve Settling Defendant of any of its obligations pursuant to this Consent Decree.

d. If Settling Defendant submits additional requests for evaluation after EPA's decision on the first request, EPA will decide, in its discretion, whether to conduct an additional evaluation. If EPA determines to conduct a further evaluation, the evaluation will follow the requirements of this Paragraph. EPA's determination as to whether to conduct such an additional evaluation shall not be subject to dispute resolution under Section XIX of this Consent Decree.

22. Settling Defendant acknowledges and agrees that nothing in this Consent Decree, the SOW, or the Remedial Action Work Plans constitutes a warranty or representation of any kind by Plaintiff that compliance with the work requirements set forth in the SOW and the Work Plans will achieve the RA Performance Standards.

23. Settling Defendant shall annually, prior to any off-site shipment of Waste Material from the Work Area to a waste management facility, provide written notification to the appropriate state environmental official in the receiving facility's state, and to the EPA Project Coordinator and the State, of the anticipated shipments of Waste Material in that year.

a. Settling Defendant shall include in the written notification the following information, where available: (1) the name and location of the facility to which the Waste Material is to be shipped; (2) the type and quantity of the Waste Material to be shipped; (3) the expected schedule for the shipment of the Waste Material; and (4) the method of transportation. Settling Defendant shall notify the state in which the planned receiving facility is located of major changes in the shipment plan, such as a decision to ship the Waste Material to another facility within the same state, or to a facility in another state.

b. Settling Defendant shall provide the information required by subparagraph 23.a. as soon as practicable after the award of the contract for disposal and before any Waste Material is actually shipped.

c. Before shipping any hazardous substances, pollutants, or contaminants from the Work Area to an off-site location, Settling Defendant shall obtain EPA's determination that the proposed receiving facility is operating in compliance with the requirements of CERCLA Section 121(d)(3) and 40 C.F.R. 300.440. Settling Defendant shall send hazardous substances, pollutants, or contaminants from the Work Area only to an off-site facility that has been determined by EPA to be acceptable for the treatment, storage or disposal of such hazardous substances, pollutants or contaminants pursuant to the statutory provision and regulations cited in the preceding sentence.

## VII. REMEDY REVIEW

24. Periodic Review. The long-term monitoring and sampling programs described in the Operation, Maintenance, and Monitoring Scope attached to the SOW have, among their objectives, providing data that will assist EPA in conducting reviews, at least every five years, of whether the Remedial Action is protective of human health and the environment, as required by Section 121(c) of CERCLA and applicable regulations. In the event that Settling Defendant has notified EPA that it will implement Phase 2 pursuant to this Consent Decree and EPA determines that additional data collection is necessary to undertake the first and/or second periodic review pursuant to Section 121(c) of CERCLA following the completion of the Remedial Action, Settling Defendant shall conduct such additional data collection, as requested by EPA, but shall not be required to expend a combined total of more than $1,500,000 for the additional data collection associated with both such reviews.

25. EPA Selection of Further Response Actions. If EPA determines, at any time, that the Remedial Action is not protective of human health and the environment, EPA may select further response actions for the Site in accordance with the requirements of CERCLA and the NCP.

26. Opportunity To Comment. Settling Defendant and, if required by Sections 113(k)(2) or 117 of CERCLA, the public, will be provided with an opportunity to comment on any further response actions proposed by EPA as a result of a review conducted pursuant to Section 121(c) of CERCLA, and to submit written comments for the record during the comment period.

27. Settling Defendant's Obligation To Perform Further Response Actions. If EPA selects further response actions for the Upper Hudson River, Settling Defendant shall undertake such further response actions to the extent that the reopener conditions in Paragraph 100 or Paragraph 101 (United States' reservations of liability based on unknown conditions or new information) are satisfied. Settling Defendant may invoke the procedures set forth in Section XIX (Dispute Resolution) to dispute (1) EPA's determination that the reopener conditions of Paragraph 100 or Paragraph 101 of Section XXI (Covenants Not To Sue by Plaintiff) are satisfied, (2) EPA's determination that the Remedial Action is not protective of human health and the environment, or (3) EPA's selection of the further response actions. Disputes pertaining to whether the Remedial Action is protective, or to EPA's selection of further response actions, shall be resolved pursuant to Paragraph 83 (record review).

28. Submissions of Plans. If Settling Defendant is required to perform the further response actions pursuant to Paragraph 27, it shall submit, for EPA approval pursuant to Section XI (EPA Approval of Plans and Other Submissions), a plan(s) for such work within 30 days of EPA's request for such plan(s). Settling Defendant shall implement the plan(s) approved by EPA in accordance with the provisions of this Consent Decree.

## VIII. QUALITY ASSURANCE, SAMPLING, AND DATA ANALYSIS

29. Settling Defendant shall use quality assurance, quality control, and chain of custody procedures for all samples collected in connection with the Work, in accordance with "EPA Requirements for Quality Assurance Project Plans" (QA/R5) (EPA/240/B-01/003, March 2001), "Guidance for Quality Assurance Project Plans" (QA/G-5) (EPA/240/R-02/009, December 2002), subsequent updates and amendments to such guidelines upon notification by EPA to Settling Defendant of such update or amendment, or alternate test methods approved by EPA with respect to such sampling, analysis, and data assessment and monitoring; provided that such alternate test methods are consistent with the procedures specified in the Remedial Action Monitoring Scope attached as Attachment B to the SOW, or any modifications thereto that are agreed upon by EPA and Settling Defendant. Amended guidelines shall apply only to procedures conducted after such notification.

a. If relevant to the proceeding, the Parties agree that validated sampling data generated in accordance with the Quality Assurance Project Plans (QAPPs) that are submitted by Settling Defendant and reviewed and approved by EPA under this Consent Decree, the RD AOC or the Sampling AOC shall be admissible as evidence, without objection, in any proceeding under this Decree.

b. Settling Defendant shall ensure that EPA personnel and their authorized representatives are allowed access at reasonable times to all laboratories utilized by Settling Defendant in implementing this Consent Decree. In addition, Settling Defendant shall ensure that such laboratories analyze all samples submitted by EPA pursuant to the QAPPs for quality assurance monitoring.

c. Settling Defendant shall ensure that the laboratories it utilizes for the analysis of samples taken pursuant to this Decree perform all analyses according to accepted EPA methods or other methods approved by EPA for the Work. Accepted EPA methods include, but are not

limited to, those methods which are documented in the "Contract Lab Program Statement of Work for Inorganic Analysis" (ILM05.3 or the latest revision thereof) and the "Contract Lab Program Statement of Work for Organic Analysis," (OLM04.3 or the latest revision thereof), and any amendments thereto (including amendments made during the course of the implementation of this Consent Decree). All QAPPs submitted pursuant to this Consent Decree shall contain Standard Operating Procedures (SOPs) for all methods specified in such QAPPs. Upon approval by EPA, after opportunity for review and comment by the State, Settling Defendant may use other analytical methods which are as effective in achieving the applicable data quality objectives as the currently-approved EPA methods. Settling Defendant shall ensure that all laboratories used by Settling Defendant for analysis of samples taken pursuant to this Consent Decree participate in an EPA or EPA-equivalent quality assurance/quality control ("QA/QC") program. Settling Defendant shall only use laboratories that have a documented Quality System which complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), and "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA may consider laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP) and the New York State Environmental Laboratory Approval Program ("SELAP") as meeting the Quality System requirements. If Settling Defendant uses a commercial laboratory for analyses for which NELAP or SELAP certification is available, Settling Defendant shall provide documentation to EPA which demonstrates that each laboratory maintains NELAP/SELAP certification for the specific methods/matrices and analyses to be performed. For each analytical method employed for which NELAP or SELAP certification is not available, Settling Defendant shall provide supporting documentation demonstrating how the method has been verified for all matrices to be analyzed. EPA will review Settling Defendant's supporting documentation and will notify Settling Defendant as to whether such method is acceptable. Settling Defendant shall ensure that all field methodologies utilized in collecting samples for subsequent analysis pursuant to this Decree will be conducted in accordance with the procedures set forth in the approved QAPPs.

30. Upon request, Settling Defendant shall allow split or duplicate samples of any material, including PE samples and calibration standard materials, to be taken by EPA, the Federal Trustees for Natural Resources, or their authorized representatives. EPA and the Federal Trustees for Natural Resources shall provide copies of the results of the analysis of such samples to Settling Defendant after such results have undergone QA/QC analysis. Settling Defendant also shall allow the State to collect split or duplicate samples of any such material, provided that the State agrees to provide Settling Defendant with copies of the results of the analysis of such samples after those results have undergone QA/QC analysis. Settling Defendant shall notify EPA and the State not less than 14 days in advance of any sample collection activity unless shorter notice is agreed to by EPA. In addition, EPA shall have the right to take any additional samples that EPA deems necessary. Upon request, EPA shall allow the Settling Defendant to take split or duplicate samples of any samples it takes as part of its oversight of the Settling Defendant's implementation of the Work.

31. Settling Defendant shall simultaneously submit to EPA, the State and the Federal Trustees for Natural Resources copies of the results of all sampling and/or tests or other data

obtained or generated by or on behalf of Settling Defendant that are pertinent to the implementation of this Consent Decree, unless agreed otherwise by the government entity to which such information is to be sent.

32. Notwithstanding any provision of this Consent Decree, the United States hereby retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under CERCLA, RCRA and any other applicable statutes or regulations.

## IX. ACCESS AND INSTITUTIONAL CONTROLS

33. If property at the Work Area, or any other property where access and/or land/water use restrictions are needed to implement this Consent Decree, is owned or controlled by Settling Defendant, Settling Defendant shall comply with the following:

a. Commencing on the date of lodging of this Consent Decree, Settling Defendant shall provide the United States, the State and their representatives, including their contractors, with access at all reasonable times to all such property for the purpose of conducting any activity related to this Consent Decree, including the following activities:

(1) Monitoring the Work;

(2) Verifying any data or information submitted to the United States or the State;

(3) Conducting investigations relating to contamination at or near the Work Area;

(4) Obtaining samples;

(5) Assessing the need for, planning, or implementing additional response actions at or near the Work Area;

(6) Assessing implementation of quality assurance and quality control practices as defined in the approved Quality Assurance Project Plans;

(7) Implementing the Work pursuant to the conditions set forth in Paragraph 105 of this Consent Decree;

(8) Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Settling Defendant or its agents, consistent with Section XXV (Access to Information);

(9) Assessing Settling Defendant's compliance with this Consent Decree; and

(10) Determining whether property at the Work Area or other property is being used in a manner that is prohibited or restricted, or that may need to be prohibited or restricted, by or pursuant to this Consent Decree.

The Parties recognize that, for such property, Settling Defendant has adopted or will adopt health and safety and security procedures for visitors, and the Parties will work cooperatively to implement a mutually satisfactory means for EPA's and the State's employees and other representatives to comply with those procedures. Further, all Parties' employees, contractors, and other representatives with access to areas where Work is being performed pursuant to this Consent Decree shall comply with all applicable health and safety plans.

b. Commencing on the date of lodging of this Consent Decree, Settling Defendant shall refrain from using such property, to the extent it has been identified, in any manner that would interfere with or adversely affect the implementation, integrity or protectiveness of the remedial measures to be implemented pursuant to this Consent Decree; and

c. If EPA so requests, for any such property that is owned by Settling Defendant, Settling Defendant shall execute and record in the Recorder's Office or Registry of Deeds or other appropriate land records office of the appropriate county in the State of New York, an easement/covenant, running with the land, that (i) grants a right of access for the purpose of conducting any activity related to this Consent Decree, including, but not limited to, those activities listed in subparagraph 33.a. of this Consent Decree, and (ii) grants the right to enforce any land/water use restrictions mandated under subparagraph 33.b. of this Consent Decree, or other restrictions that EPA determines are necessary to implement, ensure non-interference with, or ensure the protectiveness of the remedial measures to be performed pursuant to this Consent Decree. Such easement/covenant shall remain in place only for such period as is reasonably necessary to accomplish its purpose. Settling Defendant shall use best efforts to obtain from each holder of a prior lien(s) or encumbrance(s) an agreement to release or subordinate such lien(s) or encumbrance(s) to any easement/covenant requested by EPA pursuant to this Paragraph. Settling Defendant shall grant the access rights and the rights to enforce the land/water use restrictions to one or more of the following persons, as determined by EPA: (i) the United States, on behalf of EPA, and its representatives, (ii) the State and its representatives, and/or (iii) other appropriate grantees. Settling Defendant shall, within ninety (90) days of EPA's request, submit to EPA for review and approval with respect to such property:

(1) A draft easement/covenant, in substantially the form attached hereto as Appendix C that is enforceable under the laws of the State of New York, and acceptable under the Attorney General's Title Regulations promulgated pursuant to 40 U.S.C. § 255; and

(2) A current title insurance commitment, or some other evidence of title acceptable to EPA, which shows title to the land described in the easement/covenant to be free and clear of all prior liens and encumbrances (except when those liens or encumbrances are approved by EPA or when, despite best efforts, Settling Defendant is unable to obtain release or subordination of such prior liens or encumbrances). Such title insurance commitment or other evidence of title shall be consistent with the U.S. Department of Justice "Standards for the Preparation of Title Evidence in Land Acquisitions by the United States" (2001) or any updated version thereof (the "Standards").

Within fifteen (15) days of EPA's approval and acceptance of the easement/covenant and the title evidence, Settling Defendant shall update the title search and, if it is determined that nothing has occurred since the effective date of the commitment or report to affect the title adversely, the easement/covenant shall be recorded with the Recorder's Office or Registry of Deeds or other appropriate county office. Within thirty (30) days of the recording of the easement/covenant, Settling Defendant shall provide EPA with a final title insurance policy, or other final evidence of title acceptable to EPA, and a certified copy of the original recorded easement/covenant showing the clerk's recording stamps. The time limits set forth in this subparagraph shall be extended if, and to the extent that, despite diligent efforts by Settling Defendant, delays in the Recorder's Office or Registry of Deeds or other appropriate county office prevent compliance with such time limits.

34. If property at the Work Area, or any other property where access and/or land/water use restrictions are needed to implement this Consent Decree, is owned or controlled by persons other than Settling Defendant, Settling Defendant shall use best efforts to secure from such persons:

a. an agreement to provide access thereto for Settling Defendant, as well as for the United States on behalf of EPA, the State, and their respective representatives (including contractors), for the purpose of conducting any activity related to this Consent Decree, including those activities listed in subparagraph 33.a of this Consent Decree;

b. an agreement, enforceable by Settling Defendant and the United States, to refrain from using such property in any manner that would interfere with or adversely affect the implementation or integrity or protectiveness of the remedial measures to be performed pursuant to this Consent Decree; and

c. if EPA so requests, the execution and recordation in the Recorder's Office or Registry of Deeds or other appropriate land records office of the appropriate county in the State of New York, of an easement/covenant, running with the land, that (i) grants a right of access for the purpose of conducting any activity related to this Consent Decree, including those activities listed in subparagraph 33.a. of this Consent Decree, and (ii) grants the right to enforce the land/water use restrictions mandated under subparagraph 33.b. of this Consent Decree, or other restrictions that EPA determines are necessary to implement, ensure non-interference with, or ensure the protectiveness of the remedial measures to be performed pursuant to this Consent Decree. Such easement/covenant shall remain in place only for such period as is reasonably necessary to accomplish its purpose. Settling Defendant shall use best efforts to obtain from each holder of a prior lien(s) or encumbrance(s) an agreement to release or subordinate such lien(s) or encumbrance(s) to any easement/covenant requested by EPA pursuant to this Paragraph. The access rights and/or rights to enforce land /water use restrictions shall be granted to one or more of the following persons, as determined by EPA: (i) The United States, on behalf of EPA, and its representatives, (ii) the State and its representatives, (iii) the Settling Defendant and its representatives, and/or (iv) other appropriate grantees. Within ninety (90) days of the request by EPA, Settling Defendant shall submit to EPA for review and approval with respect to such property:

(1) A draft easement/covenant, in substantially the form attached hereto as Appendix C that is enforceable under the laws of the State of New York, and acceptable under the Attorney General's Title Regulations promulgated pursuant to 40 U.S.C. § 255; and

(2) A current title insurance commitment, or some other evidence of title acceptable to EPA, which shows title to the land described in the easement/covenant to be free and clear of all prior liens and encumbrances (except when those liens or encumbrances are approved by EPA or when, despite best efforts, Settling Defendant is unable to obtain release or subordination of such prior liens or encumbrances). Such title insurance commitment or other evidence of title shall be consistent with the Standards.

Within fifteen (15) days of EPA's approval and acceptance of the easement/covenant and title evidence, Settling Defendant shall update the title search and, if it is determined that nothing has occurred since the Effective Date of the commitment or report to affect the title adversely, the easement/covenant shall be recorded with the Recorder's Office or Registry of Deeds or other appropriate county office. Within thirty (30) days of the recording of the easement/covenant, Settling Defendant shall provide EPA with a final title insurance policy, or other final evidence of title acceptable to EPA, and a certified copy of the original recorded easement/covenant showing the clerk's recording stamps. The time limits set forth in this subparagraph shall be extended if, and to the extent that, despite diligent efforts by Settling Defendant, delays in the Recorder's Office or Registry of Deeds or other appropriate county office prevent compliance with such time limits.

35. For purposes of Paragraphs 33 and 34 of this Consent Decree, "best efforts" means good-faith negotiations with the property owner and/or others, including the payment of reasonable sums of money, to obtain access (including agreements, easements and/or covenants for such access), land/water use restrictions (including agreements, easements and/or covenants for such use restrictions), and/or agreements to release or subordinate prior liens or encumbrances. For purposes of this Paragraph, a "reasonable sum of money" is an amount of consideration which, taking into account the possible transaction costs (including, but not limited to, appraisal costs, attorneys fees, court costs, and consultant/expert witness fees) that would likely be incurred in obtaining the rights in question by judicial or other means, is not significantly out of proportion with the fair market value of the rights to be obtained. If (a) any access or land/water use restriction agreements required by subparagraphs 34.a. or b. of this Consent Decree are not obtained within ninety (90) days after the date that it becomes reasonably apparent that such access or land/water use restrictions are needed; (b) any access easements or restrictive covenants required by subparagraph 34.c. of this Consent Decree are not submitted to EPA in draft form within ninety (90) days of the date of EPA's request therefor; or (c) Settling Defendant is unable to obtain an agreement as required by subparagraph 33.c. or subparagraph 34.c. from the holder of a prior lien or encumbrance to release or subordinate such lien or encumbrance to the easement being created pursuant to this Consent Decree within 90 days of EPA's request for Settling Defendant to obtain such easement, Settling Defendant shall promptly notify EPA in writing, and shall include in that notification a summary of the steps that Settling

Defendant has taken to attempt to comply with Paragraph 33 or 34 of this Consent Decree. The United States may, as it deems appropriate, assist Settling Defendant in obtaining access or land/water use restrictions, either in the form of contractual agreements or in the form of easements running with the land, or in obtaining the release or subordination of a prior lien or encumbrance. Settling Defendant shall reimburse the United States in accordance with the procedures in Section XVI (Payments for Response Costs), for all costs incurred, direct or indirect, by the United States in obtaining such access, land/water use restrictions, and/or the release/subordination of prior liens or encumbrances including, but not limited to, appraisal costs, attorneys fees, court costs, and consultant/expert witness fees, and the amount of monetary consideration paid or just compensation for such interest, provided, however, that Settling Defendant shall not be required to reimburse the United States for monetary consideration paid or just compensation for such interest that is significantly out of proportion with the fair market value of the rights to be obtained. For purposes of the preceding sentence, a determination by a judge, jury or arbiter of the proper amount of monetary consideration or just compensation for such access, land/water use restrictions, and or the release/subordination of prior liens or encumbrances will not be considered to be significantly out of proportion to the fair market value of the rights obtained.

36. Sediment Processing/Transfer Facilities

a. Settling Defendant intends to acquire title to, lease, or otherwise acquire rights to use (collectively, "gain possession of") the Sediment Processing/Transfer Facility Property(ies).

b. In the event that, despite the aforesaid intention of Settling Defendant, EPA gains possession of some or all of the Sediment Processing/Transfer Facility Property(ies), then:

(1) Following EPA's gaining possession of such real property(ies), EPA will provide Settling Defendant with access to any such property(ies) in order for Settling Defendant to: (i) finish designing (if the design is not already complete) and construct and operate the facility(ies), and (ii) decommission the facility(ies) and restore the facility property(ies) after EPA determines that the facility(ies) is (are) no longer needed for the Remedial Action.

(2) Settling Defendant's access to such property(ies) shall be subject to all restrictions and conditions regarding the use of such property(ies) that are provided in the deed, lease or other instrument pursuant to which EPA acquires such property interest.

(3) EPA makes no representations or warranties whatsoever with respect to any properties to which EPA gains possession for the Sediment Processing/Transfer Facility(ies). Pursuant to this Consent Decree, EPA is under no obligation to make alterations or repairs, or to perform construction or any other work, at any such properties.

(4) Under no circumstances shall Settling Defendant grant to a third party any privilege, license, sublease, or other interest whatsoever in any property to

which EPA has gained possession for the Sediment Processing/Transfer Facility(ies) and to which Settling Defendant is provided access pursuant to subparagraph 36.b.(1), above.

(5) EPA may, at its discretion, withdraw the access granted to Settling Defendant pursuant to subparagraph 36.b.(1), above, if: (i) EPA determines that Settling Defendant: (a) has ceased implementation of any portion of the Work, other than due to a force majeure event under the provisions of Section XVIII (Force Majeure), (b) is seriously or repeatedly deficient or late in its performance of the Work, other than due to a force majeure event under the provisions of Section XVIII (Force Majeure), or (c) is implementing the Work in a manner which may cause an endangerment to human health or the environment; (ii) Settling Defendant fails to comply with the terms of the deed, lease or other instrument pursuant to which EPA gains possession of such property; or (iii) Settling Defendant fails to comply with any material requirements that are imposed by EPA with respect to Settling Defendant's access to any such property. Settling Defendant shall surrender possession of all such properties to EPA within 24 hours of its receipt of EPA's written withdrawal of access, or as otherwise directed by EPA.

c. Settling Defendant shall conduct all Work on the Sediment Processing/Transfer Facility Property(ies) in accordance with this Consent Decree and all relevant reports and plans approved by EPA pursuant to this Consent Decree.

d. EPA, the State, and their representatives (including contractors) shall have full access at any time to all property to which Settling Defendant has gained possession for the Sediment Processing/Transfer Facility(ies). Such access shall be subject to the provisions in the last two sentences of subparagraph 33.a., above. All activities performed by Settling Defendant at any such property shall be subject to the general supervision and approval of EPA and its authorized representatives (including contractors).

e. Restoration of Real Property

(1) All real property used for the Sediment Processing/Transfer Facility(ies), for access roads, for booster pumps, or for other plant, piping or equipment used in the Remedial Action shall, following its use in the Remedial Action, be restored by Settling Defendant in accordance with the SOW, the Phase 1 Facility Demobilization and Restoration Plan, the Phase 2 Facility Demobilization and Restoration Plan, and the NCP; provided that, unless Settling Defendant notifies EPA pursuant to subparagraph 15.c., above, that it will implement Phase 2, Settling Defendant only agrees under this subparagraph 36.e.(1) to restore real property which was used for Phase 1. The restoration conducted under this subparagraph shall include removal of all hazardous substances, pollutants or contaminants, petroleum (including crude oil or any fraction thereof), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas useable for fuel, that

came to be located on any such real property as a result of Settling Defendant's use of such property for the Remedial Action, although Settling Defendant shall have no obligation under this Consent Decree to remove or otherwise remediate any such materials that did not come to be located on such real property as a result of Settling Defendant's use of such property for the Remedial Action.

(2) For any properties used for the Sediment Processing/Transfer Facility(ies) and that are to be restored by Settling Defendant, Settling Defendant shall consult with the municipalities in which such properties are located regarding the anticipated future land use of those properties (such as redevelopment for commercial or recreational use) prior to restoring the properties. If any of the properties are owned by a person or entity other than Settling Defendant, then Settling Defendant shall encourage the property owner to consult with the municipality regarding the anticipated future land use of such properties prior to Settling Defendant's restoration of those properties. If any of the properties are owned by Settling Defendant, then Settling Defendant shall restore such property(ies) in a manner that considers the municipality's anticipated future land use. EPA may consult with other stakeholders regarding the anticipated future land use of the properties, and may provide Settling Defendant, the local municipalities and the property owner with stakeholder recommendations that can be considered in connection with the restoration of the properties.

37. If EPA determines that land /water use restrictions in the form of state or local laws, regulations, ordinances or other governmental controls are needed to implement the remedy selected in the ROD, ensure the integrity and protectiveness thereof, or ensure non-interference therewith, Settling Defendant shall cooperate with EPA's and the State's efforts to secure such governmental controls, provided that EPA and the State seek such restrictions only of such nature and for such period as is reasonably necessary to accomplish their stated purpose.

38. Notwithstanding any provision of this Consent Decree, the United States retains all of its access authorities and rights, as well as all of its rights to require land/water use restrictions, including enforcement authorities related thereto, under CERCLA, RCRA and any other applicable statute or regulations.

## X. REPORTING REQUIREMENTS

39. In addition to any other requirement of this Consent Decree, Settling Defendant shall submit to EPA and the State written monthly progress reports that: (a) describe the actions which have been taken toward achieving compliance with this Consent Decree during the previous month; (b) include all results of sampling, tests, and all other verified or validated data received or generated by or on behalf of Settling Defendant during the previous month in the implementation of the Work required by this Consent Decree; (c) identify all work plans, plans and other deliverables required by this Consent Decree completed and submitted during the previous month; (d) describe all actions, including, but not limited to, data collection and implementation of work plans, which are scheduled for the next two months and provide other

information relating to the progress of the Work as is customary in the industry, including, but not limited to, a graphical depiction of the progress of the Work; (e) include information regarding all delays encountered or anticipated that may affect the future schedule for implementation of the Work, and a description of efforts made to mitigate those delays or anticipated delays; (f) include any modifications to the work plans or other schedules that Settling Defendant has proposed to EPA or that have been approved by EPA; and (g) describe all activities undertaken in support of the Community Involvement Plan during the previous month and those to be undertaken in the next two months. Settling Defendant shall submit these progress reports to EPA and the State by the fifteenth day of every month following the Effective Date of this Consent Decree until EPA notifies the Settling Defendant pursuant to subparagraph 58.b. of Section XIV (Certification of Completion). If requested by EPA, Settling Defendant shall also provide briefings for EPA and the State to discuss the progress of the Work. In addition to the addressees listed in Paragraph 125 below, one copy of each monthly progress report shall be sent to:

Director, Hudson River Field Office
U.S. Environmental Protection Agency Region 2
421 Lower Main Street
Fort Edward, New York 12839

40. The Settling Defendant shall notify EPA of any change in the schedule described in a monthly progress report for the performance of any activity, including, but not limited to, data collection and implementation of work plans, no later than seven days prior to the new date for the performance of the activity or the original date for such performance, whichever is earlier.

41. Upon the occurrence of any event at the Work Area during Settling Defendant's performance of the Work that Settling Defendant is required to report pursuant to Section 103 of CERCLA or Section 304 of the Emergency Planning and Community Right-to-know Act (EPCRA), Settling Defendant shall within 24 hours of obtaining knowledge of the onset of such event orally notify EPA's Team Leader, Hudson River Team, Emergency and Remedial Response Division, EPA Region 2, (212) 637-3952 (or, in the event that the Team Leader is not available, either the EPA Project Coordinator or the Alternate EPA Project Coordinator). Settling Defendant shall also provide such oral notification to the NYSDEC Project Manager, Hudson River PCBs Superfund Site, at (518) 402-9676 (or, in the event of the unavailability of the NYSDEC Project Manager, to the Chief of NYSDEC's Hudson River Unit at (518) 402-9770) and to the NYSDOH Bureau of Environmental Exposure Investigation at (518) 402-7850. The reporting requirements of this Paragraph are in addition to the reporting required by CERCLA Section 103 or EPCRA Section 304. Settling Defendant shall require its contractors to notify Settling Defendant immediately upon such contractor's obtaining knowledge of any event for which notification is required pursuant to this Paragraph.

42. Within 14 days of the onset of an event of the type referred to in the preceding Paragraph, Settling Defendant shall furnish to EPA and the State a written report, signed by the Settling Defendant's Project Coordinator, setting forth the events which occurred and the measures taken, and to be taken, in response thereto. Within 30 days of the conclusion of such

an event, Settling Defendant shall submit a report setting forth all actions taken in response thereto.

43. Settling Defendant shall submit all plans, reports, and data required by this Consent Decree, the SOW, the Remedial Action Work Plans, or any other plans approved pursuant to this Consent Decree, to EPA in accordance with the schedules set forth in this Consent Decree, the SOW and in such approved plans.

44. All reports and other documents submitted by Settling Defendant to EPA (other than the monthly progress reports referred to above) which purport to document Settling Defendant's compliance with the terms of this Consent Decree shall be signed by an authorized representative of the Settling Defendant.

## XI. EPA APPROVAL OF PLANS AND OTHER SUBMISSIONS

45. After review of any plan, report or other item which is required to be submitted for approval pursuant to this Consent Decree, EPA, after a reasonable opportunity for review and comment by the State, shall: (a) approve, in whole or in part, the submission; (b) approve the submission upon specified conditions; (c) modify the submission to cure the deficiencies; (d) disapprove, in whole or in part, the submission, directing that the Settling Defendant modify the submission; or (e) any combination of the above; provided that any such modifications or directions would not materially expand the scope of the Work required pursuant to this Consent Decree, subject to the provisions of Paragraph 20, above. However, EPA shall not modify a submission without first providing Settling Defendant with at least one notice of deficiency and an opportunity to cure within 21 days (or such longer time as is allowed by EPA), except where to do so would cause serious disruption to the Work or where previous submission(s) have been disapproved due to material defects and the deficiencies in the submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable. Where EPA disapproves a submission due to a material defect, EPA's notification of disapproval will be sufficiently clear so that the changes needed to cure the defect can be understood.

46. In the event of approval, approval upon conditions, or modification by EPA, pursuant to subparagraphs 45(a), (b), or (c), Settling Defendant shall proceed to take any action required by the plan, report, or other item, as approved or modified by EPA subject only to its right to invoke the Dispute Resolution procedures set forth in Section XIX (Dispute Resolution) with respect to the modifications or conditions made by EPA. In the event that EPA modifies the submission to cure the deficiencies pursuant to subparagraph 45(c) and the submission has a material defect, EPA retains its right to seek stipulated penalties, as provided in Section XX (Stipulated Penalties).

47. Resubmission of Plans.

a. Upon receipt of a notice of disapproval pursuant to subparagraph 45(d), Settling Defendant shall, within 21 days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the plan, report, or other item for approval. Any stipulated penalties applicable to the submission, as provided in Section XX, shall accrue during the 21-day

period or otherwise specified period but shall not be payable unless the resubmission is disapproved or modified due to a material defect as provided in subparagraphs 47.c. and 47.d.

b. Notwithstanding the receipt of a notice of disapproval pursuant to subparagraph 45(d), if EPA approves a portion of the submission and determines in writing that the approved portion is not dependent upon the unapproved portion, Settling Defendant shall proceed, at the direction of EPA, to take any action required by any non-deficient portion of the submission while Settling Defendant corrects the deficiencies in the disapproved portion. For purposes of the schedule in the SOW or any other approved schedule, if EPA approves only a portion of a submission, the time allotted for Settling Defendant's performance of a subsequent task that is dependent upon EPA approval of that submission shall not begin to run until that submission is approved in its entirety, unless EPA determines in writing that the unapproved portion is not necessary for the performance of that subsequent activity. In the event that Settling Defendant disagrees with an EPA determination regarding whether an approved portion of a submission is, for purposes of this subparagraph, dependent upon an unapproved portion of that submission or whether an unapproved portion of a submission is necessary for the performance of a subsequent activity, Settling Defendant may invoke the Dispute Resolution procedures in Section XIX. Implementation of any non-deficient portion of a submission shall not relieve Settling Defendant of any liability for stipulated penalties under Section XX (Stipulated Penalties).

c. In the event that a resubmitted plan, report or other item, or portion thereof, is disapproved by EPA, EPA may again require the Settling Defendant to correct the deficiencies within a time period specified by EPA and otherwise in accordance with the preceding Paragraphs. EPA also retains the right to modify or develop the plan, report or other item, provided that such modifications would not materially expand the scope of the Work required pursuant to this Consent Decree, subject to the provisions of Paragraph 20, above. Settling Defendant shall implement any such plan, report, or item as modified or developed by EPA, subject only to its right to invoke the procedures set forth in Section XIX (Dispute Resolution).

d. If upon resubmission, a plan, report, or item is disapproved or modified by EPA due to a material defect, Settling Defendant shall be deemed to have failed to submit such plan, report, or item timely and adequately unless the Settling Defendant invokes the dispute resolution procedures set forth in Section XIX (Dispute Resolution) and EPA's action is overturned pursuant to that Section. The provisions of Section XIX (Dispute Resolution) and Section XX (Stipulated Penalties) shall govern the implementation of the Work and accrual and payment of any stipulated penalties during Dispute Resolution. If EPA's disapproval or modification is upheld, stipulated penalties shall accrue for such violation from the date on which the initial submission was originally required, as provided in Section XX.

e. All plans, reports, and other items required to be submitted to EPA under this Consent Decree shall, upon approval or modification by EPA, be enforceable under this Consent Decree. In the event EPA approves or modifies a portion of a plan, report, or other item required to be submitted to EPA under this Consent Decree, the approved or modified portion shall be enforceable under this Consent Decree, subject to the provisions of Paragraph 47.b.

## XII. PROJECT COORDINATORS

48. Designation of Project Coordinators

a. Settling Defendant's Project Coordinator shall oversee all aspects of the Work. Settling Defendant's Project Coordinator may assign other representatives of Settling Defendant, including contractors, to serve as a Site representative for oversight of performance of daily operations during remedial activities. Settling Defendant designates John Haggard as its Project Coordinator and Robert Gibson as its Alternate Project Coordinator.

b. Within 20 days of lodging this Consent Decree, EPA will notify Settling Defendant, in writing, of the name, address and telephone number of its designated Project Coordinator and Alternate Project Coordinator.

c. If a Project Coordinator or Alternate Project Coordinator initially designated by any Party is changed, the identity of the successor will be given to the other Party at least 5 working days before the changes occur, unless 5 days is impracticable, but in no event later than the actual day the change is made. If Settling Defendant proposes a successor to its Project Coordinator or Alternate Project Coordinator, such successor shall be subject to disapproval by EPA and shall have the technical expertise sufficient to adequately oversee all aspects of the Work. The Settling Defendant's Project Coordinator shall not be an attorney for the Settling Defendant in this matter.

49. Plaintiff may designate other representatives, including, but not limited to, EPA and State employees, and federal and State contractors and consultants, to observe and monitor the progress of any activity undertaken pursuant to this Consent Decree. EPA's Project Coordinator and Alternate Project Coordinator shall have the authority lawfully vested in a Remedial Project Manager (RPM) and an On-Scene Coordinator (OSC) by the National Contingency Plan, 40 C.F.R. Part 300. In addition, EPA's Project Coordinator or Alternate Project Coordinator shall have authority, consistent with the National Contingency Plan, to halt any Work required by this Consent Decree and to take any necessary response action when s/he determines that conditions at the Work Area constitute an emergency situation or may present an immediate threat to public health or welfare or the environment due to release or threatened release of Waste Material.

50. During construction of the Remedial Action, Settling Defendant's Project Coordinator (or Alternate Project Coordinator) shall be available to meet with EPA's Project Coordinator (or Alternate Project Coordinator), at a minimum, on a weekly basis unless a less frequent schedule is agreed to by EPA.

## XIII. ASSURANCE OF ABILITY TO COMPLETE WORK

51. Within 30 days of entry of this Consent Decree, Settling Defendant shall demonstrate its financial ability to complete Phase 1 of the Remedial Action by submitting to EPA a copy of Settling Defendant's most recent Annual Report. Each year thereafter, until the completion of Phase 1, Settling Defendant shall submit its most recent Annual Report to EPA within thirty (30) days of publication of such report. In the event that EPA determines at any

time that the financial assurances provided by the Annual Report do not demonstrate Settling Defendant's ability to complete Phase 1, then Settling Defendant shall establish and maintain financial security in the amount needed to complete Phase 1, in one or more of the following forms:

a. A surety bond guaranteeing performance of the Work;

b. One or more irrevocable letters of credit equalling the total estimated cost of the Work;

c. A trust fund;

d. A guarantee to perform the Work by one or more subsidiaries, or by one or more unrelated corporations that have a substantial business relationship with the Settling Defendant;

e. A demonstration that the Settling Defendant satisfies the requirements of 40 C.F.R. Part 264.143(f).

Settling Defendant may invoke the dispute resolution procedures under Section XIX, below, to dispute an EPA determination under this Paragraph that Settling Defendant's Annual Report does not demonstrate Settling Defendant's financial ability to complete Phase 1.

52. In the event that Settling Defendant notifies EPA pursuant to subparagraph 15.c., above, that it will perform Phase 2, then within 21 days after such notification, Settling Defendant shall demonstrate its financial ability to complete the Work by submitting to EPA a copy of Settling Defendant's most recent Annual Report. Each year thereafter, until the completion of the Work, Settling Defendant shall submit its most recent Annual Report to EPA within thirty (30) days of publication of such report. In the event that EPA determines at any time that the financial assurances provided by the Annual Report do not demonstrate Settling Defendant's ability to complete the Work, then Settling Defendant shall establish and maintain financial security in the amount needed to complete the Work, in one or more of the forms listed in Paragraph 51, above. Settling Defendant may invoke the dispute resolution procedures under Section XIX, below, to dispute an EPA determination under this Paragraph that Settling Defendant's Annual Report does not demonstrate Settling Defendant's financial ability to complete the Work.

53. If the Settling Defendant seeks to demonstrate the ability to complete the Work through a guarantee by a third party pursuant to subparagraph 51.d. of this Consent Decree, Settling Defendant shall demonstrate that the guarantor satisfies the requirements of 40 C.F.R. Part 264.143(f). If Settling Defendant seeks to demonstrate its ability to complete the Work by means of the financial test or the corporate guarantee pursuant to subparagraph 51.d. or 51.e., it shall resubmit sworn statements conveying the information required by 40 C.F.R. Part 264.143(f) annually, on the anniversary of the Effective Date. In the event that EPA determines at any time that the financial assurances provided pursuant to this Section are inadequate, Settling Defendant shall, within 30 days of receipt of notice of EPA's determination, obtain and present to EPA for approval one of the other forms of financial assurance listed in Paragraph 51 of this Consent Decree. Settling Defendant may invoke the dispute resolution procedures under Section XIX,

below, to dispute an EPA determination under this Paragraph that Settling Defendant's financial assurances provided pursuant to this Section are inadequate. Settling Defendant's inability to demonstrate financial ability to complete the Work shall not excuse performance of any activities required under this Consent Decree.

54. If Settling Defendant can show that the estimated cost to complete the remaining Work has diminished below the amounts established pursuant to Paragraph 51 or Paragraph 52 (if applicable) above after entry of this Consent Decree, Settling Defendant may, on any anniversary date of entry of this Consent Decree, or at any other time agreed to by the Parties, reduce the amount of the financial security provided under this Section to the estimated cost of the remaining work to be performed. Settling Defendant shall submit a proposal for such reduction to EPA, in accordance with the requirements of this Section, and may reduce the amount of the security upon approval by EPA. In the event of a dispute, Settling Defendant may reduce the amount of the security in accordance with the final administrative or judicial decision resolving the dispute.

55. Settling Defendant may change the form of financial assurance provided under this Section at any time, upon notice to and approval by EPA, provided that the new form of assurance meets the requirements of this Section. In the event of a dispute, Settling Defendant may change the form of the financial assurance only in accordance with the final administrative or judicial decision resolving the dispute.

## XIV. CERTIFICATION OF COMPLETION

56. Completion of Construction of Phase 1

a. Within seven days after Settling Defendant makes the preliminary determination that all Phase 1 Field Activities have been completed, Settling Defendant shall schedule with EPA and the State a Pre-Final Phase 1 Construction Completion Inspection. For purposes of this Consent Decree, "Phase 1 Field Activities" means the dredging activities that occur during the first construction season of remedial dredging at the Work Area; the backfilling or capping (as appropriate) of the areas dredged during that season; the stabilization of shorelines in those areas; the processing and off-site shipment of all sediments removed during that season; the installation of habitat replacement/reconstruction measures (where required) in the areas dredged during that season; and the monitoring, pursuant to the Remedial Action Monitoring Plan, conducted during the period of the aforementioned activities; but it does not include preparation of the Phase 1 Evaluation Reports, the Peer Review, or OM&M of the Phase 1 areas. For purposes of this Section XIV, "installation of habitat replacement/reconstruction measures" means the initial installation of active habitat replacement/reconstruction measures in the areas dredged during Phase 1 (including such measures that may initially be installed during the spring in the year immediately following the construction season in which Phase 1 dredging is performed), but does not include OM&M or adaptive management of the habitat replacement/reconstruction. The Pre-Final Phase 1 Construction Completion Inspection shall consist of a walk-through inspection of all on-land properties within the Work Area at which Phase 1 Field Activities were conducted, and an on-river inspection of the Phase 1 dredge areas. The purpose of the inspection is to help determine whether the Phase 1 Field Activities were completed in accordance with this Consent Decree.

b. If, after the Pre-Final Phase 1 Construction Completion Inspection, Settling Defendant still believes that the Phase 1 Field Activities are complete, then within 30 days of the inspection Settling Defendant shall submit to EPA, for review and approval, a Phase 1 Construction Report by a registered professional engineer licensed in New York State. The report shall include a summary of all information demonstrating the proper completion of the Phase 1 Field Activities and shall request EPA's Certification of Completion of Phase 1 Field Activities. The report shall state that the Phase 1 Field Activities were completed in full satisfaction of the requirements of the Consent Decree, and shall contain the following statement, signed by a responsible corporate official of Settling Defendant or the Settling Defendant's Project Coordinator:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained in or accompanying this submission is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

c. If, after completion of the Pre-Final Phase 1 Construction Completion Inspection, or receipt and review of the Phase 1 Construction Report, EPA, after a reasonable opportunity for review and comment by the State and by the Federal Trustees for Natural Resources, determines that any of the Phase 1 Field Activities have not been completed in accordance with this Consent Decree, EPA will notify Settling Defendant in writing of the activities that must be undertaken by Settling Defendant pursuant to this Consent Decree to complete the Phase 1 Field Activities, provided, however, that

(1) EPA may only require Settling Defendant to perform such activities pursuant to this Paragraph to the extent that such activities are consistent with, and would not materially expand, the scope of the remedy selected in the ROD or the scope of the work required by the SOW, the Approved Design Documents for Phase 1, or the Phase 1 Remedial Action Work Plan (provided that this item (1) does not affect any of the rights afforded to EPA elsewhere in this Consent Decree to require that changes be made to the SOW, the Approved Design Documents for Phase 1, or the Phase 1 Remedial Action Work Plan);

(2) Settling Defendant shall not be required by EPA's notification under this Paragraph to perform (i) dredging activities in any Certification Unit ("CU") (or portion thereof) for which EPA has issued, pursuant to Section 5.2 of the SOW, a CU Dredging Completion Approval, (ii) backfilling or capping activities in any CU (or portion thereof) for which EPA has issued a CU Backfill/Engineered Cap Completion Approval, or (iii) any additional remedial construction activities (including installation of habitat replacement/reconstruction measures) in any CU for which EPA has

issued a Final CU Construction Completion Certification; provided that EPA's issuance of any such approval or certification shall not relieve Settling Defendant of its obligations under this Consent Decree to perform operation, monitoring, maintenance and adaptive management activities at such Certification Unit, and further provided that nothing in this item (2) shall affect the reservations of rights at Paragraph 100 (United States' Pre-Certification Reservations), Paragraph 101 (United States' Post-Certification Reservations), or Paragraph 104 (General Reservations of Rights); and

(3) Settling Defendant shall not be required under this Consent Decree to perform Phase 2 of the Remedial Action unless Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree.

If EPA notifies Settling Defendant under this Paragraph that activities must be undertaken to complete the Phase 1 Field Activities, then EPA will set forth in such notice a schedule for performance of such activities consistent with the Consent Decree and the SOW or require Settling Defendant to submit such a schedule to EPA for review and approval. Settling Defendant shall perform all activities described in the notice in accordance with the specifications and schedules established therein, subject to its right to invoke the dispute resolution procedures set forth in Section XIX (Dispute Resolution). Within 15 days after completion of all such activities, Settling Defendant shall schedule with EPA and the State a Final Phase 1 Construction Completion Inspection of the locations where such activities were conducted. Such inspection shall be followed by further reporting or other activities, as determined appropriate by EPA, consistent with this subparagraph and subparagraph 56.b., above.

d. If EPA concludes, based on the initial or any subsequent Phase 1 Construction Report and after a reasonable opportunity for review and comment by the State and by the Federal Trustees for Natural Resources, that the Phase 1 Field Activities have been completed in accordance with this Consent Decree, EPA will so certify in writing to Settling Defendant. This certification shall constitute the Certification of Completion of Phase 1 Field Activities for purposes of this Consent Decree including, but not limited to, Section XXI (Covenants Not to Sue by Plaintiff). This certification shall not affect Settling Defendant's remaining obligations under this Consent Decree.

e. EPA will endeavor to respond to Settling Defendant's request for a Certification of Completion of Phase 1 Field Activities within 180 days of EPA's receipt of such request, and in any event, will respond to such request no later than 365 days after EPA's receipt of the request.

57. Completion of the Remedial Action. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that it will implement Phase 2 of the Remedial Action, then Settling Defendant shall comply with subparagraphs a. through c., below:

a. Within 15 days after Settling Defendant makes the preliminary determination that the Remedial Action is complete, Settling Defendant shall schedule with EPA and the State an RA Completion Pre-Final Inspection. The RA Completion Pre-Final Inspection shall consist of a walk-through inspection of all on-land properties at which sediment processing/transfer operations, habitat restoration, and other remedial activities were conducted, and an on-river inspection of the dredge areas. The purpose of the inspection is to help determine whether the Remedial Action has been completed in accordance with this Consent Decree.

b. If, after the RA Completion Pre-Final Inspection, Settling Defendant still believes that the Remedial Action is complete, then within 90 days of the inspection, Settling Defendant shall submit to EPA, for review and approval, a Remedial Action Report by a registered professional engineer licensed in New York State. The report shall request EPA's Certification of Completion of the Remedial Action, and shall include a summary of all information demonstrating the proper completion of the Remedial Action. The report shall state that the Remedial Action has been completed in full satisfaction of the requirements of the Consent Decree, and shall contain the following statement, signed by a responsible corporate official of Settling Defendant or the Settling Defendant's Project Coordinator:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained in or accompanying this submission is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

c. If, after completion of the RA Completion Pre-Final Inspection, or receipt and review of the Remedial Action Report, EPA, after a reasonable opportunity for review and comment by the State and the Federal Trustees for Natural Resources, determines that any portion of the Remedial Action has not been completed in accordance with this Consent Decree, EPA will notify Settling Defendant in writing of the activities that must be undertaken by Settling Defendant pursuant to this Consent Decree to complete the Remedial Action, provided, however, that

(1) EPA may only require Settling Defendant to perform such activities pursuant to this Paragraph to the extent that such activities are consistent with, and would not materially expand, the scope of the remedy selected in the ROD or the scope of the work required by the SOW (as the SOW may be modified following the Phase 1 dredging), the Approved Design Documents (as such documents may be modified following the Phase 1 dredging), or the Remedial Action Work Plans (provided that this item (1) does not affect any of the rights afforded to EPA elsewhere in this Consent Decree to require that changes be made to the Remedial Action, the SOW,

the Approved Design Documents, or the Remedial Action Work Plans); and

(2) Settling Defendant shall not be required by EPA's notification under this Paragraph to perform (i) dredging activities in any CU (or portion thereof) for which EPA has issued, pursuant to Section 5.2 of the SOW, a CU Dredging Completion Approval, (ii) backfilling or capping activities in any CU (or portion thereof) for which EPA has issued a CU Backfill/Engineered Cap Completion Approval, or (iii) any additional remedial construction activities (including installation of habitat replacement/reconstruction measures) in any CU for which EPA has issued a Final CU Construction Completion Certification; provided that EPA's issuance of any such approval or certification shall not relieve Settling Defendant of its obligations under this Consent Decree to perform operation, monitoring, maintenance and adaptive management activities at such Certification Unit, and further provided that nothing in this item (2) shall affect the reservations of rights at Paragraph 100 (United States' Pre-Certification Reservations), Paragraph 101 (United States' Post-Certification Reservations), or Paragraph 104 (General Reservations of Rights).

If EPA notifies Settling Defendant under this Paragraph that activities must be undertaken to complete the Remedial Action, then EPA will set forth in such notice a schedule for performance of such activities consistent with the Consent Decree and the SOW or require the Settling Defendant to submit such a schedule to EPA for review and approval. Settling Defendant shall perform all activities described in the notice in accordance with the specifications and schedules established therein, subject to its right to invoke the dispute resolution procedures set forth in Section XIX (Dispute Resolution). Within 15 days after completion of all such activities, Settling Defendant shall schedule with EPA and the State an RA Completion Final Inspection of the locations where such activities were conducted. Such inspection shall be followed by further reporting or other activities, as determined appropriate by EPA, consistent with this subparagraph and subparagraph 57.b., above.

d. If EPA concludes, based on the initial or any subsequent report requesting Certification of Completion of the Remedial Action and after a reasonable opportunity for review and comment by the State and by the Federal Trustees for Natural Resources, that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing to Settling Defendant. This certification shall constitute the Certification of Completion of the Remedial Action for purposes of this Consent Decree including, but not limited to, Section XXI (Covenants Not to Sue by Plaintiff). Certification of Completion of the Remedial Action shall not affect Settling Defendant's remaining obligations under this Consent Decree.

e. EPA will endeavor to respond to Settling Defendant's request for a Certification of Completion of the Remedial Action within 180 days of EPA's receipt of such request, and in any event, will respond to such request no later than 365 days after EPA's receipt of the request.

58. Completion of the Work.

a. Within 30 days after Settling Defendant concludes that all of the Work (including OM&M) has been fully performed, Settling Defendant shall schedule and conduct a Pre-Certification Inspection of the Work, to be attended by Settling Defendant, EPA and the State. If, after the Pre-Certification Inspection, Settling Defendant still believes that the Work has been fully performed, then within 90 days of the inspection Settling Defendant shall submit to EPA, for review and approval, a Work Completion Report by a registered professional engineer licensed in New York State. The report shall state that the Work has been completed in full satisfaction of the requirements of this Consent Decree. The report shall include a summary of all information (including long-term monitoring data) demonstrating the proper completion of the Work. The report shall contain the following statement, signed by a responsible corporate official of Settling Defendant or the Settling Defendant's Project Coordinator:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained in or accompanying this submission is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

If, after completion of the Pre-Certification Inspection of the Work, or receipt and review of the Work Completion Report, EPA, after a reasonable opportunity for review and comment by the State and the Federal Trustees for Natural Resources, determines that any portion of the OM&M, or any other portion of the Work which was not previously the subject of a certification of completion issued by EPA, has not been completed in accordance with this Consent Decree, EPA will notify Settling Defendant in writing of the activities that must be undertaken by Settling Defendant pursuant to this Consent Decree to complete such Work, provided, however, that

(1) EPA may only require Settling Defendant to perform such activities pursuant to this Paragraph to the extent that such activities are consistent with, and would not materially expand, the scope of the remedy selected in the ROD or the scope of the work required by the SOW (as the SOW may be modified following the Phase 1 dredging), the Approved Design Documents (as such documents may be modified following the Phase 1 dredging), the Remedial Action Work Plans, or the OM&M Plans (provided that this item (1) does not affect any of the rights afforded to EPA elsewhere in this Consent Decree to require that changes be made to the Remedial Action, the SOW, the Approved Design Documents, the Remedial Action Work Plans, or the OM&M Plans); and

(2) Settling Defendant shall not be required under this Consent Decree to perform Phase 2 of the Remedial Action unless Settling Defendant notifies

EPA, pursuant to subparagraph 15.c., above, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree.

EPA will set forth in the notice a schedule for performance of such activities consistent with the Consent Decree and the SOW or require the Settling Defendant to submit a schedule to EPA for review and approval. Settling Defendant shall perform all activities described in the notice in accordance with the specifications and schedules established therein, subject to its right to invoke the dispute resolution procedures set forth in Section XIX (Dispute Resolution). Within 15 days after completion of all such activities, Settling Defendant shall schedule with EPA and the State a Final Inspection of the Work at the locations where such activities were conducted. Such inspection shall be followed by further reporting or other activities, as determined appropriate by EPA, consistent with this subparagraph.

b. If EPA concludes, based on the initial or any subsequent request for Certification of Completion of the Work by Settling Defendant and after a reasonable opportunity for review and comment by the State and by the Federal Trustees for Natural Resources, that the Work has been performed in accordance with this Consent Decree, EPA will so notify the Settling Defendant in writing.

c. EPA will endeavor to respond to Settling Defendant's request for a Certification of Completion of the Work within 180 days of EPA's receipt of such request, and in any event, will respond to such request no later than 365 days after EPA's receipt of the request.

## XV. EMERGENCY RESPONSE

59. In the event of any action or occurrence during Settling Defendant's performance of the Work which causes or threatens to cause a release of Waste Material at or from the Work Area that may present an immediate threat to public health or welfare or the environment, Settling Defendant shall, immediately upon obtaining knowledge of such action or occurrence, notify (a) EPA's Team Leader, Hudson River Team, Emergency and Remedial Response Division, EPA Region 2, (212) 637-3952 (or, in the event of the unavailability of the Team Leader, the EPA Project Coordinator or Alternate EPA Project Coordinator); (b) the NYSDEC Project Manager, Hudson River PCBs Superfund Site, at (518) 402-9676 (or, in the event of the unavailability of the NYSDEC Project Manager, the Chief of NYSDEC's Hudson River Unit at (518) 402-9770); and (c) the NYSDOH Bureau of Environmental Exposure Investigation at (518) 402-7850. In addition, in the event of any such action or occurrence that is related to activities undertaken by Settling Defendant or its contractors to perform the Work, Settling Defendant shall immediately take all appropriate action to prevent, abate, or minimize the release or threat of a release. Settling Defendant shall take such actions in consultation with EPA's Team Leader or the Team Leader's designee and in accordance with all applicable provisions of the Health and Safety Plans, the Contingency Plans and any other applicable plans or documents developed pursuant to the RD AOC or the SOW. In the event that Settling Defendant fails to take appropriate response action as required by this Paragraph, and EPA takes such action instead, Settling Defendant shall reimburse EPA for all costs of the response action not inconsistent with the NCP, pursuant to Section XVI (Payments for Response Costs).

60. Subject to Section XXI (Covenants Not to Sue by Plaintiff), nothing in the preceding Paragraph or in this Consent Decree shall be deemed to limit any authority of the United States (a) to take all appropriate action to protect human health and the environment or to prevent, abate, respond to, or minimize an actual or threatened release of Waste Material on, at, or from the Site, or (b) to direct or order such action, or seek an order from the Court, to protect human health and the environment or to prevent, abate, respond to, or minimize an actual or threatened release of Waste Material on, at, or from the Site.

## XVI. PAYMENTS FOR RESPONSE COSTS

61. Payments for Past Response Costs. Within 30 days of the Effective Date, Settling Defendant shall pay to EPA $26,000,000 in reimbursement of Past Response Costs, plus the Interest which accrues on such amount from the date of lodging of this Consent Decree to the date of Settling Defendant's payment under this Paragraph. Payment shall be made by FedWire Electronic Funds Transfer ("EFT") to the U.S. Department of Justice account in accordance with current EFT procedures, referencing USAO File Number ____, EPA Site/Spill ID Number 0284, and DOJ Case Number 90-11-2-529. Payment shall be made in accordance with instructions provided to the Settling Defendant by the Financial Litigation Unit of the United States Attorney's Office for the Northern District of New York following lodging of the Consent Decree. Any payments received by the Department of Justice after 4:00 p.m. (Eastern Time) will be credited on the next business day.

62. Payments for Phase 1 RA Response Costs. Settling Defendant shall reimburse EPA for all Phase 1 RA Response Costs, up to $17,000,000. Any portion of Phase 1 RA Response Costs that exceeds $17,000,000 shall not be recoverable from Settling Defendant. The United States intends to send Settling Defendant annual (or more frequent) billings for Phase 1 RA Response Costs; however, the United States' failure to do so does not relieve Settling Defendant of its obligation to pay any bill, when issued.

63. Payments for Phase 2 RA Response Costs. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c. of this Consent Decree, that it will perform Phase 2 of the Remedial Action, then Settling Defendant shall reimburse EPA for Phase 2 RA Response Costs, as follows:

a. For all such costs not exceeding $25,000,000, Settling Defendant shall pay 100% of such costs.

b. For all such costs greater than $25,000,000 and not exceeding $35,000,000, Settling Defendant shall pay 75% of such costs.

Any portion of Phase 2 RA Response Costs that exceeds $35,000,000 shall not be recoverable from Settling Defendant. The United States intends to send Settling Defendant annual (or more frequent) billings for Phase 2 RA Response Costs; however, the United States' failure to do so does not relieve Settling Defendant of its obligation to pay any bill, when issued.

64. Payments for Non-Capped Phase 1 Costs and Non-Capped Phase 2 Costs. Settling Defendant shall reimburse EPA for all Non-Capped Phase 1 Costs. If Settling Defendant notifies

EPA, pursuant to subparagraph 15.c. of this Consent Decree, that it will perform Phase 2 of the Remedial Action, then Settling Defendant shall also reimburse EPA for all Non-Capped Phase 2 Costs. If the United States incurs Non-Capped Phase 1 Costs or Non-Capped Phase 2 Costs, it will send Settling Defendant one or more billings for such costs.

65. Payments for Post-Phase 2 Costs. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c. of this Consent Decree, that it will perform Phase 2 of the Remedial Action, then Settling Defendant shall reimburse EPA for all Post-Phase 2 Costs up to $2,500,000. The United States will send Settling Defendant periodic billings for such costs.

66. Each bill issued by EPA under Paragraphs 62, 63, 64, or 65, above, will be accompanied by a brief narrative statement of the activities performed, and a report(s) from EPA's Superfund Cost Recovery Package Imaging and On-line System (SCORPIOS) (or a similar report) providing summary cost information regarding costs that are the subject of the bill. EPA's SCORPIOS or similar reports will include the following items with respect to EPA intramural costs: (i) a listing of total labor costs by employee, including the hours charged per relevant pay period; (ii) the "action codes" or similar accounting codes that EPA used to assign labor hours to particular classes of activities; (iii) a statement of the indirect cost rate(s) applied and a listing of indirect costs; and (iv) a listing of travel costs for each traveling employee. In addition, each such bill will be accompanied by copies of the types of documents listed in items (1) through (4), below, to the extent that at the time of the issuance of the bill, such documents exist with respect to some of the costs that are the subject of the bill, are available to EPA or USACE, and have not previously been provided to Settling Defendant. In addition, confidential business information contained in any of the types of documents listed in items (1) through (4), below, shall only be released to Settling Defendant subject to the September 9, 2002 Agreement Regarding Confidentiality of Business Information executed between EPA and Settling Defendant, or other appropriate confidentiality agreement.

(1) With respect to EPA contractor costs:

i. the technical component(s) of each work assignment, technical directive document, technical instruction document, or other task order issued by EPA to the contractor for the work for which the costs were incurred, as well as any amendment(s) to such technical components;

ii. any work plan or comparable document approved by EPA pertaining to the contractor work for which the costs were incurred, as well as any amendment(s) to such work plan or comparable document;

iii. any periodic progress reports submitted by the contractor to EPA pertaining to the contractor work for which the costs were incurred; and

iv. if the bill to Settling Defendant includes costs in excess of $100,000 for a particular EPA contractor: invoices or vouchers for

those contractor costs which indicate costs by cost type (*e.g.*, labor, travel, subcontractors, indirect costs, etc.) or by activity, and as to such invoices or vouchers, invoice approval forms or other documentation indicating approval by the EPA project manager or other responsible EPA employee.

(2) With respect to costs paid by EPA pursuant to an interagency agreement with USACE:

i. the technical component(s) of each work assignment, technical directive document, technical instruction document, or other task order issued by EPA to USACE (or by USACE to a contractor under direct contract to USACE) for the work for which the costs were incurred, as well as any amendment(s) to such technical components;

ii. any work plan or comparable document approved by USACE pertaining to work by a contractor under direct contract to USACE for work performed pursuant to the interagency agreement and encompassed by the bill, as well as any amendment(s) to such work plan or comparable document;

iii. any periodic progress reports submitted by USACE to EPA (or to USACE by a contractor under direct contract to USACE) pertaining to work performed pursuant to the interagency agreement and encompassed by the bill;

iv. invoices or vouchers submitted to USACE by its prime contractors and which indicate costs by cost type (*e.g.*, labor, travel, subcontractors, indirect costs, etc.) or by activity, and as to such invoices or vouchers, invoice approval forms or other documentation indicating approval by the USACE project manager or other responsible USACE employee; and

v. invoices that are submitted to EPA pertaining to work performed by USACE.

(3) If the costs encompassed by a bill issued by EPA to Settling Defendant under this Paragraph include more than $100,000 in costs paid to any subcontractor of an EPA or USACE contractor, then as to such subcontractor costs, a copy of documentation comparable to the types of documentation listed in subparagraphs (1) and (2), above;

(4) With respect to costs paid to the State: progress reports and Financial Status Reports prepared by the State; and

(5) If the costs encompassed by a bill issued by EPA to Settling Defendant under this Paragraph include miscellaneous or other costs outside the costs

described in subparagraphs (1) through (4), above, then as to such miscellaneous or other costs, a description of or documents that describe the nature of the expenditure.

No additional documentation beyond that required above in this Paragraph shall be required to establish the amounts encompassed by a specific bill.

67. Settling Defendant shall make all payments of Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, and Post-Phase 2 Costs within 60 days of Settling Defendant's receipt of each bill for such costs and the aforementioned documentation (if such documents exist with respect to some of the costs that are the subject of the bill, are available to either EPA or USACE, and have not previously been provided to Settling Defendant), except as otherwise provided in Paragraph 68. Settling Defendant shall make these payments by EFT, remitted to EPA's account at Mellon Bank, Pittsburgh, Pennsylvania. To make these payments, Settling Defendant shall provide the following information to its bank:

. Amount of payment
. Title of Mellon Bank account to receive the payment: **EPA**
. Account code for Mellon Bank account receiving the payment: **9108544**
. Mellon Bank ABA Routing Number: **043000261**
. Name of Settling Defendant: **General Electric Company**
. Case number: (Civil Action Number of this Consent Decree)
. Site/spill identifier: **02-84**

Along with this information, Settling Defendant shall instruct its bank to remit payment in the required amount via EFT to EPA's account with Mellon Bank.

68. Within forty (40) days of receipt of a bill under Paragraphs 62, 63, 64, or 65, above (and associated supporting documentation to the extent required by Paragraph 66), Settling Defendant may invoke the dispute resolution procedures of Section XIX of this Consent Decree with respect to the bill. However, Settling Defendant agrees to limit any disputes concerning such costs to accounting errors and/or the inclusion of costs which are inconsistent with the NCP or are outside the definition, in Paragraph 4, above, of Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, or Post-Phase 2 Costs (as the case may be). For purposes of this Paragraph, Settling Defendant shall not claim that any of the following constitutes an accounting error: (i) EPA's methodology for calculating indirect costs, as set forth at 65 Fed. Reg. 35341-35345 (June 2, 2000); (ii) DOJ's methodology for calculating indirect costs; (iii) any actual or provisional indirect cost rates which are set for EPA Region 2 by EPA's Office of the Comptroller (or similar office) based on the methodology referred to in clause (i); (iv) EPA's methodology for calculating contractor annual allocation costs; and (v) EPA's use of a provisional annual allocation rate for EPA contractor costs if no final annual allocation rate has been established for a given year and contractor at the time that EPA issues a bill for such contractor costs. Settling Defendant's invocation of dispute resolution shall be made in writing and must be sent to the United States pursuant to Section XXVII (Notices and Submissions). Any dispute regarding EPA's bill shall specifically identify the

contested costs and the basis for objection. In the event of a dispute, the Settling Defendant shall, within 60 days of its receipt of the bill, pay all uncontested billed costs to the United States in accordance with the payment procedures described in Paragraph 67. Settling Defendant bears the burden of establishing an accounting error or the inclusion of costs which are inconsistent with the NCP or are outside the definition of Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, or Post-Phase 2 Costs (as the case may be). If the United States prevails in the dispute, within 15 days of the resolution of the dispute, Settling Defendant shall pay the sums due (with accrued Interest) to the United States in accordance with the payment procedures described in Paragraph 67. If Settling Defendant prevails concerning any aspect of the contested costs, Settling Defendant shall pay that portion of the costs (plus associated accrued Interest) for which it did not prevail to the United States. The dispute resolution procedures set forth in this Paragraph in conjunction with the procedures set forth in Section XIX (Dispute Resolution) shall be the exclusive mechanisms for resolving disputes regarding the Settling Defendant's obligation to reimburse the United States for its Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, and Post-Phase 2 Costs.

69. At the time of each payment made by Settling Defendant to the United States under this Section, Settling Defendant shall send notice to the United States that such payment has been made. Such notice shall reference the date of the EFT, the payment amount, the Site name, the civil action number of this case, and Settling Defendant's name and address, and shall be sent to the United States in accordance with Section XXVII (Notices and Submissions), and to:

Chief, Financial Management Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 29th Floor
New York, NY 10007-1866

70. All amounts paid by Settling Defendant to the United States pursuant to this Section shall be deposited in the Special Account within the EPA Hazardous Substance Superfund to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund.

71. In the event that any of the payments required by Paragraphs 67 and 68 are not made by the due date for such payments, Settling Defendant shall pay Interest on the unpaid balance. Such Interest shall begin to accrue on the first day that the respective payment is overdue, and shall accrue through the date of the Settling Defendant's payment. Payments of Interest made under this Paragraph shall be in addition to such other remedies or sanctions available to the United States by virtue of Settling Defendant's failure to make timely payments under this Section including, but not limited to, payment of stipulated penalties pursuant to Section XX. Settling Defendant shall make all payments required by this Paragraph in accordance with the payment procedures described in Paragraph 67.

72. Fish Consumption Advisories and Fishing Restrictions. In order to support the State's implementation of appropriate Fish Consumption Advisories and Fishing Restrictions, as

required by the ROD, Settling Defendant shall make the following payments to Health Research, Inc. of Rensselaer, New York ("HRI"), pursuant to the terms of an agreement which has been or will be entered into between Settling Defendant and HRI:

a. Settling Defendant shall pay $3,000,000 to HRI within 60 days of entry of this Consent Decree.

b. If Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that it will implement Phase 2 pursuant to this Consent Decree, then Settling Defendant shall, within 60 days of the Phase 2 Election Date, pay an additional $1,000,000 to HRI.

## XVII. INDEMNIFICATION AND INSURANCE

73. Settling Defendant's Indemnification of the United States.

a. The United States does not assume any liability by entering into this Consent Decree or by virtue of any designation of Settling Defendant as EPA's authorized representative under Section 104(e) of CERCLA. Settling Defendant shall indemnify, save and hold harmless the United States and its officials, agents, employees, contractors, subcontractors, or representatives for or from any and all claims or causes of action arising from, or on account of, negligent or other wrongful acts or omissions of Settling Defendant, its officers, directors, employees, agents, contractors, subcontractors, and any persons acting on its behalf or under its control, in carrying out activities pursuant to this Consent Decree, including, but not limited to, any claims arising from any designation of Settling Defendant as EPA's authorized representative under Section 104(e) of CERCLA. Further, the Settling Defendant agrees to pay the United States all costs it incurs including, but not limited to, attorneys fees and other expenses of litigation and settlement arising from, or on account of, claims made against the United States based on negligent or other wrongful acts or omissions of Settling Defendant, its officers, directors, employees, agents, contractors, subcontractors, and any persons acting on its behalf or under its control, in carrying out activities pursuant to this Consent Decree. The United States shall not be held out as a party to any contract entered into by or on behalf of Settling Defendant in carrying out activities pursuant to this Consent Decree. Neither the Settling Defendant nor any such contractor shall be considered an agent of the United States.

b. The United States shall give Settling Defendant notice of any claim for which the United States plans to seek indemnification pursuant to this Paragraph 73 and/or Paragraph 74, below. Prior to settling such claim, the United States shall consult with Settling Defendant, providing information to Settling Defendant regarding the amount of the proposed settlement and the reasons for why the United States believes that the proposed settlement is reasonable.

74. Settling Defendant waives all claims against the United States for damages or reimbursement or for set-off of any payments made or to be made to the United States, arising from or on account of any contract, agreement, or arrangement between Settling Defendant and any person for performance of Work on or relating to the Site, including, but not limited to, claims on account of construction delays. In addition, Settling Defendant shall indemnify and hold harmless the United States with respect to any and all claims for damages or reimbursement arising from or on account of any contract, agreement, or arrangement between Settling

Defendant and any person for performance of Work on or relating to the Site, including, but not limited to, claims on account of construction delays.

75. No later than 15 days before commencing any Work, Settling Defendant shall secure, and shall maintain until the first anniversary of EPA's Certification of Completion of the Work pursuant to subparagraph 58.b of Section XIV (Certification of Completion), comprehensive general liability insurance with limits of 10 million dollars, combined single limit, and automobile liability insurance with limits of 10 million dollars, combined single limit, naming the United States as an additional insured. In addition, for the duration of this Consent Decree, Settling Defendant shall satisfy, or shall ensure that its contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing the Work on behalf of Settling Defendant in furtherance of this Consent Decree. Prior to commencement of the Work under this Consent Decree, Settling Defendant shall provide to EPA certificates of such insurance and a copy of each insurance policy. In addition, upon request from the State, Settling Defendant shall provide the State with copies of certificates of such insurance. Settling Defendant shall resubmit such certificates and copies of policies each year on the anniversary of the Effective Date. If Settling Defendant demonstrates by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering the same risks but in a lesser amount, then, with respect to that contractor or subcontractor, Settling Defendant need provide only that portion of the insurance described above which is not maintained by the contractor or subcontractor.

## XVIII. FORCE MAJEURE

76. "Force majeure," for purposes of this Consent Decree, is defined as any event arising from causes beyond the control of the Settling Defendant, of any entity controlled by Settling Defendant, or of Settling Defendant's contractors, that delays or prevents the performance of any obligation under this Consent Decree despite Settling Defendant's best efforts to fulfill the obligation. For purposes of this Section, the rail carriers selected by Settling Defendant to transport dredged material from the Work Area and the off-site disposal facilities selected by Settling Defendant for the disposal of such material shall not be considered to be Settling Defendant's contractors. The requirement that the Settling Defendant exercises "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (1) as it is occurring and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force majeure" does not include financial inability to complete the Work.

77. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree, whether or not caused by a force majeure event, the Settling Defendant shall notify orally EPA's Project Coordinator or, in his or her absence, EPA's Alternate Project Coordinator or, in the event both of EPA's designated representatives are unavailable, the Leader of the Hudson River Team, Emergency and Remedial Response Division, EPA Region 2, at (212) 637-3952, within 48 hours of when Settling Defendant first knew that the event might cause a delay. Within 5 days thereafter, Settling Defendant shall provide in writing to EPA an explanation and description of the reasons for the delay; the

anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the Settling Defendant's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of the Settling Defendant, such event may cause or contribute to an endangerment to public health, welfare or the environment. The Settling Defendant shall include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Settling Defendant from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. Settling Defendant shall be deemed to know of any circumstance of which Settling Defendant, any entity controlled by Settling Defendant, or Settling Defendant's contractors knew or should have known.

78. If EPA agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Decree that are affected by the force majeure event will be extended by EPA for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify the Settling Defendant in writing of its decision. If EPA agrees that the delay is attributable to a force majeure event, EPA will notify the Settling Defendant in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

79. If the Settling Defendant elects to invoke the dispute resolution procedures set forth in Section XIX (Dispute Resolution), it shall do so no later than 15 days after receipt of EPA's notice. In any such proceeding, Settling Defendant shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Settling Defendant complied with the requirements of Paragraphs 76 and 77, above. If Settling Defendant carries this burden, the delay at issue shall be deemed not to be a violation by Settling Defendant of the affected obligation of this Consent Decree identified to EPA and, if applicable, the Court.

## XIX. DISPUTE RESOLUTION

80. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Decree. However, the procedures set forth in this Section shall not apply to actions by the United States to enforce obligations of the Settling Defendant that have not been disputed in accordance with this Section.

81. Any dispute which arises under or with respect to this Consent Decree shall in the first instance be the subject of informal negotiations between the United States and Settling Defendant. The period for informal negotiations shall not exceed 20 days from the time the dispute arises, unless it is modified by written agreement of the United States and Settling

Defendant. The dispute shall be considered to have arisen when Settling Defendant sends the United States a written Notice of Dispute.

82. Statements of Position.

a. In the event that the United States and Settling Defendant cannot resolve a dispute by informal negotiations under the preceding Paragraph, then the position advanced by EPA shall be considered binding unless, within 10 days after the conclusion of the informal negotiation period, Settling Defendant invokes the formal dispute resolution procedures of this Section by serving on the United States a written Statement of Position on the matter in dispute, including, but not limited to, any factual data, analysis or opinion supporting that position and any supporting documentation relied upon by the Settling Defendant. The Statement of Position shall specify the Settling Defendant's position as to whether formal dispute resolution should proceed under Paragraph 83 or Paragraph 84.

b. Within 14 days after receipt of Settling Defendant's Statement of Position, EPA will serve on Settling Defendant its Statement of Position, including, but not limited to, any factual data, analysis, or opinion supporting that position and all supporting documentation relied upon by EPA. EPA's Statement of Position shall include a statement as to whether formal dispute resolution should proceed under Paragraph 83 or 84. Within 14 days after receipt of EPA's Statement of Position, Settling Defendant may submit a Reply.

c. If there is disagreement between EPA and the Settling Defendant as to whether dispute resolution should proceed under Paragraph 83 or 84, the parties to the dispute shall follow the procedures set forth in the Paragraph determined by EPA to be applicable. However, if the Settling Defendant ultimately appeals to the Court to resolve the dispute, the Court shall determine which Paragraph is applicable in accordance with the standards of applicability set forth in Paragraphs 83 and 84.

83. Formal dispute resolution for disputes pertaining to the selection or adequacy of any response action and all other disputes that are accorded review on the administrative record under applicable principles of administrative law shall be conducted pursuant to the procedures set forth in this Paragraph. For purposes of this Paragraph, the adequacy of any response action includes, without limitation, the adequacy or appropriateness of plans, procedures to implement plans, or any other items requiring approval by EPA under this Consent Decree. Nothing in this Consent Decree, however, shall be construed to allow any dispute by Settling Defendant regarding the validity or appropriateness of (a) the ROD's provisions; (b) the RA Performance Standards; (c) any plan, report or other document which was finalized under the RD AOC prior to the effective date of this Consent Decree, or under the Sampling AOC; (d) EPA's decision regarding the location(s) for the Sediment Processing/Transfer Facility(ies) to be used for the Remedial Action; (e) EPA's decision whether, or how, to incorporate into the EPA Phase 1 Evaluation Report any of Settling Defendant's requested changes and/or additions to that report; (f) EPA's choice of the final charge questions under subparagraph 14.e., above; (g) EPA's decision pursuant to subparagraph 15.b., above, regarding changes, if any, to the Phase 1 Engineering Performance Standards, the Phase 1 Quality of Life Performance Standards, the SOW or the scope of Phase 2; (h) EPA's choice of the Peer Review Selector pursuant to subparagraph 14.c., above; or (i) any EPA determination pursuant to Paragraph 21, above

(Evaluation of Benefits of Remedy); provided, however, that in any dispute that is allowed under this Consent Decree, Settling Defendant may dispute EPA's *interpretation* of the items listed in clauses (a), (b), (c), (f) and (g), above. A dispute regarding such an EPA interpretation shall be resolved under the procedures set forth in this Paragraph 83.

a. An administrative record of the dispute shall be maintained by EPA and shall contain all statements of position, including supporting documentation, submitted pursuant to this Section. Where appropriate, EPA may allow submission of supplemental statements of position by the parties to the dispute.

b. The Director of the Emergency and Remedial Response Division (the "ERRD Director"), EPA Region 2, will issue a final administrative decision resolving the dispute based on the administrative record described in subparagraph 83.a. This decision shall be binding upon the Settling Defendant, subject only to the right to seek judicial review pursuant to subparagraph 83.c. and d.

c. Any administrative decision made by EPA pursuant to subparagraph 83.b. shall be reviewable by this Court, provided that, within 5 days of Settling Defendant's receipt of EPA's decision, Settling Defendant shall notify the United States, in writing, if it intends to file a motion for judicial review of EPA's decision, and of the issues that Settling Defendant will ask the Court to review. Settling Defendant's motion shall be filed with the Court and served on the United States within 14 days of Settling Defendant's notice to EPA of its intent to file a motion for judicial review. The motion shall include a description of the matter in dispute, the efforts made by the parties to resolve it, the relief requested, and the schedule, if any, within which the dispute must be resolved to ensure orderly implementation of this Consent Decree. The United States may file a response to Settling Defendant's motion within 20 days of receipt of Settling Defendant's motion, and Settling Defendant may file a reply within 7 days of receipt of the United States' response.

d. In proceedings on any dispute governed by this Paragraph, Settling Defendant shall have the burden of demonstrating that the decision of the ERRD Director is arbitrary and capricious or otherwise not in accordance with law. Judicial review of EPA's decision shall be on the administrative record compiled pursuant to subparagraph 83.a. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court.

84. Formal dispute resolution for disputes that neither pertain to the selection or adequacy of any response action nor are otherwise accorded review on the administrative record under applicable principles of law, shall be governed by this Paragraph.

a. Following receipt of Settling Defendant's Statement of Position submitted pursuant to Paragraph 82, the ERRD Director will notify Settling Defendant, in writing, of EPA's position on the issue in dispute. The ERRD Director's statement of EPA's position shall be binding on Settling Defendant, subject only to the right to seek judicial review, as follows: within 5 days of Settling Defendant's receipt of the ERRD Director's statement of EPA's position, Settling Defendant shall notify the United States, in writing, if it intends to file a motion for judicial review of EPA's position, and of the issues that Settling Defendant will ask the Court to

review. Settling Defendant's motion shall be filed with the Court and served upon the United States within 14 days of Settling Defendant's notice to EPA of its intent to file a motion for judicial review. The motion shall set forth the matter in dispute, the efforts made by the parties to resolve it, the relief requested, and the time period within which the dispute must be resolved to ensure orderly implementation of the Consent Decree. The United States may file a response to Settling Defendant's motion within 20 days of receipt of Settling Defendant's motion, and Settling Defendant may file a reply within 7 days of receipt of the United States' response.

b. Notwithstanding Paragraph R of Section I (Background) of this Consent Decree, judicial review of any dispute governed by this Paragraph shall be governed by applicable principles of law. Such dispute(s) shall be decided by the Court, giving such deference, if any, to EPA's determination(s) as the Court deems appropriate thereunder. The Court may determine what evidence, if any, to admit with respect to such disputes.

85. The invocation of formal dispute resolution procedures under this Section shall not extend, postpone or affect in any way any obligation of the Settling Defendant under this Consent Decree, not directly in dispute, unless EPA or the Court agrees otherwise. Stipulated penalties with respect to the disputed matter shall continue to accrue but payment shall be stayed pending resolution of the dispute as provided in Paragraph 94. Notwithstanding the stay of payment, stipulated penalties shall accrue from the first day of noncompliance with any applicable provision of this Consent Decree. In the event that the Settling Defendant does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section XX (Stipulated Penalties).

86. a. Notwithstanding any other provision of this Consent Decree, Settling Defendant may not invoke the dispute resolution procedures of this Consent Decree more than once regarding the same issue. In addition, Settling Defendant may not invoke the dispute resolution procedures of this Consent Decree with respect to an issue for which Settling Defendant previously invoked the dispute resolution procedures of the Sampling AOC or the RD AOC. Applicable principles of *res judicata* and collateral estoppel shall govern the determination of whether Settling Defendant is attempting to invoke the dispute resolution procedures of this Consent Decree with respect to an issue that is the same as an issue for which Settling Defendant previously invoked the dispute resolution procedures of this Consent Decree, the Sampling AOC or the RD AOC. For purposes of *res judicata* and collateral estoppel, as provided above, final resolution with respect to such an issue consists of any of the following: (i) an agreement between EPA and Settling Defendant; (ii) a final decision by the ERRD Director under subparagraph 83.b. or a statement of EPA's position by the ERRD Director under subparagraph 84.a. of this Consent Decree (provided that Settling Defendant does not seek judicial review of such final decision or the dispute in accordance with the requirements of this Consent Decree); (iii) a final decision by the ERRD Director or the Regional Administrator under the dispute resolution provisions of the Sampling AOC or the RD AOC; or (iv) a decision by the Court.

b. Notwithstanding subparagraph a, above, in the event that, without Settling Defendant's agreement, EPA modifies or directs Settling Defendant to modify the resolution of any disputed issue that was resolved by agreement of the parties or by decision of the Regional

Administrator or the ERRD Director, Settling Defendant may invoke dispute resolution under this Consent Decree with respect to that modification.

## XX. STIPULATED PENALTIES

87. Settling Defendant shall be liable to the United States for stipulated penalties in the amounts set forth in Paragraphs 88 and 89 for failure to comply with the requirements of this Consent Decree specified below, unless excused under Section XVIII (Force Majeure). "Compliance" by Settling Defendant shall include performance and completion of the activities under this Consent Decree in accordance with all applicable requirements of law, this Consent Decree, and any plans or other documents approved by EPA pursuant to this Consent Decree, and within the specified time schedules established by and approved under, or otherwise enforceable under, this Consent Decree.

88. Stipulated Penalty Amounts - First Tier.

a. The following stipulated penalties shall accrue per violation per day for any noncompliance with a requirement identified in subparagraph 88.b.:

| Penalty Per Violation Per Day | Period of Noncompliance |
|---|---|
| $ 2,500 | 1st through 14th day |
| $ 5,000 | 15th through 30th day |
| $ 10,000 | 31st day and beyond |

b. Compliance Milestones - First Tier.

(1) Timely submission and, if necessary, revision and resubmission, in accordance with the requirements of Section XI, of the Remedial Action Work Plans, and any other submittal required under the approved Remedial Action Work Plans or the SOW;

(2) Implementation of the Remedial Action and OM&M in accordance with this Consent Decree, including, but not limited to, the SOW and all work plans that are approved pursuant to this Consent Decree;

(3) Access and Institutional Control requirements set forth in Section IX;

(4) Emergency response requirements set forth in Section XV;

(5) Modifications of the SOW or related work plans pursuant to Paragraph 20, and implementation of the work called for by such modifications in accordance with the modified SOW or work plan; and

(6) Performance of studies and investigations pursuant to Section VII.

89. Stipulated Penalty Amounts - Second Tier

a. The following stipulated penalties shall accrue per violation per day for any noncompliance with a requirement identified in subparagraph 89.b.:

| Penalty Per Violation Per Day | Period of Noncompliance |
|---|---|
| $ 1,250 | 1st through 14th day |
| $ 2,500 | 15th through 30th day |
| $ 5,000 | 31st day and beyond |

b. Compliance Milestones - Second Tier

(1) Timely submission of the name of the Project Coordinator pursuant to Section XII;

(2) Certification of Completion requirements set forth in Section XIV;

(3) Timely notification regarding any delay or anticipated delay, consistent with Paragraph 77;

(4) Indemnification and insurance requirements set forth in Section XVII;

(5) Quality Assurance, sampling, data analysis, and other requirements set forth in Section VIII;

(6) Reporting requirements as set forth in Section X;

(7) Financial Assurance requirements pursuant to Section XIII;

(8) Timely submission of written notification of any off-site shipment of Waste Material from the Work Area to an off-site waste management facility pursuant to subparagraph 23.a.;

(9) Reimbursement of response costs (including interest, if applicable) pursuant to Section XVI;

(10) Retention of Records pursuant to Section XXVI;

(11) Submission of documents and other information in accordance with Section XXV; and

(12) any other requirement of this Consent Decree, other than those referred to in subparagraphs 88.b. and 89.b.

90. In the event that EPA assumes performance of a portion or all of the Work pursuant to Paragraph 105 of Section XXI (Covenants Not to Sue by Plaintiff), Settling Defendant shall be liable for a stipulated penalty as follows:

a. If EPA assumes performance of a portion or all of Phase 1, Settling Defendant shall be liable for a stipulated penalty in the amount of $1,000,000.

b. If Settling Defendant notifies EPA pursuant to subparagraph 15.c that it will implement Phase 2 pursuant to this Consent Decree and EPA subsequently assumes performance of a portion or all of Phase 2, then Settling Defendant shall be liable for a stipulated penalty in the amount of $1,000,000 for each scheduled remaining year of Phase 2, including the year in which EPA assumes performance of the Work (if EPA does so prior to the end of that dredging season), up to a maximum of $6,000,000.

91. a. All penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs, and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity. For this purpose, if under Section XI (EPA Approval of Plans and Other Submissions) EPA modifies a submission of Settling Defendant to cure deficiencies in such submission, and notifies Settling Defendant that, with such modifications, the document is approved, then the date of that notification shall be deemed the date of correction of the noncompliance. However, stipulated penalties shall not accrue: (1) with respect to a deficient submission under Section XI (EPA Approval of Plans and Other Submissions), during the period, if any, beginning on the 31st day after EPA's receipt of such submission until the date that EPA notifies Settling Defendant of any deficiency or modifies the submission; (2) with respect to a decision by the ERRD Director under subparagraph 83.b. of Section XIX (Dispute Resolution), or a statement of EPA's position by the ERRD Director under subparagraph 84.a., during the period, if any, beginning on the 21st day after the date that Settling Defendant's reply to EPA's Statement of Position is received until the date that the Director issues a final decision or statement of EPA's position regarding such dispute; (3) with respect to judicial review by this Court of any dispute under Section XIX (Dispute Resolution), during the period, if any, beginning on the 31st day after the Court's receipt of the final submission regarding the dispute until the date that the Court issues a final decision regarding such dispute; or (4) if EPA has not notified Settling Defendant of any deficiency, during the period, if any, beginning on the 181st day after the date on which the violation occurs until the date that EPA notifies Settling Defendant of such violation. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Consent Decree.

b. Following EPA's determination that Settling Defendant has failed to comply with a requirement of this Consent Decree, EPA may give Settling Defendant written notification of the same and describe the noncompliance. EPA may send the Settling Defendant a written demand for the payment of the penalties. However, penalties shall accrue as provided in subparagraph 91.a. regardless of whether EPA has notified the Settling Defendant of a violation.

92. All penalties accruing under this Section shall be due and payable to the United States within 30 days of the Settling Defendant's receipt from EPA of a demand for payment of the penalties, unless Settling Defendant invokes the Dispute Resolution procedures under Section

XIX (Dispute Resolution). All payments to the United States under this Section shall be made by EFT consistent with the payment procedures in subparagraph 67, above.

93. The payment of penalties shall not alter in any way Settling Defendant's obligation to complete the performance of the Work required under this Consent Decree.

94. Penalties shall continue to accrue as provided in subparagraph 91.a., above, during any dispute resolution period, but need not be paid until the following:

a. If the dispute is resolved by agreement or by a decision of EPA that is not appealed to this Court, accrued penalties determined to be owing shall be paid to EPA within 15 days of the agreement or the receipt of EPA's decision or order;

b. If the dispute is appealed to this Court and the United States prevails in whole or in part, Settling Defendant shall pay all accrued penalties determined by the Court to be owed to EPA within 60 days of the Court's decision or order, except as provided in subparagraph c., below;

c. If the District Court's decision is appealed by any Party, then within fifteen (15) days of the final decision by the Court of Appeals, Settling Defendant shall pay to EPA all accrued penalties determined by the District Court or the Court of Appeals, as the case may be, to be owing to the United States, plus, to the extent that the District Court had upheld the penalties, accrued Interest on such penalties running from a date sixty (60) days after the date of the District Court's decision or order until the date of payment.

95. Failure to Pay Stipulated Penalties. If Settling Defendant fails to pay stipulated penalties when due, the United States may institute proceedings to collect the penalties, as well as interest. Settling Defendant shall pay Interest on the unpaid balance, which shall begin to accrue on the date of demand made pursuant to Paragraph 92.

96. Except as provided in Section XXI (Covenants Not to Sue by Plaintiff), nothing in this Consent Decree shall be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of Settling Defendant's violation of this Decree or of the statutes and regulations upon which it is based, including, but not limited to, penalties pursuant to Section 122(l) of CERCLA, provided, however, that the United States shall not seek civil penalties pursuant to Section 122(l) of CERCLA for any violation for which a stipulated penalty is provided herein, except in the case of a willful violation of the Consent Decree. In the case of such a willful violation, the amount of any civil penalties sought pursuant to Section 122(l) of CERCLA shall be reduced by the amount of any stipulated penalty(ies) paid by Settling Defendant for the same violation.

97. Notwithstanding any other provision of this Section, the United States may, in its unreviewable discretion, waive any portion of stipulated penalties that have accrued pursuant to this Consent Decree.

## XXI. COVENANTS NOT TO SUE BY PLAINTIFF

98. In consideration of the actions that will be performed and the payments that will be made by the Settling Defendant under the terms of the Consent Decree, and except as specifically provided in Paragraphs 100, 101, and 104, below, the United States covenants not to sue or to take administrative action against Settling Defendant pursuant to Sections 106 and/or 107(a) of CERCLA and/or Section 7003 of RCRA (and EPA and USACE covenant not to sue or to take administrative action against Settling Defendant under any other statute or legal authority pursuant to which EPA or USACE could obtain relief comparable to that which could be obtained under Sections 106 and/or 107(a) of CERCLA and/or Section 7003 of RCRA):

a. for performance of the Work;

b. for recovery of Past Response Costs, Phase 1 RA Response Costs and Non-Capped Phase 1 Costs and, if Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that it will implement Phase 2 pursuant to this Consent Decree, for recovery of Phase 2 RA Response Costs, Non-Capped Phase 2 Costs, and Post-Phase 2 Costs;

c. for the performance of, or payment for, additional response actions in connection with the specific locations in the Upper Hudson River that are dredged in Phase 1 of the Remedial Action;

d. to require Settling Defendant to perform any dredging or construction for Phase 2 of the Remedial Action (other than any such activities required elsewhere in this Consent Decree) during the period up to and including the earlier of (i) the date which is the applicable deadline under subparagraph 15.c, above, for Settling Defendant to notify EPA as to whether Settling Defendant will implement Phase 2 pursuant to this Consent Decree, and (ii) the date when Settling Defendant actually provides that notification to EPA;

e. for administrative or judicial injunctive-type relief or reimbursement of response costs with respect to the Existing Contamination, if any, at the Sediment Processing/Transfer Facility Property(ies);

f. for administrative or judicial injunctive-type relief with respect to PCB contamination in the Upper Hudson River, or for reimbursement of response costs in connection with the Upper Hudson River, if Settling Defendant notifies EPA, pursuant to subparagraph 15.c, above, that Settling Defendant will implement Phase 2 pursuant to this Consent Decree;

g. for recovery of costs paid by Settling Defendant to HRI pursuant to subparagraph 72.a., above, and for any costs that are incurred by EPA during Phase 1 with respect to improving communication and public understanding of fish advisories related to PCBs in the Hudson River, including investigating why some anglers/consumers do not follow those fish advisories; posting advisory signs; and communicating information to the public regarding those advisories; and

h. if Settling Defendant notifies EPA, pursuant to subparagraph 15.c., above, that it will implement Phase 2 pursuant to the Consent Decree, for recovery of costs paid by Settling Defendant to HRI pursuant to subparagraph 72.b., above, and for any costs that are incurred by EPA with respect to improving communication and public understanding of fish advisories

related to PCBs in the Hudson River, including investigating why some anglers/consumers do not follow those fish advisories; posting advisory signs; and communicating information to the public regarding those advisories.

99. Timing of Covenants. Except with respect to future liability as set forth in subparagraphs 99.a. and 99.b., below, and except with respect to Fish Consumption Advisories and Fishing Restrictions as set forth in subparagraphs 99.c. and 99.d., below, these covenants not to sue shall take effect upon the later of (i) the effective date of this Consent Decree, and (ii) receipt by EPA of the payment required by Paragraph 61 of Section XVI (Payments for Response Costs).

a. With respect to future liability relating to Phase 1 of the Remedial Action, the covenant not to sue in subparagraph 98.c. shall take effect upon EPA's Certification of Completion of Phase 1 Field Activities pursuant to Paragraph 56 of Section XIV (Certification of Completion).

b. With respect to future liability relating to Phase 2 of the Remedial Action and the Upper Hudson River, the covenant not to sue in subparagraph 98.f. shall take effect upon EPA's Certification of Completion of the Remedial Action pursuant to Paragraph 57 of Section XIV (Certification of Completion).

c. The covenant not to sue set forth in subparagraph 98.g., above, shall take effect upon receipt by HRI of the payment required by subparagraph 72.a., above.

d. The covenant not to sue set forth in subparagraph 98.h, above, shall take effect upon receipt by HRI of the payment pursuant to subparagraph 72.b, above.

e. These covenants not to sue are conditioned upon the satisfactory performance by Settling Defendant of its obligations under this Consent Decree. These covenants not to sue extend only to the Settling Defendant and do not extend to any other person.

100. United States' Pre-Certification Reservations.

a. Notwithstanding any other provision of this Consent Decree, the United States reserves, and this Consent Decree is without prejudice to, the right to institute proceedings in this action or in a new action, or to issue an administrative order, seeking to compel Settling Defendant to perform further response actions in connection with the specific locations in the Upper Hudson River that are dredged in Phase 1 of the Remedial Action, or to reimburse the United States for additional costs of response relating to such areas, if, prior to the Certification of Completion of Phase 1 Field Activities:

(1) conditions in such areas, previously unknown to EPA, are discovered, or information, previously unknown to EPA, is received, in whole or part; and

(2) EPA determines that these previously unknown conditions or information, together with any other relevant information, indicates that the Work

undertaken or to be undertaken in those areas is not protective of human health or the environment;

provided that such further response actions address or respond to EPA's determination that the Work undertaken or to be undertaken in such areas is not protective of human health or the environment.

b. Notwithstanding any other provision of this Consent Decree, if Settling Defendant notifies EPA pursuant to subparagraph 15.c., above, that it will perform Phase 2 of the Remedial Action, the United States reserves, and this Consent Decree is without prejudice to, the right to institute proceedings in this action or in a new action, or to issue an administrative order, seeking to compel Settling Defendant to perform further response actions relating to the Upper Hudson River, or to reimburse the United States for additional costs of response relating to the Upper Hudson River, if, prior to the Certification of Completion of the Remedial Action:

(1) conditions at the Upper Hudson River, previously unknown to EPA, are discovered, or information, previously unknown to EPA, is received, in whole or part; and

(2) EPA determines that these previously unknown conditions or information together with any other relevant information indicates that the Remedial Action is not protective of human health or the environment;

provided that such further response actions address or respond to EPA's determination that the Remedial Action is not protective of human health or the environment.

101. United States' Post-Certification Reservations.

a. Notwithstanding any other provision of this Consent Decree, the United States reserves, and this Consent Decree is without prejudice to, the right to institute proceedings in this action or in a new action, or to issue an administrative order, seeking to compel Settling Defendant to perform further response actions in connection with the specific locations in the Upper Hudson River that are dredged in Phase 1 of the Remedial Action, or to reimburse the United States for additional costs of response relating to such areas, if, subsequent to the Certification of Completion of Phase 1 Field Activities:

(1) conditions in such areas, previously unknown to EPA, are discovered, or information, previously unknown to EPA, is received, in whole or part; and

(2) EPA determines that these previously unknown conditions or information, together with any other relevant information, indicates that the Work undertaken or to be undertaken in such areas is not protective of human health or the environment;

provided that such further response actions address or respond to EPA's determination that the Work undertaken or to be undertaken in such areas is not protective of human health or the environment.

b. Notwithstanding any other provision of this Consent Decree, if Settling Defendant notifies EPA pursuant to subparagraph 15.c, above, that it will perform Phase 2 of the Remedial Action, the United States reserves, and this Consent Decree is without prejudice to, the right to institute proceedings in this action or in a new action, or to issue an administrative order, seeking to compel Settling Defendant to perform further response actions relating to the Upper Hudson River, or to reimburse the United States for additional costs of response relating to the Upper Hudson River, if, subsequent to the Certification of Completion of the Remedial Action:

(1) conditions at the Upper Hudson River, previously unknown to EPA, are discovered, or information, previously unknown to EPA, is received; and

(2) EPA determines that these previously unknown conditions or information together with any other relevant information indicates that the Remedial Action is not protective of human health or the environment;

provided that such further response actions address or respond to EPA's determination that the Remedial Action is not protective of human health or the environment.

102. a. For purposes of Paragraph 100, the information and the conditions known to EPA shall include that information and those conditions known to EPA as of the date of lodging of this Consent Decree and set forth in the Record of Decision, the administrative record supporting the Record of Decision, the documents issued by EPA with respect to the Site between the issuance of the ROD and the date of lodging of this Consent Decree, any information received by EPA pursuant to the requirements of the Sampling AOC or RD AOC prior to the date of lodging of this Consent Decree, any data regarding PCB levels in the water column, sediments, or fish at the Site generated by EPA or that EPA received from any person prior to the date of lodging of this Consent Decree, and any data or information submitted by Settling Defendant to EPA Region 2, in writing, with respect to the Site prior to the date of lodging of this Consent Decree.

b. For purposes of subparagraph 101.a., the information and the conditions known to EPA shall include only that information and those conditions identified in subparagraph 102.a., above, and that information and those conditions known to EPA as of the date of Certification of Completion of Phase 1 Field Activities and set forth in the post-ROD administrative record, the documents issued by EPA with respect to the Site between the issuance of the ROD and the date of Certification of Completion of Phase 1 Field Activities, any information received by EPA pursuant to the requirements of the Sampling AOC, RD AOC or this Consent Decree prior to Certification of Completion of Phase 1 Field Activities, and any data regarding PCB levels in the water column, sediments, or fish at the Site generated by EPA or that EPA received from any person prior to the date of the Certification of Completion of Phase 1 Field Activities.

c. For purposes of subparagraph 101.b., the information and the conditions known to EPA shall include only that information and those conditions identified in subparagraphs 102.a. and 102.b., above, and that information and those conditions known to EPA as of the date of Certification of Completion of the Remedial Action and set forth in the post-ROD administrative record, the documents issued by EPA with respect to the Site between the issuance of the ROD and the date of Certification of Completion of the Remedial Action, any information received by EPA pursuant to the requirements of the Sampling AOC, RD AOC or this Consent Decree prior to Certification of Completion of the Remedial Action, and any data regarding PCB levels in water column, sediments, or fish at the Site generated by EPA or that EPA received from any person prior to the date of the Certification of Completion of the Remedial Action.

103. With respect to any claim or cause of action asserted by the United States against Settling Defendant with respect to the Sediment Processing/Transfer Facility Property(ies), Settling Defendant shall bear the burden of proving that the claim or cause of action, or any part thereof, is attributable solely to Existing Contamination.

104. General Reservations of Rights. The United States reserves, and this Consent Decree is without prejudice to, all rights against Settling Defendant with respect to all matters not expressly included within the United States' covenants not to sue. Notwithstanding any other provision of this Consent Decree, the United States reserves all rights against Settling Defendant with respect to:

a. claims based on a failure by Settling Defendant to meet a requirement of this Consent Decree;

b. claims based on a failure by Settling Defendant to meet a requirement of the consent decree entered in United States v. General Electric Company, Inc., Civ. No. 90-CV-575 (N.D.N.Y.);

c. claims based on a failure by Settling Defendant to meet a requirement of an administrative order issued by EPA prior to the effective date of this Consent Decree;

d. liability arising from the past, present, or future disposal, release, or threat of release of Waste Material outside of the Upper Hudson Work Area;

e. liability based upon Settling Defendant's ownership or operation of the Site, or upon Settling Defendant's transportation, treatment, storage, or disposal, or the arrangement for the transportation, treatment, storage, or disposal of Waste Material at or in connection with the Site, other than as provided in the ROD, the Work, or otherwise ordered by EPA, after signature of this Consent Decree by Settling Defendant;

f. liability for damages for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments;

g. liability for response actions to address contamination in the Hudson River floodplain (except to the extent that such response actions are part of the Work);

h. criminal liability;

i. liability for violations of federal or state law which occur during or after implementation of the Remedial Action;

j. liability for the implementation of Phase 2 and any activities required to monitor and maintain the effectiveness of Phase 2, unless Settling Defendant provides written notice to EPA and the State, by the applicable deadline in subparagraph 15.c., above, stating unequivocally that Settling Defendant will implement, pursuant to this Consent Decree, Phase 2;

k. liability for the Lower Hudson River;

l. liability for costs that the United States will incur related to the Site but which are not within the definitions of Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, and Post-Phase 2 Costs in Paragraph 4, above;

m. liability that results from past or future releases of hazardous substances, pollutants or contaminants, at or from one or more of the Sediment Processing/Transfer Facility Property(ies), and that is or was caused or contributed to by Settling Defendant or its contractors, subcontractors, or representatives;

n. liability resulting from exacerbation by Settling Defendant, or its contractors, subcontractors, or representatives, of any Existing Contamination at the Sediment Processing/Transfer Facility Property(ies);

o. in the event that Settling Defendant has notified EPA that it will implement Phase 2 of the Remedial Action pursuant to this Consent Decree, liability for the performance of such studies and investigations as EPA may require in connection with the periodic reviews prescribed by Section 121(c) of CERCLA, beginning with the third such periodic review following the completion of the Remedial Action; and

p. liability for Reserved OM&M Costs.

105. Work Takeover. In the event EPA determines that Settling Defendant (1) has ceased implementation of any portion of the Work, other than due to a force majeure event under the provisions of Section XVIII (Force Majeure), (2) is seriously or repeatedly deficient or late in its performance of the Work, other than due to a force majeure event under the provisions of Section XVIII, or (3) is implementing the Work in a manner which may cause an endangerment to human health or the environment, EPA may assume the performance of all or any portions of the Work as EPA determines necessary. Settling Defendant may invoke the procedures set forth in Section XIX (Dispute Resolution), Paragraph 83, to dispute EPA's determination that takeover of the Work is warranted under this Paragraph.

106. Notwithstanding any other provisions of this Consent Decree, the United States retains all authority and reserves all rights to take any and all response actions authorized by law. For purposes of this Paragraph only, the term "response actions" does not include actions to compel Settling Defendant to conduct or pay for response actions at the Work Area; the United States' rights to compel Settling Defendant to conduct or pay for response actions are governed by the remainder of this Section XXI.

## XXII. COVENANTS BY SETTLING DEFENDANT

107. Subject to the reservations in Paragraph 109, Settling Defendant hereby covenants not to sue and agrees not to assert any claims or causes of action against the United States with respect to the Work, the Work Area, past response actions, Past Response Costs, Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, and Post-Phase 2 Costs, this Consent Decree, or (if subparagraph 98.f, above, becomes applicable) the Upper Hudson River, including, but not limited to:

a. any direct or indirect claim for reimbursement from the Hazardous Substance Superfund (established pursuant to the Internal Revenue Code, 26 U.S.C. § 9507) through CERCLA Sections 106(b)(2), 107, 111, 112, 113 or any other provision of law;

b. any claims against the United States under CERCLA Sections 107 or 113 related to the Site; or

c. any claims arising out of response actions at or in connection with the Site, including any claim under the United States Constitution, the State Constitution, the Tucker Act, 28 U.S.C. § 1491, the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended, or at common law.

Nothing in this Paragraph 107 shall be construed to preclude Settling Defendant from pursuing dispute resolution under Section XIX (Dispute Resolution). Nor shall anything in this Paragraph 107 be construed to preclude the claims asserted by Settling Defendant in *General Electric Co. v. Johnson* (D.D.C.), Civ. No. 1:00CV02855 (JDB), including any appeals from the District Court's decisions in that case.

108. Except as provided in Paragraph 116, the covenants not to sue in Paragraph 107 of this Consent Decree shall not apply in the event that the United States brings a cause of action or issues an order pursuant to the reservations set forth in subparagraphs 104.d. through 104.g. and 104.j. through 104.p., but only to the extent that Settling Defendant's claims arise from the same response action, response costs, or damages that the United States is seeking pursuant to the applicable reservation.

109. The Settling Defendant reserves, and this Consent Decree is without prejudice to, claims against the United States, subject to the provisions of Chapter 171 of Title 28 of the United States Code, for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the United States while acting within the scope of his office or employment under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place

where the act or omission occurred. However, any such claim shall not include a claim for any damages caused, in whole or in part, by the act or omission of any person, including any contractor, who is not a federal employee as that term is defined in 28 U.S.C. § 2671; nor shall any such claim include a claim based on EPA's selection of response actions, or the oversight or approval of the Settling Defendant's plans or activities. The foregoing applies only to claims which are brought pursuant to any statute other than CERCLA and for which the waiver of sovereign immunity is found in a statute other than CERCLA.

110. Settling Defendant agrees that it will not, in this action, seek to challenge the remedy chosen by EPA in the ROD or to review any order issued by EPA under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), directing Settling Defendant to implement such remedy; provided, however, that if Settling Defendant does not elect (pursuant to subparagraph 15.c. above) to implement Phase 2, then Settling Defendant reserves any rights it may have under CERCLA to challenge Phase 2 of the remedy, or an order for the implementation of Phase 2, if the United States proceeds thereafter under the Complaint, or an amended complaint, to seek to compel Settling Defendant to implement Phase 2 of the Remedial Action and/or to reimburse the United States for response costs incurred in connection with the implementation of Phase 2, or the United States files a separate judicial action against Settling Defendant seeking the same relief.

111. Nothing in this Consent Decree shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. § 300.700(d).

## XXIII. EFFECT OF SETTLEMENT; CONTRIBUTION PROTECTION

112. Nothing in this Consent Decree shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Decree. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Consent Decree may have under applicable law. Each of the Parties expressly reserves any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each Party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a Party hereto.

113. The Parties agree, and by entering this Consent Decree this Court finds, that the Settling Defendant is entitled, as of the Effective Date, to protection from contribution actions or claims as provided by CERCLA Section 113(f)(2), 42 U.S.C. § 9613(f)(2) for matters addressed in this Consent Decree. For purposes of the preceding sentence, the "matters addressed" in this Consent Decree are all Past Response Costs, Phase 1 RA Response Costs, and Non-Capped Phase 1 Costs, and the Work, provided, however, that if Settling Defendant notifies EPA, pursuant to subparagraph 15.c, above, that it will implement Phase 2 pursuant to this Consent Decree, then the "matters addressed" in this Consent Decree shall be all Past Response Costs, Phase 1 RA Response Costs, Phase 2 RA Response Costs, Non-Capped Phase 1 Costs, Non-Capped Phase 2 Costs, and Post-Phase 2 Costs, and all response actions taken or to be taken and all response costs incurred or to be incurred by the United States or any other person with respect to PCB contamination in the Upper Hudson River or the Existing Contamination. However, the "matters addressed" in this Consent Decree do not include those response costs or response

actions as to which the United States has reserved its rights under this Consent Decree (except for claims for failure to comply with this Consent Decree), in the event that the United States asserts rights against Settling Defendant coming within the scope of such reservations.

114. The Settling Defendant agrees that with respect to any suit or claim for contribution brought by it for matters related to this Consent Decree, it will notify the United States and the State in writing no later than 60 days prior to the initiation of such suit or claim.

115. The Settling Defendant also agrees that with respect to any suit or claim for contribution brought against it for matters related to this Consent Decree, it will notify in writing the United States and the State within 10 days of service of the complaint on Settling Defendant. In addition, Settling Defendant shall notify the United States and the State within 10 days of service or receipt of any Motion for Summary Judgment and within 10 days of receipt of any order from a court setting a case for trial.

116. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, recovery of response costs, natural resource damages, or other appropriate relief relating to the Site, Settling Defendant shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant case; provided, however, that nothing in this Paragraph affects the enforceability of the covenants not to sue set forth in Section XXI (Covenants Not to Sue by Plaintiff).

## XXIV. CERTIFICATION

117. By entering into this Consent Decree, Settling Defendant certifies that to the best of its knowledge and belief, it has requested all information that is in the possession of its agents, contractors or other representatives retained with respect to the Sediment Processing/Transfer Facility Property(ies) which relates in any way to any Existing Contamination at such property(ies), and has fully and accurately disclosed to EPA all such information and any other information known to Settling Defendant and all information in the possession or control of its officers, directors, and employees, including information received from its agents, contractors or other representatives, which relates in any way to any such Existing Contamination. Settling Defendant also certifies that to the best of its knowledge and belief, as of the date of signature of this Consent Decree by Settling Defendant, it has not caused or contributed to a release or threat of release of hazardous substances or pollutants or contaminants at the Sediment Processing/Transfer Facility Property(ies), except to the extent that natural forces caused the movement of PCBs from the Hudson River onto such Property(ies). If the United States believes that Settling Defendant failed to fully and accurately disclose any of the above-referenced information to EPA, it may so notify Settling Defendant. Settling Defendant may invoke the procedures set forth in Section XIX (Dispute Resolution) to dispute the United States' position. If, following completion of dispute resolution proceedings under Section XIX (Dispute Resolution), Settling Defendant is found to have failed to fully and accurately disclose to EPA material information which should have been disclosed to EPA under the first sentence of this Paragraph, the covenant not to sue contained in subparagraph 98.e., above, shall be null and void and the United States reserves all rights it may have regarding the Existing Contamination.

## XXV. ACCESS TO INFORMATION

118. Settling Defendant shall provide to EPA upon request, copies of all documents and information within its possession or control or that of its contractors or agents relating to the implementation of this Consent Decree, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information related to the Work (except those documents and other information which are subject to the attorney-client privilege or are attorney work product). Upon request by EPA, Settling Defendant shall also make available to EPA at a reasonable time and place, for purposes of assisting EPA in overseeing the Work or implementing this Consent Decree, one or more representatives of Settling Defendant with knowledge of relevant facts concerning the performance of the Work, to discuss the Work.

119. Business Confidential and Privileged Documents.

a. Settling Defendant may assert business confidentiality claims covering part or all of the documents or information submitted to Plaintiff under this Consent Decree to the extent permitted by and in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 C.F.R. § 2.203(b). Documents or information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies documents or information when they are submitted to EPA, or if EPA has notified Settling Defendant that it has not substantiated its claim of confidentiality and that the documents or information are not confidential under the standards of Section 104(e)(7) of CERCLA or 40 C.F.R. Part 2, Subpart B, the public may be given access to such documents or information without further notice to Settling Defendant.

b. Settling Defendant may assert that certain documents, records and other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If Settling Defendant asserts such a privilege in lieu of providing documents, it shall provide the Plaintiff with the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the name and title of the author of the document, record, or information; (4) the name and title of each addressee and recipient; (5) a description of the contents of the document, record, or information: and (6) the privilege asserted by Settling Defendant. However, no documents, reports or other information created or generated pursuant to the requirements of the Consent Decree shall be withheld on the grounds that they are privileged.

120. No claim of confidentiality or privilege (other than business confidentiality, if applicable, and provided that such claim of confidentiality is not precluded by 42 U.S.C. § 9604(e)(7)(F) or other applicable law) shall be made with respect to any data collected or generated in connection with the Work, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, or engineering data, or any other factual information evidencing conditions at or around the Site.

## XXVI. RETENTION OF RECORDS

121. Records to be Retained and Length of Retention Period

a. Until 10 years after Settling Defendant's receipt of EPA's notification pursuant to subparagraph 58.b of Section XIV (Certification of Completion), Settling Defendant shall preserve and retain, and instruct its contractors and agents to preserve and retain, all non-identical copies of the following records and documents (including records or documents in electronic form) now in its (or their) possession or control or which come into its (or their) possession or control regardless of any corporate retention policy to the contrary:

(1) Documents relating to Settling Defendant's liability under CERCLA with respect to the Site;

(2) The final versions of correspondence with and submittals made to EPA and the State specifically discussing or otherwise related to the performance of the Work under this Consent Decree;

(3) The final versions of correspondence between Settling Defendant (including Settling Defendant's employees, agents, accountants, contractors, or attorneys) and the laboratories retained by Settling Defendant to analyze samples collected by Settling Defendant pursuant to this Consent Decree;

(4) The final versions of correspondence between Settling Defendant (including Settling Defendant's employees, agents, accountants, contractors, or attorneys) and the contractors retained by Settling Defendant (other than laboratories) that documents the Work performed pursuant to this Consent Decree;

(5) Records and documents reflecting the collection, analysis, and chain-of-custody of samples and the analytical reports of chemical or physical sampling (including, but not limited to, raw data, chromatograms, and QA/QC documentation) conducted during and relating to the performance of the Work required under this Consent Decree;

(6) Field notes and the final versions of technical reports relating specifically to Settling Defendant's plans for or conduct of activities specifically related to the Work required under this Consent Decree;

(7) Records and documents documenting the generation, storage, transportation, and disposal of Waste Materials pursuant to this Consent Decree;

(8) The final versions of records and documents documenting the protocols to be followed and/or in fact followed by Settling Defendant in the performance of the Work required under this Consent Decree; and

(9) Other records and documents necessary to document the Work performed and/or the data collected under this Consent Decree.

b. For purposes of this Paragraph, where no "final" version of a document or record was created, the last draft of such document or record shall be deemed to be the "final" version.

c. Nothing in this Consent Decree shall abrogate or otherwise affect Settling Defendant's record retention obligations pursuant to Section XVIII (Record Preservation) of the RD AOC and Section XV (Record Preservation) of the Sampling AOC.

122. At the conclusion of this document retention period, Settling Defendant shall notify the United States at least 90 days prior to the destruction of any such records or documents described in Paragraph 121, and, upon request by the United States, Settling Defendant shall deliver, at no cost to EPA, any such records or documents to EPA (except for privileged records or documents). Settling Defendant may assert that certain documents, records and other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If Settling Defendant asserts such a privilege, it shall provide the Plaintiff with the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the name and title of the author of the document, record, or information; (4) the name and title of each addressee and recipient; (5) a description of the subject of the document, record, or information; and (6) the privilege asserted by Settling Defendant. However, no documents, reports or other information created or generated pursuant to the requirements of the Consent Decree shall be withheld on the grounds that they are privileged.

123. At any time prior to the end of the 10-year document retention period, Settling Defendant may elect to satisfy its obligation to preserve records and documents pursuant to this Section by providing EPA with a copy of such records or documents. Upon providing a copy to EPA of records or documents, Settling Defendant shall no longer be obligated under Paragraph 121, above, to retain those records or documents.

124. Nothing in this Consent Decree shall constitute, or be construed as, an abrogation or waiver of (i) any of Settling Defendant's obligations to maintain records under applicable law including, but not limited to, the Federal Rules of Civil Procedure, or (ii) any privilege afforded Settling Defendant under applicable law including, but not limited to, the Federal Rules of Civil Procedure.

## XXVII. NOTICES AND SUBMISSIONS

125. Whenever, under the terms of this Consent Decree, written notice is required to be given or a report or other document is required to be sent by one Party to another, or to the State, it shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other individuals listed below, or their successors, in writing. All notices and submissions shall be considered effective upon receipt, unless otherwise provided. Written notice as specified herein shall constitute complete satisfaction of any written notice requirement of the Consent Decree with respect to the United States, EPA, the State, and the Settling Defendant, respectively.

As to the United States or EPA:

Three paper copies (one unbound) and one electronic copy (on CD-ROM or DVD) of all work plans and technical reports and one paper copy of all other written communications shall be sent to:

Team Leader, Hudson River Team
Emergency and Remedial Response Division
United States Environmental Protection Agency, Region 2
290 Broadway, 19th Floor
New York, New York 10007-1866

In addition, one paper copy of all work plans, technical reports and other written communications shall be sent to:

Chief, New York/Caribbean Superfund Branch
Office of Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
Attn: Hudson River PCBs Superfund Site Attorney

If so requested by EPA, and in addition to the document submission requirements above, Settling Defendant shall submit one electronic copy (on CD-ROM or DVD) of all work plans and technical reports to an EPA technical consultant that EPA will specify at the time of such request.

One copy of all written communications other than work plans and technical reports shall also be sent to:

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Re: DJ # 90-11-2-529

As to the State and the Federal Trustees for Natural Resources:

When submitting any document or other written communication to EPA or the United States under this Consent Decree, Settling Defendant shall simultaneously send copies to the State and to the Federal Trustees for Natural Resources, as follows:

Three paper copies (one unbound) and one electronic copy (on CD-ROM or DVD) of all work plans and technical reports and one paper copy of all other written communications, shall be sent to:

Director, Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, New York 12233-7011
Attn: Hudson River PCBs Superfund Site

Two paper copies and one electronic copy (on CD-ROM or DVD) of all work plans and technical reports and one paper copy of all other written communications shall be sent to:

Lisa Rosman
Coastal Resource Coordinator
NOAA
290 Broadway, 18th Floor
New York, NY 10007-1866

Robert Foley
Hudson River Case Manager
U.S. Fish and Wildlife Service
U.S. Department of the Interior
300 Westgate Center Dr.
Hadley, MA 01035

Two paper copies and one electronic copy (on CD-ROM or DVD) of all work plans and technical reports (except for engineering plans and drawings), and one paper copy of all other written communications shall be sent to:

Director, Bureau of Environmental Exposure Investigation
New York State Department of Health
547 River Street
Troy, New York 12180
Attn: Hudson River PCBs Superfund Site

If agreed to by EPA, specific notifications and other documents to be submitted by Settling Defendant pursuant to this Consent Decree may be submitted to EPA, the State and the Federal Trustees for Natural Resources by electronic mail. In addition to the document submission requirements above, Settling Defendant shall, if requested by EPA, send up to three additional copies of specified work plans or other documents to EPA and/or NYSDEC.

As to the Settling Defendant:

John G. Haggard
GE Project Coordinator
Hudson River Program
General Electric Company
320 Great Oaks Office Park, Suite 319
Albany, New York 12203

126. Unless otherwise agreed to by EPA, all data submitted by Settling Defendant pursuant to this Consent Decree shall be provided in electronic format, as well as hard copy format. The electronic version shall be provided no later than the hard copy. The electronic copy of any narrative that accompanies such data shall be provided in Portable Document Format, or ".pdf," and all data shall be provided in database files to be specified by EPA. All ArcView layers shall be provided as shape files.

## XXVIII. EFFECTIVE DATE

127. The Effective Date of this Consent Decree shall be the date upon which this Consent Decree is entered by the Court.

## XXIX. RETENTION OF JURISDICTION

128. This Court retains jurisdiction over both the subject matter of this Consent Decree and the Settling Defendant for the duration of the performance of the terms and provisions of this Consent Decree for the purpose of enabling either of the Parties to apply to the Court at any time for such further order, direction, and relief as may be necessary or appropriate for the construction or modification of this Consent Decree, or to effectuate or enforce compliance with its terms, or to resolve disputes in accordance with Section XIX (Dispute Resolution) hereof.

## XXX. APPENDICES

129. The following appendices are attached to and incorporated into this Consent Decree:

"Appendix A" is the ROD.

"Appendix B" is the SOW, and including the following attachments: Critical Phase 1 Design Elements; Remedial Action Monitoring Scope; Performance Standards Compliance Plan Scope; Remedial Action Community Health and Safety Program Scope; Operation, Maintenance, and Monitoring Scope; and Certification Unit Completion Approval/Certification Forms.

"Appendix C" is the draft easement

"Appendix D" is the description of the Sediment Processing/Transfer Facility Properties.

## XXXI. COMMUNITY RELATIONS

130. Settling Defendant shall cooperate with EPA in providing information regarding the Work to the public. As requested by EPA, Settling Defendant shall participate in the preparation of such information for dissemination to the public. As requested by EPA, Settling Defendant also shall participate in public meetings, including but not limited to meetings of the Community Advisory Group, which may be held or sponsored by EPA to explain activities at or relating to the Work Area.

## XXXII. MODIFICATION

131. Schedules specified in this Consent Decree for completion of the Work may be modified by agreement of EPA and the Settling Defendant. All such modifications shall be made in writing.

132. Except as provided in subparagraph 15.b, Paragraph 20 (Modification of the SOW or Related Work Plans), and Section VII (Remedy Review), no material modifications shall be made to this Consent Decree (including the Appendices hereto) without written notification to and written approval of the United States, Settling Defendant, and the Court, if such modifications fundamentally alter the basic features of the selected remedy within the meaning of 40 C.F.R. 300.435(c)(2)(ii). Prior to providing its approval to any modification, the United States will provide the State with a reasonable opportunity to review and comment on the proposed modification. Modifications to this Consent Decree (including the Appendices hereto) that do not materially alter those documents, or material modifications to this Consent Decree (including the Appendices hereto) that do not fundamentally alter the basic features of the selected remedy within the meaning of 40 C.F.R.300.435(c)(2)(ii), may be made by written agreement between EPA, after providing the State with a reasonable opportunity to review and comment on the proposed modification, and (except as provided in subparagraph 15.b, Paragraph 20, and Section VII, above) Settling Defendant. Such modifications shall be dated, sequentially numbered, initialed by the Parties, and filed in the document repository for the Site at the offices of EPA Region 2.

133. Nothing in this Decree shall be deemed to alter the Court's power to enforce, supervise or approve modifications to this Consent Decree.

## XXXIII. LODGING AND OPPORTUNITY FOR PUBLIC COMMENT

134. This Consent Decree shall be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with Section 122(d)(2) of CERCLA, 42 U.S.C. § 9622(d)(2), and 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, or inadequate. Settling Defendant consents to the entry of this Consent Decree without further notice.

135. If for any reason the Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of any Party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

## XXXIV. SIGNATORIES/SERVICE

136. The undersigned representative of the Settling Defendant and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice respectively certify that they are fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind such Party to this document.

137. Settling Defendant hereby agrees not to oppose entry of this Consent Decree by this Court or to challenge any provision of this Consent Decree unless the United States has notified the Settling Defendant in writing that it no longer supports entry of the Consent Decree.

138. Settling Defendant shall identify, on the attached signature page, the name, address and telephone number of an agent who is authorized to accept service of process by mail on behalf of Settling Defendant with respect to all matters arising under or relating to this Consent Decree. Settling Defendant hereby agrees to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including, but not limited to, service of a summons. The parties agree that Settling Defendant need not file an answer to the complaint in this action unless or until the court expressly declines to enter this Consent Decree.

## XXXV. FINAL JUDGMENT

139. This Consent Decree and its appendices constitute the final, complete, and exclusive agreement and understanding between the Parties with respect to the settlement embodied in the Consent Decree. The Parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Decree.

140. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment between and among the United States and the Settling Defendant. The Court finds that there is no just reason for delay and therefore enters this judgment as a final judgment under Fed. R. Civ. P. 54 and 58.

SO ORDERED THIS __ DAY OF _____, 200__.

_____

United States District Judge

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. General Electric Company, relating to the Hudson River PCBs Superfund Site.

FOR THE UNITED STATES OF AMERICA

10/5/05
Date

Kelly A Johnson

Kelly A. Johnson
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

10/5/05
Date

Brian Donohue
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

10/05/05
Date

Peter Kautsky /BGD

Peter Kautsky
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

THE UNDERSIGNED PARTY enters into this Consent Decree in matter of United States v. General Electric Company, relating to the Hudson River PCBs Superfund Site.

GLENN T. STUDDABY
United States Attorney
Northern District of New York

_____
Date

By:_____
BARBARA COTTRELL
Assistant U.S. Attorney
Northern District of New York
445 Broadway
Albany, New York

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. General Electric Company, relating to the Hudson River PCBs Superfund Site.

Sept. 6, 2005
Date

Kathleen C. Callahan
Kathleen C. Callahan
Acting Regional Administrator
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

FOR GENERAL ELECTRIC COMPANY

Sept 3, 2005
Date

Signature:
Name (print): Stephen D. Ramsey
Title: Vice President
Address: 3135 Easton Turnpike
Fairfield, CT 06828

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Name (print): Michael S. Elder
Title: Counsel Northeast/Midwest Region
Address: 320 Great Oaks Office Park
Suite 319
Albany, NY 12203
Ph. Number: 518-862-2737

# SEDIMENT PROCESSING FACILITY DECONTAMINATION REPORT

## HUDSON RIVER PCBs SUPERFUND SITE

*Prepared for:*

**GENERAL ELECTRIC**
319 Great Oaks Boulevard
Albany, New York 12203

*Prepared by:*

PARSONS

GE Company – Parsons Project Office
319 Great Oaks Boulevard
Albany, New York 12203

**December 2016**

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# SEDIMENT PROCESSING FACILITY DECONTAMINATION REPORT

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# SECTION 1

# INTRODUCTION

This *Sediment Processing Facility Decontamination Report* (SPF Decontamination Report) describes the decontamination procedures and associated analytical data summary for the Sediment Processing Facility.

The Sediment Processing Facility (the Facility) is located on approximately 110 acres between the western shore of the Champlain Canal and the Canadian Pacific Railway (CPR) rail line on the north of the Village of Fort Edward, Washington County, New York. The Facility was constructed by GE to offload debris and sediment dredged from the Upper Hudson River, separate debris and coarse material from the dredged sediment, mechanically dewater the fine-grained sediment, and prepare and load the debris and dewatered sediment for shipment by rail to off-site disposal facilities. In addition, the Facility was used to collect and treat water decanted from dredged material transport barges, water produced during material separation and dewatering, and stormwater that contacts sediment handling areas. The Facility was used to process dredged debris and sediment during Phase 1 of the dredging remedy (conducted in 2009) and during the Phase 2 dredging seasons (conducted in 2011 through 2015).

Demobilization and restoration of the Facility commenced in 2015 prior to the completion of the Phase 2 Year 5 dredging season as operations and corresponding productivity requirements ramped down, and was completed in December 2016. The demobilization and restoration activities described in this report include: Facility decontamination; post-decontamination sampling and results; removal, demobilization, and off-site disposition of equipment, structures, and materials; and property restoration. Post-decontamination environmental sampling and results are discussed in Appendix IX to the Remedial Action Completion Report, the *Sediment Processing Facility Environmental Sampling Data Summary Report*.

## 1.1 SEDIMENT PROCESSING FALITY OVERVIEW

The Facility consisted of the following major areas/components:

- Waterfront/barge unloading areas
- Size separation area
- Thickening/dewatering area
- Material staging areas
- Rail yard loading platform (Track #7)
- Rail yard

- Facility roads
- Flexible Membrane Liner (FML)
- Stormwater management system
- Water Treatment Plant (WTP)
- Decontamination area
- Administration area
- Utilities

Figure 1-2 shows the major areas/components at the Facility.

# SECTION 2

# GENERAL FACILTIY DECONTAMINATION AND DEMOBILIZATION

This section provides a general overview of the decontamination, sampling and demobilization operations performed in accordance with GE's *Phase 2 Sediment Processing Facility Demobilization and Restoration Plan* (Arcadis 2015) (SPF Demobilization Plan), which was conditionally approved by EPA by letter dated November 2015.

## 2.1 OVERVIEW OF THE DECONTAMINATION PROCESS

As described in the SPF Demobilization Plan, demobilization and restoration of the Facility were performed in a multi-step process that generally involved:

- Facility decontamination within the exclusion zone where PCB-containing sediments were processed, handled, and staged;
- Treatment and/or disposal of decontamination residuals;
- Sampling to verify that the items designated for sale, reuse, or salvage/recycling were properly decontaminated and to determine appropriate disposition requirements in accordance with Appendix A of the SPF Demobilization Plan;
- Disassembly of equipment, tanks, piping, structures, utilities, and other materials to be removed from the Facility property;
- Sale, reuse, salvage/recycling, and off-site disposal of equipment and materials in accordance with the criteria established in Appendix B of the SPF Demobilization Plan; and
- Post-demobilization environmental sampling.

Sections 3 through 8 below present a description of the procedures used for decontaminating the Facility, the decontamination sampling and results, and the demobilization of the Facility, including the disposition of its various components. Appendix IX to the Phase 2 Remedial Action Completion Report presents a description of environmental media sampling that was implemented after termination of sediment processing activities and after Facility decontamination.

## 2.2 GENERAL FACILITY DECONTAMINATION APPROACH

Throughout the demobilization process, GE evaluated and determined the appropriate methods for decontamination and sampling of items and materials at the Facility based on the ultimate intended disposition of the items/materials. In general, as discussed further in subsequent sections, the decontamination/sampling approach was as follows:

- Items/materials within the exclusion zone that came into contact with PCB-containing materials, process water, or stormwater and that were to remain in place were decontaminated and sampled.
- Items/materials within the exclusion zone that came into contact with PCB-containing materials, process water, or stormwater and that were to be removed for reuse or salvage/recycling were decontaminated and sampled.
- Items/materials within the exclusion zone that came into contact with PCB-containing materials, process water, or stormwater and were not to remain or to be removed for reuse or salvage/recycling were shipped for off-site disposal. These items/materials were handled through a combination of the following options:
  - -- Transport to and disposal at of at an off-site facility regulated under the Toxic Substances Control Act (TSCA) without decontamination or sampling;
  - -- Decontamination and sampling to determine the appropriate disposal requirements;
  - -- Sampling without decontamination to determine the appropriate disposal requirements; or
  - -- Decontamination and transport off-site for disposal without the need for post-decontamination sampling if prior sampling results for a representative number of similar items indicated that the decontamination was effective. In this case, these decontaminated items were removed for off-site disposal at a non-hazardous solid waste disposal facility.
- Items/materials within the exclusion zone that did not come into contact with PCB-containing materials, process water, or stormwater and that were to remain in place (e.g., utilities, building roofs, underground foundations, waterfront structural steel, rip-rap revetment materials, etc.) were not decontaminated or sampled, except that limited wipe sampling at a reduced frequency was conducted for certain such items to confirm that they were not contaminated.
- Items/materials within the exclusion zone that did not come into contact with PCB-containing materials, process water, or stormwater and that were slated for removal were not decontaminated or sampled and were designated for unrestricted use or designated for non-hazardous solid waste disposal, except that limited wipe sampling at a reduced frequency was conducted for certain such items to confirm that they were not contaminated.
- With the exception of the WTP building, items/materials that were located outside the exclusion zone (which did not come into contact with PCBs) were not decontaminated or sampled and were left in place, designated for unrestricted use, shipped off-site for reuse/recycling, and/or designated for non-hazardous solid waste disposal (as

appropriate). Limited sampling was performed on the interior and exterior surfaces of the WTP building.

Where sampling was performed, the sample results were compared to the applicable criteria described in Section 3 of the SPF Demobilization Plan to determine if the items/materials would remain in place, be designated for unrestricted use, or be subject to additional decontamination or disposal. Samples were reviewed with EPA and the applicable property owners to determine whether certain items were to remain in place or be removed.

## 2.3 FACILITY DECONTAMINATION CRITERIA

Decontamination activities were performed throughout the exclusion zone where PCB-containing sediments were processed, handled, and staged. Equipment, vehicles, piping, tanks, structures, and other surfaces in the exclusion zone that came into contact with PCB-containing materials, process water, or stormwater and that were not designated for off-site disposal at a TSCA-authorized facility were decontaminated and/or sampled as outlined in Section 3.2 of the SPF Demobilization Plan.

Decontamination activities were conducted in general accordance with Table 5-1 from the Phase 2 Facility Operations and Maintenance Plan for 2013 (2013 Facility O&M Plan; Parsons 2013), which was previously reviewed and approved by EPA and was incorporated by reference into subsequent Facility O&M Plans, including the 2015 Facility O&M Plan (Parsons 2015). This table, which was provided as Appendix B to the SPF Demobilization Plan and is included as Attachment A to this report, describes the decontamination and sampling protocols, PCB decontamination criteria, and disposition options for various materials and types of equipment and structures used at the Facility.

A general description of the decontamination and verification procedures to be implemented at the Facility is presented in Section 2.4 below. More detailed descriptions of the specific decontamination procedures, sampling results, and final disposition for the Facility components in presented in Sections 3 through 8 below.

## 2.4 GENERAL DECONTAMINATION AND VERIFICATION SAMPLING PROCEDURES

In general, decontamination procedures included the removal of gross sediments/solids (e.g., using shovels, brooms, and other tools and equipment as necessary) and a thorough water wash/flush (and scrubbing, if necessary) to remove visible sediments/solids. Decontamination included pressure washing (with hot water as needed) and water flushing.

After cleaning, items were generally sampled to verify that they had been properly decontaminated (or the items were removed for off-site disposal without sampling), as required by the procedures described in Section 3.2 of the SPF Demobilization Plan. The post-decontamination sampling included the collection of wipe samples, bulk samples, core samples

and water samples. Table 3-1 of the SPF Demobilization Plan described the sampling methods and proposed sampling frequencies for the various items/materials. After decontamination, verification sampling was performed on equipment, structures, and other items that were intended for potential reuse or designated for salvage/recycling. Decontaminated items that were not intended for potential reuse or salvage/recycling were designated for off-site disposal without post-decontamination sampling assuming that prior sampling results for a representative number of similar items indicated that the decontamination was effective. In that case, these decontaminated items were transported for off-site disposal at a RCRA Subtitle D landfill.

To supplement the verification sampling approach described in the SPF Demobilization Plan, more detailed decontamination confirmatory sampling plans were developed for specific equipment, structures, items, or areas of the Facility and reviewed with EPA. With EPA's concurrence, verification samples were collected in accordance with the decontamination confirmatory sampling plans. The post-decontamination samples were analyzed for PCBs in accordance with Method GEHR8082 following the procedures presented in the Field Sampling Plan that was Appendix A to the SPF Demobilization Plan.

Post-decontamination sampling results were compared with the PCB decontamination criteria in the SPF Demobilization Plan and reviewed with EPA to determine appropriate disposition requirements. If post-decontamination sampling results indicated that PCB concentrations exceeded those criteria, the items were subject to additional decontamination or removed for off-site disposal. Where items were subject to additional decontamination, a subsequent round of sampling was performed after additional decontamination efforts were completed and the sample results were compared with the applicable PCB decontamination criteria.

Disposable items and items to be removed that had contacted PCB materials and were designated for off-site disposal and that were not subject to decontamination or sampling were removed and staged for subsequent off-site disposal at a TSCA-regulated disposal facility. Alternatively, sampling was performed on these items to determine whether the items could be disposed of at a non-TSCA disposal facility.

Solids generated during the decontamination activities were collected and if necessary, dewatered or otherwise stabilized for off-site disposal. Wash water and decontamination fluids generated during the decontamination activities were collected and conveyed to the Facility WTP and treated for discharge or reuse during decontamination. After the WTP ceased operation, the final decontamination water was collected and transported to the GE Hudson Falls Plant for treatment and discharge.

To the extent possible, the existing stormwater management system (i.e., catch basins, drainage swales, piping, stormwater basins, and pump stations) were used to collect, contain, and

convey the wash waters. Vacuum trucks or other pumps/piping were used to collect wash water and solids during the cleaning of sumps, pits, trenches, catch basins, and manholes.

The existing vehicle/equipment decontamination station was used to decontaminate smaller items and moveable equipment in accordance with the 2013 Facility O&M Plan. Vehicles/equipment leaving the exclusion zone during decontamination operations were cleaned at the decontamination station. Rinsate from the decontamination station was collected in the stormwater drainage system, and routed to the North Stormwater Basin prior to treatment in the WTP.

# SEDIMENT PROCESSING FACILITY DECONTAMINATION REPORT

# SECTION 3

# EQUIPMENT, TANKS, AND PIPING

## 3.1 DECONTAMINATION PROCEDURES

The processing equipment (e.g. equipment, tanks, piping, pumps, supports, and associated appurtenances) as well as moveable equipment (e.g., unloaders, trucks, skid steers, loaders) within the exclusion zone that came into contact with PCB-containing materials, process water, or stormwater were decontaminated and demobilized from the site as described in Section 3 of the SPF Demobilization Plan.

Certain equipment within the exclusion zone that did not have the potential for reuse or salvage/recycling, such as conveyor belts, screens, and filter cloths, were for shipped off-site by rail car with the final shipments of sediments for proper disposal in a TSCA-permitted landfill, without prior decontamination or verification sampling, as provided in Section 3.2 of the SPF Decontamination Plan.

Equipment within the exclusion zone (e.g., at the unloading/size separation area and dewatering area) as well as the WTP equipment with a potential for reuse or salvage/recycling was decontaminated in the following general sequence:

- Flushing/recirculating water for a minimum of 1 to 2 hours;
- Draining the tanks (i.e., sediment slurry tank, hydrocyclone overflow tank, backwash holding tank, gravity thickener tanks, process/recycle water tanks; WTP vessels);
- Empting tanks of residual sediments, solids, and/or filter media using brooms, shovels, vacuum trucks; and
- Cleaning the interior and exterior surfaces of the tanks, piping, pumps, supports, and associated appurtenances by removing gross sediments/solids, followed by a water wash/flush with scrubbing, if necessary.

Steel and HDPE piping were flushed with water and cleaned to remove visible solids. Piping was disassembled or cut into manageable pieces to allow access for cleaning, inspection, and sampling.

The moveable equipment within the unloading/size separation area, dewatering building, WTP building, filter cake storage buildings, coarse material staging areas (CMSAs), and rail yard loading area was decontaminated in the following general sequence:

- Cleaning exterior surfaces of the equipment of residual sediments and solids using brooms, shovels and brushes; and

- Washing the exterior surfaces using a combination of water flushing, pressure washing, and scrubbing as necessary.

Certain items, piping, and pumps were disassembled to allow for access to decontaminate interior surfaces. Large stationary equipment and tanks were decontaminated in place, while smaller equipment, piping, and appurtenances were dismantled and transferred to the decontamination pad for cleaning.

## 3.2 VERIFICATION SAMPLING AND RESULTS

The decontaminated processing equipment and moveable equipment within the exclusion zone and the WTP that came into contact with PCB-containing materials, process water, or stormwater were sampled in accordance with Appendix A of the SPF Demobilization Plan. The sampling generally consisted of wipe sampling of the interior and exterior surfaces of the equipment at the specified sampling frequency.

The laboratory results of the post-decontamination sampling program for the processing and moveable equipment are contained in Attachment B, and are summarized in the following tables:

- Table 3.1-Verification Sampling Results-Fixed Equipment and Tanks
- Table 3.2-Verification Sampling Results-Ancillary Equipment
- Table 3.3-Verification Sampling Results-Mobile Equipment
- Table 3.4-Verification Sampling Results-Piping and Steel
- Table 3.5-Verification Sampling Results-Electrical Equipment and Structures

## 3.3 FINAL DISPOSITION

As shown in Tables 3.1 through 3.5, the post-decontamination sampling results for the processing equipment, tanks, and piping generally met the criteria for unrestricted use defined in Appendix B of the SPF Demobilization Plan. Equipment, and/or components thereof, that did not meet the criteria for unrestricted use were either properly disposed of designated for low-occupancy use, or re-cleaned and re-sampled. If the re-cleaning and re-sampling efforts did not reduce the concentrations to below the criteria for unrestricted use, the equipment, or components thereof, were properly disposed of. Filter media and residual solids from the WTP equipment and piping were removed from the equipment, characterized for disposal, stabilized as necessary, and shipped off-site for disposal at a RCRA Subtitle D Landfill.

Equipment, and/or components thereof, meeting the criteria for unrestricted use was shipped off-site for reuse/recycling or properly disposed of in a RCRA Subtitle D landfill. The following equipment did not meet the criteria for unrestricted use and was shipped off-site by rail car with the final shipments of sediment for proper disposal in a TSCA-permitted landfill:

- Finesmasters components;

- Hydrocyclone components;
- Screening components;
- Filter Press components; and
- Miscellaneous steel piping and fittings.

Portions of the HDPE piping system, which also did not meet the criteria for unrestricted use, were shipped off-site by truck for proper disposal at a RCRA Subtitle D landfill.

The three inclined-plate clarifiers in the WTP meet the criteria for low-occupancy use and were shipped off-site for re-use.

Filter media and residual solids from the WTP equipment and piping were removed from the equipment, characterized for disposal, stabilized as necessary, and shipped off-site for disposal at a RCRA Subtitle D Landfill. Final decontamination water from decommissioning the WTP was shipped by tanker truck and in drums under NYSDEC and EPA authorization to the GE Hudson Falls water treatment plant for treatment and discharge.

# SECTION 4

# STRUCTURES

## 4.1 DECONTAMINATION PROCEDURES

The Facility structures (e.g., WTP, dewatering building, and filter cake enclosures) were decontaminated as described in Section 3.6 of the SPF Demobilization Plan. The rail yard support building and administrative area trailers, which were located outside the exclusion zone and did not come into contact with PCB-containing sediment, were not subject to decontamination or sampling.

The dewatering building components were decontaminated by a water wash/flush with scrubbing as necessary to remove visible sediment/solids. The concrete floor within the dewatering building was pressure washed. The exposed surface of the interior insulation, in areas that were exposed to sediments/solids, was removed for proper off-site disposal. The underground piping beneath the dewatering building was decontaminated by flushing with water, and the entire length was grouted with flowable fill and abandoned in place.

The filter cake enclosure components (structural frame, filter fabric, concrete walls, and appurtenances) were decontaminated by a water wash/flush with scrubbing as necessary to remove visible sediment/solids. The asphalt floor within the dewatering building was initially cleaned by a water/wash flush. After evaluation of the verification sampling results, the top 1 to 1½ inches of the asphalt floor were removed by milling.

## 4.2 VERIFICATION SAMPLING AND RESULTS

The components of the structures within the exclusion zone that came into contact with PCB-containing materials, process water, or stormwater were sampled in accordance with Appendix A of the SPF Demobilization Plan. The sampling generally consisted of the collection of wipe samples of impervious interior and exterior surfaces as well as the collection of bulk samples of non-impervious components such as concrete and asphalt. Samples were collected at the frequency specified in Appendix A of the SPF Decontamination Plan.

The laboratory results of the post-decontamination sampling program for the structures are contained in Attachment B, and are summarized in the following tables:

- Table 4.1 - Verification Sampling Results-Structures-Dewatering Building
- Table 4.2 - Verification Sampling Results-Structures-Filter Cake Enclosures
- Table 4.3 - Verification Sampling Results-Structures-Water Treatment Plant

The post-decontamination sampling results for the structures generally met the criteria for unrestricted use defined in Appendix B of the SPF Demobilization Plan. PCBs were detected above the criteria in samples of the asphalt floor and the fabric of the filter cake enclosures.

## 4.3 FINAL DISPOSITION

As shown in Tables 4.1 through 4.3, the post-decontamination sampling results for the structures generally met the criteria for unrestricted use defined in Appendix B of the SPF Demobilization Plan. Components of the structures that did not meet the criteria for unrestricted use were either removed and properly disposed of or re-cleaned and re-sampled. If the re-cleaning and re-sampling efforts did not reduce the concentrations to below the criteria for unrestricted use, those components were properly disposed of.

The post-decontamination sampling results for the dewatering building met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan. The structural components, appurtenances, and floor slab of the dewatering building will remain in place. The underground piping beneath the dewatering building was grouted with flowable fill and abandoned in place.

The post-decontamination sampling results for all components of the filter cake enclosures except for the fabric and asphalt floor surfaces met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan. Bulk samples of the building fabric exceeded the criteria for unrestricted use, and the fabric was removed from the structures for off-site disposal at a TSCA-permitted landfill. Bulk samples of the top surface of the asphalt floor exceeded the criteria for unrestricted use, and the top 1 to 1½ inches of the asphalt floor were milled and shipped off-site for off-site disposal at a RCRA Subtitle D landfill. Following removal, the areas were re-paved with an asphalt top-coat to meet surrounding grades. The structural frame and appurtenances of the filter cake enclosures (e.g. lighting system, doors, exhaust hoods, connectors) met the criteria for unrestricted use and were removed from the site for unrestricted re-use or salvage/recycling. The concrete knee walls supporting the structural frame met the criteria for unrestricted use and will remain in place.

The post-decontamination sampling results for the water treatment plant met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan. The structural components, appurtenances, and floor slab of the dewatering building will remain in place. The underground discharge line from the water treatment plant to the Champlain Canal was decommissioned as requested by the site owner by plugging both ends with mechanical plugs and welding the discharge flap gate in the closed position.

# SECTION 5

# ASPHALT, CONCRETE, AND ASSOCIATED MATERIALS

## 5.1 DECONTAMINATION PROCEDURES

The asphalt and concrete surfaces within the exclusion zone, consisting of Facility roads, tank pads/foundations, concrete road barriers, material staging areas, decontamination areas, size separation/unloading areas, Track 7 rail loading area, and dewatering areas that came into contact with PCB-containing materials, process water, or stormwater, were decontaminated as described in Section 3.7 of the SPF Decontamination Plan following general sequence:

- Gross removal of residual sediments using brooms, shovels, vacuum trucks; and
- Water washing/flushing with scrubbing as necessary.

The wash water was either collected in local areas using a vacuum truck or allowed to drain into the stormwater management system and pumped to the WTP for treatment and discharge.

To access the rail components in the Track 7 loading area, the concrete panels were removed. Gross sediments were removed from rails, ties, and ballast stone using shovels, rakes, and brooms. Loosened sediments and debris were collected with a vacuum truck.

The decontamination, sampling, and disposition of the concrete and asphalt floors within the Facility structures are described in Section 4 above. The decontamination, sampling, and disposition of the concrete liner component of the stormwater basins are described in Section 7 below.

## 5.2 VERIFICATION SAMPLING AND RESULTS

Concrete and asphalt materials were sampled in accordance with Appendix A of the SPF Demobilization Plan with additional samples collected as necessary to characterize the asphalt and concrete systems. The sampling program for the asphalt and concrete materials as well as associated materials was as follows:

- In-place samples of concrete and asphalt were collected on the hypothetical 150-foot grid shown in Figure A-2 in Appendix A of the SPF Demobilization Plan. Core samples of the concrete and asphalt materials were collected at the locations and frequency specified in Appendix A of the SPF Decontamination Plan as modified based on discussions with EPA;
- Bulk samples of sealants and debris within and below the joints of the concrete and asphalt surfaces were collected in areas of damaged joints;

- Core samples were collected of concrete bin walls, fixed and moveable Jersey barriers, and bin-blocks;
- Composite bulk samples were collected of crushed concrete stockpiles in accordance with Appendix A of the SPF Decontamination Plan;
- Core samples were collected of concrete pits, pipe trenches and utility trenches;
- The pre-cast concrete panels were removed and bulk samples were collected of soil and debris on the railroad ties and within the ballast stone throughout the Track 7 loading area; and,
- In areas where the overlying concrete and/or asphalt surfaces were removed, the sub-base soils were sampled in accordance with Section 3.12 of the SPF Demobilization Plan.

In addition to the sampling described above, to evaluate the progress of the asphalt/concrete surface decontamination program., samples of stormwater runoff and accumulated surface sediment deposits were collected during the cleaning operations. During storm events, sheet flow and/or shallow concentrated flow was collected in key drainage areas, such as the discharges to the asphalt swale at the size separation area/unloading wharf and in proximity to the stormwater catch basins and culvert inlets located throughout the exclusion zone. Also, bulk samples were collected of sediments and debris accumulating in low-lying areas of the exclusion zone pavements. The laboratory results of the post-decontamination sampling program for the concrete and asphalt materials are contained in Attachment A, and are summarized in the following tables:

- Table 5.1 - Verification Sampling Results-Asphalt Pavement
- Table 5.2 - Verification Sampling Results-Concrete Pavement
- Table 5.3 - Verification Sampling Results-Concrete Appurtenances
- Table 5.4 - Verification Sampling Results-Pits and Trenches
- Table 5.5 - Verification Sampling Results-Asphalt and Concrete Pavements Sub-Base Soils
- Table 5.6 - Verification Sampling Results-Pre-Decontamination Residual Sediment
- Table 5.7 - Verification Sampling Results-Stormwater Run-Off

Apart from the floor of the filter cake enclosures discussed in Section 4.3 above, the post-decontamination sampling results for the asphalt and concrete surfaces and materials, met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan. PCB concentrations above the specified criteria were detected in the bulk samples of sealants and debris within the joints of asphalt and concrete surfaces. Sub-base soils beneath asphalt and

concrete surfaces generally met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan, except for the surface soils beneath the concrete panels in the loading area of Track 7. All materials not meeting the criteria for unrestricted use were removed from the site for off-site disposal as described in Section 5.3.

## 5.3 FINAL DISPOSITION

As described in more detail in Section 4.3 above, the asphalt surface of the floors in the filter cake enclosures was removed by milling and disposed of. Areas of damaged or non-intact joint sealants and joint sealants that exceeded the criteria for unrestricted use throughout the concrete and asphalt surfaces were removed by saw-cutting, using concrete wet-saws, the full depth of the joint and pressure washing the joints. The removed sealants and debris were collected with a vacuum tuck and a vacuum sweeper for off-site disposal at a RCRA Subtitle D landfill. Water from the cutting and washing operations was collected with a vacuum truck and decanted for treatment at the facility WTP.

The pre-cast concrete panels and rubber gaskets along Track 7 were removed to access the soils and ballast stone beneath the panels. Surface soil and debris on the railroad ties and within the ballast stone were removed by scrapping, shoveling, and vacuuming the impacted areas using hand-tools and a vacuum truck, as described above. As each area was cleaned and accepted by the Construction Manager and the on-site EPA representative, the pre-cast concrete panels were reinstalled and the rubber gaskets were shipped off-site for disposal at a RCRA Subtitle D landfill. The track system (rails, ties, and ballasts and pre-cast panels) remain in-place.

Concrete pits, trenches, and pump stations at the size separation area, dewatering area and stormwater basins were removed, as were the above-grade portions of foundations and supports in the size separation area and dewatering/thickening area. The asphalt swale at the wharf and portions of the asphalt swales at the North and South Stormwater Basins were removed and replaced with a vegetative swale. The removed concrete materials were crushed and shipped off-site for beneficial re-use. The removed asphalt was also shipped off-site for beneficial re-use.

Facility roads (the Main Haul Road, North Extension Road, South Extension Road, North Access Road, South Service Road, and Rail Yard Access Road) remain in place, as do the culverts and concrete barriers along these roads. The following items/materials also remain in place:

- Concrete appurtenances, such as the knee walls in the filter cake enclosures and the CMSA bin walls;
- Asphalt and concrete pavement associated with the material staging areas, decontamination area, dewatering/thickening area, size separation area, and rail yard loading platform;
- Concrete pads for tanks at the size separation area, dewatering area and WTP;

- The pre-cast concrete panels along Track #7; and
- Sub-base materials beneath areas where the concrete or asphalt was removed.

# SEDIMENT PROCESSING FACILITY DECONTAMINATION REPORT

# SECTION 6

# STORMWATER DRAINAGE PIPING AND STRUCTURES

## 6.1 DECONTAMINATION PROCEDURES

The initial decontamination phase for the stormwater HDPE drainage piping and associated catch basins/manholes in the exclusion zone consisted of the gross removal of solids and debris from the drainage structures and from the roadways and pavement areas surrounding the stormwater drainage structures. This was followed by flushing of the stormwater drainage structures and piping with water. The stormwater HDPE drainage piping was flushed using a pressurized water snake system, and the interior surfaces of catch basins/manholes were flushed with water. Gross sediments/solids were removed with shovels, brooms, pumps and vacuum trucks from sand traps in catch basins/manholes before being washed. Wash water was collected in each manhole and in the stormwater basins and treated in the WTP. Solids generated during flushing activities were collected and dewatered in the stormwater basins and in a contained area of the CMSA expansion and stabilized for off-site disposal.

The stormwater underdrain system was decontaminated by removing water and debris from the system at each monitoring/pump-out standpipe using a vacuum truck. Each standpipe was cleaned using a swab and brushes to remove any residual contamination on the walls of the standpipes. Wash water and water removed from the underdrain system was collected by vacuum truck at each monitoring/pump-out standpipe/monitoring and treated in the WTP.

## 6.2 VERIFICATION SAMPLING AND RESULTS

The stormwater drainage piping and structures were sampled in accordance with Section 3.8 of the SPF Demobilization Plan. Wet-weather stormwater runoff samples were collected at the asphalt swale to the Waterfront Stormwater Basin and at the stormwater outfall discharges to the North and South Stormwater Basins. To evaluate the progress of the storm drain jetting operation, additional samples of flush water were collected by pumping water from the water truck water into catch basins, and collecting samples of the flush water in downstream catch basins.

Samples of the water in the underdrain system were collected in each monitoring/pump-out standpipe that contained sufficient water to sample, using a peristaltic pump and low-flow groundwater well sampling techniques.

Figures depicting the locations and results for the samples collected of the stormwater discharges to the basins are provided as Figure 6-1A and 6-1B.

A figure depicting the locations and results of the final samples collected of the water in the underdrain monitoring/pump-out standpipes is provided as Figure 6-2.

The laboratory results of the post-decontamination sampling program for storm drain piping and structures are contained in Attachment B, and are summarized in the following tables:

- Table 6.1-Verification Sampling Results-Stormwater Basin Inlets
- Table 6.2-Verification Sampling Results-Underdrain Monitoring Points

In instance where PCBs were detected in the stormwater drainage piping and structures above the substantive effluent limit for PCB discharges from the Facility (0.065 µg/L), additional decontamination was performed, and additional samples collected. As shown on Figure 6-1A and 6-1B , at the completion of the decontamination activities for the stormwater drainage piping and structures, PCBs were not detected in stormwater above the substantive effluent limit for PCB discharges from the Facility during two or more consecutive wet-weather sampling events. Similarly, at the completion of the decontamination activities for the underdrain monitoring/pump-out standpipe, PCBs were not detected above the substantive effluent limit for PCB discharges from the Facility (Table 6.2).

## 6.3 FINAL DISPOSITION

The HDPE stormwater drainage piping and associated structures, including the underdrain system, were left in place since the sampling results indicated that. At the completion of the decontamination activities, the PCB concentrations were not detected above the substantive effluent limit for PCB discharges from the Facility. The underdrain pump-out/monitoring risers were abandoned by drilling to penetrate about 2 feet below the exclusion zone flexible membrane liner (FML). The boring was backfilled with granular drainage material from about 2 feet below the FML to about 2 feet above the FML to minimize perching of water above the liner system. Above the granular backfill, the remainder of the pump-out/monitoring risers was backfilled with bentonite and sealed at the surface with a concrete grout mix.

The post-decontamination sampling results for the stormwater underdrain system met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan.

# SEDIMENT PROCESSING FACILITY DECONTAMINATION REPORT

# SECTION 7

# STORMWATER BASINS AND PUMP STATIONS

## 7.1 DECONTAMINATION PROCEDURES

After the stormwater drainage structures and piping were decontaminated, gross sediments/solids were removed from the concrete surfaces of the stormwater basins using a skid steer, and the concrete surfaces were thoroughly washed. The wash water from the decontamination of the stormwater basins was pumped from the basins through the existing stormwater force mains to the WTP for treatment and discharge. The residual solids generated from the decontamination of the stormwater basins were collected by vacuum truck, staged in a temporary holding cell in the CMSA expansion area, and stabilized for off-site disposal at a permitted RCRA Subtitle D landfill.

The pump stations were decontaminated by washing/flushing with water and jetting the internal vault during the cleaning of the stormwater piping system. The wash water from the decontamination of the stormwater pump stations was pumped through the existing stormwater force mains to the WTP for treatment and discharge.

## 7.2 VERIFICATION SAMPLING AND RESULTS

Concrete materials from the geo-cell liner system and the pump station vaults were crushed and sampled in accordance with Appendix A of the SPF Demobilization Plan. Crushed concrete was staged in the CMSA expansion area in approximately 500-cubic yard piles. A composite sample of five grab sample aliquots was collected from each pile. Representative bulk samples of the geo-synthetic liner materials within each basin were collected after the concrete geo-cell material were removed. Representative bulk samples of the sub-base materials beneath each pump station were also collected after the concrete pump station were removed. Wipe samples of the pump station pumps, piping, structures, and appurtenances we also collected.

The laboratory results of the post-decontamination sampling program for the stormwater basins and pumps stations are contained in Attachment A, and are summarized in the following Tables:

- Table 5.3 - Verification Sampling Results-Concrete Appurtenances
- Table 7.1 - Verification Sampling Results-Geosyntheic Liner Systems
- Table 7.2 - Verification Sampling Results-Gorman-Rupp Pump Stations

All components of the stormwater basins and pump stations met the criteria for unrestricted use as described in Appendix B of the SPF Demobilization Plan.

## 7.3 FINAL DISPOSITION

The stormwater basins were re-configured/reconstructed in accordance with EPA-approved plans and remain in service to manage on-site stormwater. To facilitate the reconstruction of the basins, the entire concrete geocell and geosynthetic liner systems were removed from the Waterfront Stormwater Basin, while portions of these liner systems were removed from the North and South Stormwater Basins. The removed concrete geocell was crushed, and the crushed material was shipped off-site for beneficial re-use. The removed geosynthetic liner system was shipped off-site for disposal in a RCRA Subtitle D landfill. The concrete vaults of the pump stations were removed and crushed, and the crushed material was shipped off-site for beneficial re-use. The pumps, control panels and above-ground enclosures were shipped off-site for re-use.

# SEDIMENT PROCESSING FACILITY DECONTAMINATION REPORT

# SECTION 8

# STORMWATER FORCEMAIN PIPING

## 8.1 DECONTAMINATION PROCEDURES

The stormwater force main piping from the stormwater basins to the WTP was decontaminated as described in Section 3.10 of the SPF Demobilization Plan. The entire length of the force main piping was flushed using a pressurized water snake system. The wash water was collected in each the pump station vaults, and transferred by vacuum truck to the WTP for treatment and discharge.

## 8.2 FINAL DISPOSITION

After cleaning, the ends of the force mains were plugged with a concrete grout, and the force mains were abandoned in-place.

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# SECTION 9

# REFERENCES

Arcadis, 2015. *Phase 2 Sediment Processing Facility Demobilization and Restoration Plan. Hudson River PCBs Superfund Site*. Prepared for General Electric Company. Revised September 2015.

Parsons, 2013. *Phase 2 Facility Operations and Maintenance Plan for 2013*. Appendix B to *Remedial Action Work Plan for Phase 2 Dredging and Facility Operations in 2013, Hudson River PCBs Superfund Site*. Prepared for General Electric Company. April 2013.

Parsons, 2015. *Phase 2 Facility Operations and Maintenance Plan for 2015*. Appendix B to *Remedial Action Work Plan for Phase 2 Dredging and Facility Operations in 2015, Hudson River PCBs Superfund Site*. Prepared for General Electric Company. Revised June 2015.

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General Electric

# SEDIMENT PROCESSING FACILITY ENVIRONMENTAL SAMPLING DATA SUMMARY REPORT

December 21, 2016

# SEDIMENT PROCESSING FACILITY ENVIRONMENTAL SAMPLING DATA SUMMARY REPORT

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# ATTACHMENTS

Attachment 1. Groundwater Sampling Summary Report, including Data Usability Summary Report for Groundwater

Attachment 2. Data Usability Summary Report for 2016 Soil, Surface Water, and Sediment Samples

# ACRONYMS AND ABBREVIATIONS

bgs = below ground surface

cy = cubic yards

DPT = direct-push technology

DQOs = data quality objectives

DUSR = *Data Usability Summary Report*

E&E = Ecology and Environment, Inc.

EP/L = Energy Park/Longe

EPA = United States Environmental Protection Agency

FSP = *Field Sampling Plan*

GE = General Electric Company

GPS = global positioning system

LCS = Laboratory Control Sample

LEL = Lowest Effect Level

mg/kg = milligram per kilogram

mg/L = milligram per liter

MS/MSD = Matrix Spike/Matrix Spike Duplicate

NTUs = nephelometric turbidity units

NYS = New York State

NYSCC = New York State Canal Corporation

NYSDEC = New York State Department of Environmental Conservation

PAHs = polynuclear aromatic hydrocarbons

PCB = polychlorinated biphenyl

PID = photoionization detector

PVC = polyvinyl chloride

QAPP = *Quality Assurance and Project Plan*

QA/QC = quality assurance/quality control

RSCO = Recommended Soil Cleanup Objective

SDGs = sample data groups

SPF = Sediment Processing Facility

STARS = Remediation Series list of VOC compounds

SVOCs = semi-volatile organic compounds

TAGM = Technical and Administration Guidance Memorandum

TCL = Target Compound List

TGSCS = Technical Guidance for Screening Contaminated Sediments

TOC = total organic carbon

TOGS = Technical and Operation Guidance Series

TPH = Total Petroleum Hydrocarbons

TPH DRO = Diesel Range Organics

TPH GRO = Gasoline Range Organics

USCS = Unified Soil Classification System

VOCs = volatile organic compounds

# DATA SUMMARY REPORT OVERVIEW

This report provides a summary of the baseline environmental sampling activities conducted in 2004-2009 at the site to be used as the Upper Hudson River Sediment Processing Facility (SPF or Facility) and the recent post-decontamination environmental sampling activities and results associated with the Facility decommissioning. These activities included sampling of the following site media.

- Surface Soils
- Subsurface Soils
- Surface Water
- Sediment
- Groundwater

This document summarizes work activities completed and presents the data obtained. Descriptions of the activities performed include deviations from the scope of work presented in the *Phase 2 Sediment Processing Facility Demobilization and Restoration Plan* (SPF Demobilization Plan; Arcadis 2015a), the project Field Sampling Plan (FSP) that was Appendix A to the SPF Demobilization Plan (referred to herein as the SPF Demobilization FSP; Arcadis 2015b) and/or the project Quality Assurance Project Plan (QAPP). Additionally, where appropriate, the recent sampling results are compared to the baseline data from the same medium and/or to guidance values or standards issued by the New York State Department of Environmental Conservation (NYSDEC).

# 1 SUMMARY OF BASELINE SITE SAMPLING ACTIVITIES

Baseline characterization sampling was conducted at the Energy Park/Longe (EP/L) parcels as part of prospective property lease for construction and operation of the SPF associated with the Hudson River remediation project. Baseline characterization was also conducted at the New York State Canal Corporation (NYSCC) property that would be part of the Facility. The baseline characterization was conducted in accordance with the Energy Park/Longe/New York State Canal Corporation Site Characterization; Baseline Characterization and Geotechnical Assessment Work Plan (Baseline Work Plan) (BBL, 2005).

## 1.1 Baseline Sampling Program

In 2004, E&E completed a siting assessment of the EP/L and NYSCC parcels on behalf of the EPA, which included collection and analysis of soil, groundwater, sediment, and surface water samples (E&E 2004b). In 2005, Blasland, Bouck & Lee, Inc. (BBL, now Arcadis), on behalf of GE, performed Phase 1 assessments and baseline characterization sampling to further define existing environmental conditions at the EP/L and NYSCC parcels prior to construction of the Facility (BBL 2006a,b). The 2005 characterization sampling included collection and analysis of soil, groundwater, sediment, and surface water samples. In addition, Arcadis, on behalf of GE, collected groundwater samples in April 2007 and groundwater and surface water samples in April 2009. The baseline sampling activities and results are presented in the following reports:

- *Hudson River Superfund Site Facility Siting Data Summary Report, Site-Specific Field Investigations of the Final Candidate Sites* (E&E 2004)
- *New York State Canal Corporation Baseline Characterization Data Summary Report* (Arcadis 2006a)
- *Energy Park/Longe Baseline Characterization Data Summary Report* (Arcadis 2006b)
- *Hudson River Sediment Processing Facility, Fort Edward, New York, Groundwater and Surface Water Sampling Data Summary Report* (Arcadis 2009)

Baseline characterization samples were collected over the course of four sampling events, and analyzed for PCBs, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organochlorine pesticides, metals/inorganic constituents, oil and grease, and low-level mercury. In each baseline event sampling report, the analytical results for each sample media were compared to corresponding NYSDEC screening criteria. A brief summary of the baseline sampling program is provided below.

## 1.2 Baseline Soil Sampling

### 1.2.1 Soil Boring Installation

Fifteen soil borings on the NYSCC property and 39 soil borings on the EP/L properties were advanced between August and October 2005. Each boring was installed to provide physical and/or chemical data to describe the study area's existing conditions. The soil boring sampling locations are identified on Figures

2A and 2B. A total of 22 soil samples from the NYSCC property and 66 soil samples from the EP/L properties were collected from the soil borings within the study area during the baseline characterization for analysis of VOCs, PCBs, SVOCs, organochlorine pesticides, and metals.

### 1.2.2 Baseline Soil Results

During the baseline sampling, no PCBs were detected at concentrations above NYSDEC TAGM 4046 Recommended Soil Cleanup Objectives (RSCOs) for subsurface soils (NYSDEC, 1994). PCBs were detected in four soil samples at concentrations ranging from 0.049 milligrams per kilogram (mg/kg) to 1.7 mg/kg (MW-17, SB-10, SB-11, and MW-11). According to the baseline data summary reports, no VOCs or organochlorine pesticides were detected in soil samples at concentrations exceeding NYSDEC TAGM 4046 criteria. Four SVOCs (benzo(a)pyrene, dibenz(a,h)-anthracene, and phenol) were detected in soil samples at concentrations exceeding NYSDEC TAGM 4046 criteria (MW-13, SB-05, GT-213, GT-217, and SB-11). Multiple metals/inorganic constituents (arsenic, beryllium, calcium, chromium, copper, iron, magnesium, mercury, nickel, vanadium, and zinc) were detected in soil samples at concentrations greater than their respective background levels.

## 1.3 Baseline Groundwater Sampling

### 1.3.1 Monitoring Well Sampling

Seven groundwater samples were collected from the NYSCC study area and 17 groundwater samples were collected from the EP/L parcels. Figures 2A and 2B identify the monitoring well locations. All monitoring wells were completed above bedrock in unconsolidated soils. Shallow monitoring wells were installed in a predominantly sand unit while deep monitoring wells were installed in a predominantly clay unit. The monitoring wells were developed to remove fine sediments from the well and sand pack, and to improve hydraulic connection between the monitoring well and the surrounding aquifer. After development, the monitoring wells were allowed to equilibrate for approximately 1 week. One groundwater level gauging event was conducted in late September 2005

In early October 2005, groundwater samples were collected from the 7 monitoring well on the NYSCC Property and 17 monitoring wells on the EP/L parcels. Prior to sampling, each of the wells was purged using low flow sampling techniques in accordance with the project *Quality Assurance Project Plan* (QAPP) (Appendix B to Baseline Work Plan) and FSP (Appendix C to Baseline Work Plan). Field measurements of turbidity, conductivity, pH, and temperature were recorded. Groundwater sample collection was performed using the low-flow technique described in the Baseline Work Plan. Groundwater samples were sent to Severn Trent Laboratories (STL) for analysis of VOCs, SVOCs, pesticides, PCBs, and metals.

### 1.3.2 Baseline Groundwater Results

PCBs and organochlorine pesticides were not detected in any of the groundwater samples collected during the baseline sampling events. One VOC (chloroform) and one SVOC (bis 2-chloroethyl ether) were detected at concentrations greater than respective groundwater standards at MW-3D. Multiple metals and other inorganic constituents (antimony, chromium, iron, magnesium, manganese, and sodium) were reported at concentrations exceeding their respective groundwater standards. Oil & grease detections were reported in two groundwater.

## 1.4 Baseline Surface Water Sampling

### 1.4.1 Surface Water Sampling Event

Surface water samples were collected in September 2005 from 6 locations adjacent to the study area in accordance with the sampling procedures described in the Baseline Work Plans. Two samples were collected from Bond Creek (SW-01 and SW-04), two samples from an unnamed tributary to Bond Creek (SW-05 and SW-06) that parallels the northern edge of the EP parcel, and two samples from the Lock Diversion Channel. (SW-02 and SW-03). The surface water sampling locations are identified on Figures 2A and 2B. The samples were collected directly into the sample containers in a downstream to upstream direction. The samples were submitted to STL for analysis of VOCs, PCBs, SVOCs, organochlorine pesticides, and total metals.

### 1.4.2 Baseline Surface Water Results

According to the baseline event sampling reports, no PCBs, VOCs, SVOCs, or organochlorine pesticides were detected in surface water samples at concentrations exceeding respective NYSDEC standards. Iron was the only metal/inorganic constituent detected in surface water samples at concentrations greater than applicable standards.

## 1.5 Baseline Sediment Sampling

### 1.5.1 Sediment Sampling Event

Sediment samples were collected in September 2005 from 29 locations (30 samples) adjacent to both the NYSCC and EP/L study areas (10 samples from Bond Creek, 4 samples from unnamed tributary to Bond Creek, 5 samples from the Lock Diversion Channel, and 11 samples from the Champlain Canal). The sediment sampling locations are identified on Figures 2A and 2B. Lexan tubing was manually advanced to collect the sediment cores. Sediment samples were collected to a depth of approximately 3 feet below the sediment surface. One composite sediment sample from each location was sent to STL for analysis of VOCs, SVOCs, PCBs, pesticides, total organic carbon (TOC), and metals.

### 1.5.2 Baseline Sediment Results

Sediment samples collected from Bond Creek, the tributary to Bond Creek, and the Lock Diversion Canal during the baseline event had detections of PCBs at concentrations less than NYSDEC criterion, ranging from 0.028 mg/kg to 0.22 mg/kg. None of the sediment samples collected from the Champlain Canal contained detectable concentrations of PCBs. The baseline sampling reports stated that no pesticides exceeded the benthic aquatic life acute toxicity guidance values, but chronic toxicity guidance values were exceeded in sediment for the pesticides alpha-chlordane and endosulfan. Detections of VOCs and SVOCs were all below their respective NYSDEC sediment screening criteria. Of the 30 sediment samples collected for analysis, 12 contained at least 1 metal above its Lowest Effect Level (LEL) listed in the NYSDEC's Technical Guidance for Screening Contaminated Sediments (TGSCS) (NYSDEC, 1999). Multiple metals (cadmium, chromium, copper, iron, manganese, mercury, nickel, and zinc) were detected in sediment at concentrations exceeding their respective LEL screening values in the NYSDEC's TGSCS.

# 2 SUMMARY OF FACILITY POST-DECONTAMINATION ENVIRONMENTAL SITE ASSESSMENT

In 2015, Arcadis completed the collection of Champlain Channel sediment adjacent to the NYSCC property. In 2016, Arcadis completed the remainder of the environmental media sampling at the Sediment Processing Facility. This sampling consisted of the collection and analysis of surface and subsurface soil samples, surface water and sediment samples, and groundwater samples at and immediately adjacent to the Facility (see Figure 4-1 from the SPF Demobilization Plan). Analytical data from the environmental sampling program have been compared with analytical data from sampling conducted prior to construction and operation of the Facility, as well as applicable NYSDEC guidance values and standards (as agreed with EPA), to determine whether additional sampling or other actions were needed.

Field characterization activities consisted of collection of surface and subsurface soil, surface water, sediment, and groundwater samples as described below.

## 2.1 Surface Soil Sampling

### 2.1.1 Surface Soil Sample Collection

Surface soil samples were collected at various locations across the Facility to characterize soils immediately surrounding areas used to process, handle, and stage PCB-containing sediment during Facility operations. The soil sample locations are illustrated on Figure 3. Surface soil sampling was initially planned for the collection of 17 locations at a 0 to 6-inch depth surrounding PCB sediment handling areas. However, prior to the start of the surface soil sampling event, EPA requested that GE modify the surface soil collection depth from 1 sample per location from 0 to 6 inches to 2 samples per location collected from 0 to 2 inches for PCB laboratory analysis and from 2 to 6 inches to be archived for possible future analysis if necessary. EPA also added 14 sample locations to the sampling program.

The initial surface soil sampling was conducted in July 2016 at 31 locations (SS-301 through 33-331), as shown on Figure 3. Based on those initial results, which showed PCBs concentrations greater than the guidance value of 1 mg/kg in 3 surface samples (SS-301, SS-306, and SS-329), additional surface samples were collected in late September 2016 at several locations adjacent to those 3 initial locations (SS-332 through SS-337); the 2- to 6-inch depth increments were analyzed at those 3 initial locations; and an additional deeper sample (at 12 to 14 inches) was also collected at one of those original locations (SS-301). Further, in November 2016, at EPA's request based on separate soil sampling conducted by EPA, Arcadis collected additional samples in two areas along the edges of the exclusion zone, as shown on Figure 3 (SS-338 through SS-340). Based on the results from the sample at location SS-340, additional samples were then collected along Track 7 in two iterative events (SS-341 through SS-347). The additional sample locations are also shown on Figure 3.

In total, Arcadis collected samples from 47 locations. Soil sampling locations were selected to target areas used to process, handle, and stage PCB-containing sediment during Facility operations (or at EPA's request). A description of the sample collection methods and protocols are presented in the soil boring and soil sampling Standard Operating Procedure (SOP) included in the SPF Demobilization FSP.

Where surface soil samples were collected, the sampling was performed using a hand trowel or auger sampling devices that were manually advanced to the depths of 2 and 6 inches below ground surface (bgs). All samples were submitted to PACE Analytical Services (PACE) for analysis of PCB.

### 2.1.2 Surface Soil Sampling Results

The results of the surface soil sampling are presented in Table 1. Surface soil sample results for PCBs were compared to NYSDEC's DER Technical Guidance for Site Investigation and Remediation (NYSDEC May 2010), and specifically to the guidance value of 1 mg/kg, as agreed with EPA. During the initial post-decontamination sampling in July, as noted above, 31 surface soil samples were collected from a depth of 0 to 2 inches bgs for PCB analysis and samples were also collected from the 2- to 6-inch depth to be archived. There were 19 samples that had no detectable PCBs concentrations and PCBs were detected in 12 soil samples at concentrations ranging from 0.033 (estimated) to 2.1 mg/kg, with 3 of these samples above the 1 mg/kg guidance value.

The 3 surface sample locations (SS- 301, 306, and 329) above 1 mg/kg in the 0 to 2-inch depth had the archived 2- to 6-inch depth analyzed with results of 0.28, 2.8, and 2.9 mg/kg, respectively. At location SS-301, a deeper sample was also collected and analyzed from the 12- to 14-inch depths with no detectable PCBs. GE conducted limited soil removal around locations SS- 301, 306, and 329, with step-out and confirmation samples collected in late September to confirm that cleanup levels were met (samples SS-332 to SS-337). Of the 6 post-excavation samples collected, 5 had no detections for PCBs and 1 location (SS-335) had a concentration of 0.55 mg/kg.

During the supplemental sampling in November in response to EPA's sampling at the north end of Track 7, three additional surface soil samples showed PCB concentrations at or above 1 mg/kg – 4.2 (with a duplicate of 4.6) mg/kg at SS-340, 1.0 (with a duplicate of 1.6) mg/kg at SS-341, and 1.5 mg/kg at SS-342. Further sampling was conducted around those locations, and GE removed an additional area of soil at the Track 7 area mentioned above. The confirmation samples were below 1 mg/kg.

In summary, following the soil removals that were conducted, the PCB data in the currently remaining surface soil at the Facility consist of 23 samples with no detected PCBs and 12 samples with detected PCB levels below 1 mg/kg, ranging from 0.033 mg/kg (estimated) to 0.55 mg/kg.

## 2.2 Subsurface Soil Sampling

### 2.2.1 Subsurface Soil Sample Collection

Subsurface soil samples were collected at representative locations across the Facility to characterize soils beneath areas used to process, handle, and stage PCB-containing sediment during Facility operations, as well as near constructed drainage features of the site (e.g., catch basins, underdrains, stormwater basins). The soil sample locations are illustrated on Figure 3. Subsurface soil samples were collected by Arcadis from soil borings completed at 21 locations and additional subsurface or sub-base samples were collected by Parsons at 31 locations in various site equipment areas or near construction features (e.g., overflow pit, pipe trenches, stormwater basins, equipment pads) during removal activities. Soil sampling locations were selected to target areas used to process, handle, and stage PCB-containing sediment during Facility operations. A description of the sample collection methods and protocols are presented in the soil boring and soil sampling SOP included in the SPF Demobilization FSP.

For subsurface samples collected by Arcadis, soil borings were completed using direct-push technology (DPT) sampling methods (PowerProbe® truck rig) – the same method used to collect soil samples during the baseline site characterization program. In areas with concrete or asphalt pavement, coring and air knife sub-base material removal was performed to provide access to the site liner and underlying soil for sampling. The DPT borings were advanced to a depth of 4 feet below ground surface or 4 feet below the containment liner system, where present. Soil samples were collected with a 4-foot-long Macro-Core® sampling device using disposable acetate sleeves.

Field personnel recorded a detailed description of each sample interval using the Unified Soil Classification System (USCS), including lithologic description, moisture content, color, percent recovery, grain size distribution, and any visual or olfactory observations. A portion of each sampling interval was split for headspace screening for volatile organic vapors using a properly calibrated field photoionization detector (PID). The headspace readings were recorded in the field notes.

At each of the subsurface soil boring locations below the containment liner system, one soil sample was collected for PCB analysis from the uppermost 0- to 2-foot sample interval and one soil sample from the 2- to 4-foot sample interval below the containment liner system was archived. At the request of EPA, 3 samples of the sand layer between the geotextile fabric and the site liner (SB-310, 311, and 314) were collected for PCB analysis.

Subsurface soil samples collected from the size separation area (SB-302, SB-304, and SB-305) were also analyzed for target compound list (TCL) SVOCs (including nitrobenzene, 2,4-dinitrotoluene, and 2,6-dinitrotoluene). and total petroleum hydrocarbons (TPH) diesel range organics (DRO) and TPH gasoline range organics (GRO) (based on the potential for explosive or propellant residues and petroleum impacts on the property). Field PID measurements were obtained from soil samples collected from the 0- to 2 foot and 2- to 4-foot subsurface intervals below the containment liner system at each boring. It was planned that if a subsurface sample had potential presence of volatile organic vapors through PID screening or based on visual observations, a sample would be collected and submitted from the boring for laboratory analysis for NYSDEC Spills Technology and Remediation Series (STARS) list VOCs and STARS list SVOCs. There were no indications of the potential presence of volatile organic vapors (through PID screening or based on visual observations) so at each of those locations a sample was collected only from the 0- to 2-foot depth interval for the initial laboratory analysis.

At subsurface soil boring locations SB-321 and SB-322, where temporary above-ground fuel storage occurred during the Facility operations, field PID measurements were obtained from soil samples collected from the 0- to 2-foot and 2- to 4-foot depth intervals at each boring. Again, it was planned that if a subsurface sample indicated the potential presence of volatile organic vapors through PID readings above background or based on visual observations, a sample would also be collected from that depth interval and submitted for laboratory analysis for NYSDEC STARS list VOCs, STARS list SVOCs, TPH DRO, and TPH GRO. There were no indications of the potential presence of volatile organic vapors (through PID screening or based on visual observations) so at each of those locations a sample was collected only from the 0- to 2-foot depth interval for laboratory analysis for NYSDEC STARS list VOCs, STARS list SVOCs, TPH DRO, and TPH GRO.

QA/QC samples (i.e., duplicate samples, equipment blanks, and MS/MSDs) were collected as part of the soil sampling as outlined in the SPF Demobilization FSP. Each sample location was marked and surveyed in the field using survey grade global positioning system (GPS) survey methods. Following

completion, each core/boring location was abandoned by backfilling with a bentonite/cement grout. Concrete/asphalt surfaces were restored using a fast-setting concrete mix.

In addition, 31 soil samples were collected by Parsons from the South Size Separation Area (hydro-cyclone overflow pit, slurry pipe trench) and the 3 site stormwater basins (north, south, and waterfront basins). These samples were analyzed for PCBs. Certain locations supplemented the Arcadis soil boring program (SB-301, 303, 306, and 308) while other locations (SB-325, 326, 327, 328, 329, and 330) were added by GE or EPA. The locations of these samples are further described in Table 3.

### 2.2.2 Subsurface Soil Results

The results of the subsurface soil samples collected by Arcadis are presented in Table 2. Table 3 describes the locations of the subsurface or sub-base samples collected by Parsons and the associated facility operations and presents the PCB results.

#### 2.2.2.1 PCBs

No PCBs were detected in the 21 soil boring samples collected by Arcadis at (SB- 302, 304, 305, 307, 309, 311 to 324, 327, and 328) and from 0 to 2-foot below the site liner or in the 3 sand samples collected between the geotextile fabric and the liner (SB-310, 311, and 314).

Out of the 31 soil locations collected by Parsons, 27 samples had no detections of PCBs and 4 samples had PCB detections ranging from 0.13 mg/kg (estimated) to 0.235 mg/kg.

#### 2.2.2.2 TPH DRO

TPH DRO samples were collected from 3 soil borings (SB-302, SB-304, and SB-305). There were low-level detections in all of the samples, ranging from 10 mg/kg to 13.3 mg/kg. While there is no specific criterion for TPH DRO in New York State's DER-10 Technical Guidance for Site Investigations and Remediation, these levels are very low. Comparatively, the TPH DRO specification for clean fill that could be placed in the river for backfill was < 10 mg/kg, and TPH DRO was frequently detected in the 10 – 20 mg/kg range during the qualification testing of topsoil from local off-site borrow pits.

#### 2.2.2.3 TPH GRO

TPH GRO samples were collected from 3 soil borings (SB-302, SB-304, and SB-305). There were no detectable values in any of the samples.

#### 2.2.2.4 VOCs

VOC samples were collected from 2 soil boring locations (SB-321 and SB-322). One of the 2 samples (SB-321) contained detected concentrations of VOCs. The two VOCs detected were 1,2,4-trimethylbenzene and naphthalene, both of which had concentrations below the guidance criteria.

#### 2.2.2.5 SVOCs

SVOC samples were collected from the same 2 soil boring locations (SB-321 and SB-322). SVOCs were detected in the same sample that contained VOCs. The SVOCs detected were benzo(b)fluoranthene,

benzo(k)fluoranthene, chrysene, fluoranthene, naphthalene (using the SVOC analytical method), phenanthrene, and pyrene, all of which had concentrations below the guidance criteria.

TCLP SVOCs were collected from 3 soil borings (SB-302, SB-304, and SB-305. There were no detectable TCLP SVOCs in any of those samples.

## 2.3 Surface Water Sampling

### 2.3.1 Surface Water Sample Collection

Surface water samples were collected from five locations adjacent to the Facility. The surface water sampling locations are depicted on Figure 3 and generally correspond with locations sampled during the baseline characterization sampling program. Three surface water samples were collected from Bond Creek (SW-301, SW-304, and SW-305), and two surface water samples were collected from the Lock Diversion Channel (SW-302 and SW-303). The surface water sampling was performed following the sample collection methods and protocols presented in the SOP in the SPF Demobilization FSP. The surface water sampling was collected in conjunction with the sediment sampling activities (discussed below) and generally proceeded in a downstream to upstream direction. The surface water samples were submitted to PACE for analysis of PCBs. In addition, QA/QC samples were collected as part of the surface water sampling as outlined in the SPF Demobilization FSP. Each sample location was marked and surveyed in the field using survey grade GPS survey methods.

### 2.3.2 Surface Water Results

The results of the surface water sampling are presented in Table 4. No PCBs were detected in the surface water samples collected from Bond Creek or the Lock Diversion Channel.

## 2.4 Surface Sediment Sampling

### 2.4.1 Surface Sediment Sample Collection

Sediment samples were collected from 14 locations, as shown on Figure 3. The sediment sampling locations were selected to generally correspond to locations sampled during the baseline characterization sampling program. One extra location was added to the locations specified in the SPF Demobilization FSP; that location was upstream in the Lock Diversion Canal at the confluence of the Champlain Canal (SD-301). Sediment samples were collected from the following locations:

- Four locations within the Champlain Canal
- Five locations within Bond Creek
- Three locations within the Lock Diversion Canal
- Two locations in the non-contact stormwater basins

The sediment sampling was performed in accordance with the SOP presented in the SPF Demobilization FSP. Lexan® tubing was used to collect the sediment core samples. The tubing was inserted with a vertical entry into the sediment bed to secure a reliably representative cross-section sample. The core

tube was advanced to a depth of approximately 8 inches below the sediment surface for the inland waters and to refusal in the Champlain Canal. At each sampling location except in the Champlain Canal, one sample was collected for laboratory analysis from the 0- to 6-inch surface depth interval. In the Champlain Canal, 3 sample locations (SD-301A/301B, SD-302A/302B, and SD-303A/303B) had 2 samples collected at each location for a 0 to 6-inch surface sample and a full core depth sample based on refusal to bedrock. At the other location in the Canal (SD-304A), a 0- to 6-inch sample was collected from the upper 6-inch interval of the recovered core depth.

The sediment samples were submitted to PACE for analysis of PCBs and TOC. In addition, QA/QC samples were collected as part of the sediment sampling as outlined in the SPF Demobilization FSP. Each sample location was marked and surveyed in the field using survey grade GPS survey methods.

### 2.4.2 Surface Sediment Results

The results of the sediment sampling are presented in Table 5 and summarized below.

#### 2.4.2.1 PCBs

In the Bond Creek samples (SD-305 through SD-308, and SD-310), 4 of the 5 samples showed no detected PCBs and 1 location (SD-306) had an estimated concentration of 0.11 mg/kg. In the Lock Diversion Canal, all 3 samples (SD-301, 309, and 311) had non-detect results. In the Champlain Canal samples (SD-301A through SD-304A), 6 of the 7 samples had non-detect results and one sample (SD-302B) had an estimated concentration of 0.11 mg/kg. In the non-contact stormwater basins, both samples had non-detect results. Surface sediment results were comparable to those from the baseline sampling event in 2005.

#### 2.4.2.2 TOC

TOC concentrations ranged from 8,100 mg/kg to 83,000 mg/kg, which are comparable with the baseline sample results.

## 2.5 Groundwater Sampling

### 2.5.1 Monitoring Well Sampling

Monitoring well integrity assessment, redevelopment, gauging, and sampling were conducted at 12 monitoring wells located at the Sediment Processing Facility (MW-01, MW-01D, MW-02, MW-02D, MW-08, MW-09, MW-10, MW-11, MW-12, MW-13, MW-15 and MW-17).[1] Site monitoring well locations are depicted on Figure 4.

Groundwater wells were gauged and inspected for integrity in February 2016 and redeveloped in May 2016, one week prior to sampling in accordance with Arcadis' monitoring well development SOP to remove accumulated sediment, clean out the screens, and ensure the wells are in good communication with the surrounding aquifer. Monitoring well integrity assessment forms and well redevelopment forms

[1] As discussed below, no sample was collected at MW-02D due to turbid groundwater conditions.

are included in the 2016 *Groundwater Sampling Data Summary* Report (2016 Groundwater DSR; Arcadis 2016), which is attached as Attachment 1.

Two synoptic rounds of groundwater level measurements were collected prior to sampling on February 2016 and again on May 2016. Water level data and depth to bottom of each well were recorded. The gauging data, along with known well construction details, are presented in the 2016 Groundwater DSR. For comparison purposes, the May 2016 groundwater elevation data and historical water table elevation data are also presented in the 2016 Groundwater DSR.

Groundwater samples were collected in May 2016 in accordance with the groundwater purging and sampling SOP included in the FSP. Prior to collecting groundwater samples, each well was purged using low-flow techniques. Field measurements of turbidity, specific conductivity, pH, reduction potential, dissolved oxygen, and temperature from each well were recorded on groundwater sampling logs during purging. Groundwater sampling logs are included 2016 Groundwater DSR. Rinseate blanks, duplicate samples, matrix spike and matrix spike duplicate (MS/MSD) samples, trip blanks and temperature blanks were also collected as specified in the QAPP.

During the field program, water removed from monitoring well MW-02D was observed to be very turbid. The well was redeveloped on two separate occasions and was also purged using low-flow techniques. At no time during these efforts did the turbidity drop below 1000 nephelometric turbidity units (NTUs) (the detectable range of the turbidity meter). Therefore, well MW-02D was not sampled during the May 2016 event.

### 2.5.2 Monitoring Well Results

Samples were sent to Test America Laboratories located in Pittsburgh, Pennsylvania, for analysis of VOCs, SVOCs, metals, pesticides, oil and grease (O&G) and low-level mercury. The samples were analyzed for PCBs at Pace Analytical Services in Schenectady, New York.

The groundwater analytical results are presented in Table 6. For ease of review, only detected analytes are presented in this data summary table. For comparison purposes, Table 7 provides a comparison of the historical groundwater analytical results from the May 2016 sampling event with the data from April 2009, the March/April 2007 groundwater sampling event, and the baseline characterization study in October 2005. The tables also present the NYSDEC groundwater standards or guidance values from its *Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations*, reissued in 1998 [NYSDEC TOGS 1.1.1]). Use of these standards and guidance values is not meant to imply their applicability to the study area, as they are intended only as points of reference.

#### 2.5.2.1 PCBs

No PCBs were detected in groundwater samples collected during the May 2016 sampling event.

Similarly, no PCBs were detected in groundwater during the 2009 sampling event, the April 2007 sampling event, or the 2005 baseline characterization event.

#### 2.5.2.2 VOCs

Acetone was the only VOC detected in groundwater samples collected during the May 2016 sampling event, and it was detected in only one sample and at a concentration well below its guidance value provided in TOGS 1.1.1.

Similarly, no VOCs exceeding NYSDEC groundwater standards or guidance values provided in TOGS 1.1.1 were detected during the April 2007 sampling event. Chloroform was the only VOC detected during the 2005 baseline characterization event, but it was not detected at concentrations above its groundwater standard provided in TOGS 1.1.1

#### 2.5.2.3 SVOCs

Diethyl phthalate was detected in 5 of 11 groundwater samples collected during the May 2016 sampling event. However, none of the detected concentrations exceeded its groundwater guidance value provided in TOGS 1.1.1.

For comparison, dimethyl phthalate, caprolactam, and di-n-octyl phthalate were detected in samples collected from several wells at concentrations below their standards and guidance values during the 2005 baseline characterization and April 2007 sampling event.

#### 2.5.2.4 Organochlorine Pesticides

No organochlorine pesticides were detected in groundwater samples collected during the May 2016 sampling event.

Similarly, no organochlorine pesticides were detected in groundwater samples collected during the April 2009 sampling event and 2005 baseline characterization. During the April 2007 sampling event, dieldrin and endrin were detected in groundwater collected from the Facility at concentrations above their respective TOGS 1.1.1 groundwater standard value. In addition, 13 organochlorine pesticides were detected at levels below their respective groundwater standards.

#### 2.5.2.5 Metals

Iron, magnesium, manganese and sodium were detected above their respective NYSDEC groundwater standards in groundwater collected from several monitoring wells. These exceedances included concentrations of iron at 6 of the 11 locations sampled, magnesium at 1 location, manganese at 1 location, and sodium at 4 locations. Fifteen other metals were detected in groundwater collected from at least one monitoring well at concentrations below their respective TOGS 1.1.1 groundwater standards.

For comparison, during the April 2009 sampling event, iron, magnesium, manganese and sodium were likewise detected above their respective NYSDEC groundwater standards in groundwater collected from several monitoring wells. These included iron at 9 of the 15 locations sampled, magnesium at 2 locations, manganese at 3 locations, and sodium at 7 locations. As during the recent event, 15 other metals were detected in groundwater collected from at least one monitoring well at concentrations below their respective TOGS 1.1.1 groundwater standards.

During the April 2007 sampling event, iron, magnesium, manganese and sodium were also detected in groundwater collected from at least one monitoring well above their respective NYSDEC groundwater

standards. In addition, chromium was also detected at concentrations above its TOGS 1.1.1 groundwater standard.

During the 2005 baseline characterization, iron, manganese, sodium and antimony were detected in groundwater collected from at least one monitoring well above their respective TOGS 1.1.1 groundwater standards.

#### 2.5.2.6 Oil and Grease

Oil and Grease (O&G) were detected in 10 groundwater samples collected during the May 2016 sampling event at concentrations ranging from 1.4 to 3.4 milligrams per liter (mg/l).

O&G were detected in two groundwater samples collected during the April 2009 sampling event (MW-15 at 5.8 mg/l and MW-17 at 8.7 mg/l). O&G were not detected in any of the groundwater samples collected during the April 2007 sampling event. Analysis for O&G was not conducted during the 2005 baseline characterization.

#### 2.5.2.7 Low-Level Mercury

Low-level mercury was detected in 8 of 11 groundwater samples during the May 2016 sampling event at concentrations ranging from 0.0012 to 0.0095 micrograms per liter (µg/L), which are below the NYSDEC TOGS 1.1.1 groundwater standard for mercury of 0.7 µg/L.

For comparison, during the April 2009 sampling event, low-level mercury was detected in groundwater collected from all of the monitoring wells at concentrations ranging from 0.00056 µg/L to 0.0057 µg/L, all of which were below the NYSDEC TOGS 1.1.1 groundwater standard for mercury.

During the April 2007 sampling event, low-level mercury was detected in groundwater collected from several monitoring wells at concentrations ranging from 0.00051 µg/L to 0.124 µg/L. Low-level mercury analysis was not conducted during the 2005 baseline characterization.

# 3 DATA USABILTY SUMMARY REPORTS

In accordance with the SPF Demobilization FSP and consistent with the baseline characterization, approximately 50 percent of the laboratory data packages for all media data were reviewed to evaluate the data quality and usability. Data were assessed and validated in accordance with NYSDEC's *Analytical Services Protocol* (NYSDEC 2005), EPA's *National Functional Guidelines for Organic Data Review* (EPA 1999), and the most recent EPA Region 2 Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act Data SOPs posted at http://www.epa.gov/region02/qa/documents.htm, where applicable.

The results of these data reviews are presented in Data Usability Summary Reports (DUSRs). The DUSR for the 2016 groundwater data is provided as an attachment to the 2016 Groundwater DSR, which is Attachment 1 hereto. It concludes that the overall system performance was acceptable and that the overall data quality was within guidelines except for a few deviations mentioned in the report, The DUSR for the 2016 soil, surface water, and sediment data are provided in Attachment 2. They conclude that the overall system performance was acceptable and that the overall data quality was within guidelines except for the deviations mentioned in the report.

# 4 REFERENCES

Arcadis. 2016. *Groundwater Sampling Data Summary Report*. Prepared for General Electric Company, Albany, NY.

Arcadis. 2015a. *Phase 2 Sediment Processing Facility Demobilization and Restoration Plan.* Prepared for General Electric Company, Albany, NY.

Arcadis. 2015b. *Phase 2 Sediment Processing Facility Demobilization and Restoration Field Sampling Plan.* Attachment A to Arcadis 2015a. Prepared for General Electric Company, Albany, NY.

Arcadis. 2009. *Hudson River Sediment Processing Facility, Fort Edward, New York, Groundwater and Surface Water Sampling Data Summary Report*. Prepared for General Electric Company, Albany, NY.

Arcadis. 2006a. *New York State Canal Corporation Baseline Characterization Data Summary Report*. Prepared for General Electric Company, Albany, NY

Arcadis. 2006b. *Energy Park/Longe Baseline Characterization Data Summary Report*. Prepared for General Electric Company, Albany, NY.

BBL. 2006a. *Phase 1 Assessment for Energy Park/Longe Parcels*. Prepared for General Electric Company, Albany, NY.

BBL. 2006b. *Phase 1 Assessment for New York State Study Area*. Prepared for General Electric Company, Albany, NY.

BBL. 2005. *Energy Park/Longe/New York State Canal Corporation Site Characterization; Baseline Characterization and Geotechnical Assessment Work Plan.* Prepared for General Electric Company, Albany, NY.

E&E. 2004. *Hudson River Superfund Site Facility Siting Data Summary Report, Site-Specific Field Investigations of the Final Candidate Sites*. Prepared for EPA Region 2 and U.S. Army Corps of Engineers, Kansas City District**.**

EPA. 2002*. EPA Region II Standard Operating Procedure (SOP) for the Validation of PCB Data Acquired Using Method SW-846 8082* (Revision 1, May 2002).

EPA. 2001. *EPA Region II Standard Operating Procedure (SOP) for the Validation of Semi-Volatile Organic Data Acquired Using Method SW-846 8270C* (Revision 2, June 2001).

EPA. 1999. *National Functional Guidelines Data Validation Guidelines* (October 1999).

EPA. 1996. *EPA Region II Standard Operating Procedure (SOP) for the Validation of Volatile Organic Data Acquired Using Method SW-846 8260B* (Revision 2, Dec 1996).

EPA. 1995. *EPA Region II Standard Operating Procedure (SOP) for the Validation of Pesticide Data Acquired Using Method SW-846 8080* (Revision 1, April 1995).

EPA. 1992. *EPA Region II Standard Operating Procedure (SOP) for the Validation of Inorganic Data Acquired Using Methods SW-846 6000/7000* (Revision 1, Dec 1992).

New York State Department of Environmental Protection (NYSDEC). 2005. *Analytical Services Protocol*.

NYSDEC. 2002. *Draft DER-10 Technical Guidance for Site Investigation and Remediation*.

NYSDEC. 1999. *Technical Guidance for Screening Contaminated Sediments*. (Original of November 22, 1993; Including reprints dated January 1999, March 1998, and July 1994).

NYSDEC. 1998. Division of Water *Technical and Operational Guidance Series (TOGS 1.1.1) Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations* (June).

NYSDEC. 1994. *Technical and Administrative Guidance Memorandum #4046; Determination of Soil Cleanup Objectives and Cleanup Levels* (January 24, 1994).

# APPENDIX E

## Environmental Database Report

ERIS
ENVIRONMENTAL RISK INFORMATION SERVICES

# DATABASE REPORT

| | |
|---|---|
| **Project Property:** | *1400 Towpath Lane*<br>*1400 Towpath Lane*<br>*Fort Edward NY 12828* |
| **Project No:** | *20.0003* |
| **Report Type:** | *Database Report* |
| **Order No:** | *20200114171* |
| **Requested by:** | *C.T. MALE Associates* |
| **Date Completed:** | *January 15, 2020* |

**Environmental Risk Information Services**
A division of Glacier Media Inc.
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# Executive Summary

***Property Information:***

| | |
|---|---|
| **Project Property:** | *1400 Towpath Lane*<br>*1400 Towpath Lane  Fort Edward NY 12828* |
| **Project No:** | *20.0003* |

**Coordinates:**

| | |
|---|---|
| **Latitude:** | *43.27740596* |
| **Longitude:** | *-73.56828517* |
| **UTM Northing:** | *4,792,616.13* |
| **UTM Easting:** | *616,171.11* |
| **UTM Zone:** | *18T* |

| | |
|---|---|
| **Elevation:** | *136 FT* |

***Order Information:***

| | |
|---|---|
| **Order No:** | *20200114171* |
| **Date Requested:** | *January 14, 2020* |
| **Requested by:** | *C.T. MALE Associates* |
| **Report Type:** | *Database Report* |

***Historicals/Products:***

| | |
|---|---|
| **ERIS Xplorer** | *ERIS Xplorer* |
| **Excel Add-On** | *Excel Add-On* |
| **Fire Insurance Maps** | *US Fire Insurance Maps* |

# Executive Summary: Report Summary

| Database | Searched | Search Radius | Project Property | Within 0.12mi | 0.125mi to 0.25mi | 0.25mi to 0.50mi | 0.50mi to 1.00mi | Total |
|---|---|---|---|---|---|---|---|---|
| **Standard Environmental Records** | | | | | | | | |
| **Federal** | | | | | | | | |
| NPL | Y | 1 | 0 | 0 | 0 | 0 | **1** | **1** |
| PROPOSED NPL | Y | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| DELETED NPL | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| SEMS | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| ODI | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| SEMS ARCHIVE | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| CERCLIS | Y | 0.5 | 0 | **2** | 0 | 0 | - | **2** |
| IODI | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| CERCLIS NFRAP | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| CERCLIS LIENS | Y | PO | 0 | - | - | - | - | 0 |
| RCRA CORRACTS | Y | 1 | 0 | 0 | 0 | 0 | **1** | **1** |
| RCRA TSD | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| RCRA LQG | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| RCRA SQG | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| RCRA CESQG | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| RCRA NON GEN | Y | 0.25 | 0 | 0 | **2** | - | - | **2** |
| FED ENG | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| FED INST | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| ERNS 1982 TO 1986 | Y | PO | 0 | - | - | - | - | 0 |
| ERNS 1987 TO 1989 | Y | PO | 0 | - | - | - | - | 0 |
| ERNS | Y | PO | 0 | - | - | - | - | 0 |
| FED BROWNFIELDS | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| FEMA UST | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| REFN | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| BULK TERMINAL | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| SEMS LIEN | Y | PO | 0 | - | - | - | - | 0 |
| SUPERFUND ROD | Y | 1 | 0 | 0 | 0 | 0 | 0 | 0 |

| Database | Searched | Search Radius | Project Property | Within 0.12mi | 0.125mi to 0.25mi | 0.25mi to 0.50mi | 0.50mi to 1.00mi | Total |
|---|---|---|---|---|---|---|---|---|
| **State** | | | | | | | | |
| HSWDS | Y | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| SHWS | Y | 1 | 0 | 0 | 0 | **1** | **6** | **7** |
| DSHW | Y | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| VAPOR | Y | 1 | 0 | 0 | 0 | 0 | **1** | **1** |
| SWF/LF | Y | 0.5 | 0 | 0 | **3** | **3** | - | **6** |
| LST | Y | 0.5 | 0 | 0 | 0 | **1** | - | **1** |
| DELISTED COUNTY | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| DELISTED LST | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| UST | Y | 0.25 | 0 | 0 | **1** | - | - | **1** |
| AST | Y | 0.25 | 0 | 0 | **2** | - | - | **2** |
| DELISTED TANKS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| TANKS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| CBS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| MOSF | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| ENG | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| INST | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| VCP | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| ERP | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| BROWNFIELDS | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| **Tribal** | | | | | | | | |
| INDIAN LUST | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| INDIAN UST | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| DELISTED ILST | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| DELISTED IUST | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| **County** | ***No County databases were selected to be included in the search.*** | | | | | | | |

**Additional Environmental Records**

**Federal**

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| PFAS NPL | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| FINDS/FRS | Y | PO | 0 | - | - | - | - | 0 |
| TRIS | Y | PO | 0 | - | - | - | - | 0 |
| PFAS TRI | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| PFAS WATER CONTAM | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| HMIRS | Y | 0.125 | 0 | 0 | - | - | - | 0 |

| Database | Searched | Search Radius | Project Property | Within 0.12mi | 0.125mi to 0.25mi | 0.25mi to 0.50mi | 0.50mi to 1.00mi | Total |
|---|---|---|---|---|---|---|---|---|
| NCDL | Y | 0.125 | 0 | 0 | - | - | - | 0 |
| TSCA | Y | 0.125 | 0 | 0 | - | - | - | 0 |
| HIST TSCA | Y | 0.125 | 0 | 0 | - | - | - | 0 |
| FTTS ADMIN | Y | PO | 0 | - | - | - | - | 0 |
| FTTS INSP | Y | PO | 0 | - | - | - | - | 0 |
| PRP | Y | PO | 0 | - | - | - | - | 0 |
| SCRD DRYCLEANER | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| ICIS | Y | PO | 0 | - | - | - | - | 0 |
| FED DRYCLEANERS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| DELISTED FED DRY | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| FUDS | Y | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| MLTS | Y | PO | 0 | - | - | - | - | 0 |
| HIST MLTS | Y | PO | 0 | - | - | - | - | 0 |
| MINES | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| ALT FUELS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| SSTS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| PCB | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| **State** | | | | | | | | |
| MGP | Y | 1 | 0 | 0 | 0 | 0 | **2** | **2** |
| NY SPILLS | Y | 0.125 | 0 | **13** | - | - | - | **13** |
| PFAS CONTAM | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| PFAS | Y | 0.5 | 0 | 0 | 0 | 0 | - | 0 |
| DRYCLEANERS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| DELISTED DRYCLEANERS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| NY MANIFEST | Y | 0.125 | 0 | 0 | - | - | - | 0 |
| REC MANIFEST | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| E DESIGNATION | Y | 0.125 | 0 | 0 | - | - | - | 0 |
| GEN MANIFEST | Y | 0.125 | 0 | 0 | - | - | - | 0 |
| PROJECTS | Y | 0.25 | 0 | 0 | 0 | - | - | 0 |
| TIER 2 | Y | 0.125 | 0 | 0 | - | - | - | 0 |

**Tribal** ***No Tribal additional environmental record sources available for this State.***

**County** ***No County additional environmental record sources available for this State.***

| Database | Searched | Search Radius | Project Property | Within 0.12mi | 0.125mi to 0.25mi | 0.25mi to 0.50mi | 0.50mi to 1.00mi | Total |
|---|---|---|---|---|---|---|---|---|
| | **Total:** | | 0 | **15** | **8** | **5** | **11** | **39** |

**** PO – Property Only***
**** 'Property and adjoining properties' database search radii are set at 0.25 miles.***

# Executive Summary: Site Report Summary - Project Property

| Map Key | DB | Company/Site Name | Address | Direction | Distance (mi/ft) | Elev Diff (ft) | Page Number |
|---|---|---|---|---|---|---|---|

No records found in the selected databases for the project property.

# Executive Summary: Site Report Summary - Surrounding Properties

| Map Key | DB | Company/Site Name | Address | Direction | Distance (mi/ft) | Elev Diff (ft) | Page Number |
|---|---|---|---|---|---|---|---|
| 1 | NY SPILLS | HUDSON RIVER DREDGING PRO | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 23 |
| | | | ***Site ID \| Close Date:*** 385315 \| 2007-08-17 00:00:00 | | | | |
| 1 | NY SPILLS | GE HUDSON RIVER PROCESS F | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 23 |
| | | | ***Site ID \| Close Date:*** 387393 \| 2008-03-27 00:00:00 | | | | |
| 1 | NY SPILLS | CONSTRUCTION SITE | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 24 |
| | | | ***Site ID \| Close Date:*** 386550 \| 2007-08-31 00:00:00 | | | | |
| 1 | NY SPILLS | CONSTRUCTION SITE | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 25 |
| | | | ***Site ID \| Close Date:*** 388969 \| 2007-11-15 00:00:00 | | | | |
| 1 | NY SPILLS | GE RIVER PROCESSING PLANT | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 26 |
| | | | ***Site ID \| Close Date:*** 386839 \| 2007-09-12 00:00:00 | | | | |
| 1 | NY SPILLS | GE HUDSON RIVER PROCESS F | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 27 |
| | | | ***Site ID \| Close Date:*** 389338 \| 2007-11-19 00:00:00 | | | | |
| 1 | NY SPILLS | GE HUDSON RIVER PROJECT | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 27 |
| | | | ***Site ID \| Close Date:*** 400091 \| 2008-07-02 00:00:00 | | | | |
| 1 | NY SPILLS | GE HUDSON RIVER PROJECT | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 28 |
| | | | ***Site ID \| Close Date:*** 397362 \| 2008-06-16 00:00:00 | | | | |
| 1 | NY SPILLS | G E HUDSON RIVER PLANT | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 29 |
| | | | ***Site ID \| Close Date:*** 397773 \| 2008-06-16 00:00:00 | | | | |
| 1 | NY SPILLS | CONSTRUCTION SITE | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 30 |
| | | | ***Site ID \| Close Date:*** 386002 \| 2007-08-29 00:00:00 | | | | |
| 1 | NY SPILLS | CONSTRUCITON SITE | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 31 |
| | | | ***Site ID \| Close Date:*** 398295 \| 2008-07-01 00:00:00 | | | | |
| 1 | NY SPILLS | GE HUDSON RIVER CONSTRUCT | 1400 TOWPATH RD FORT EDWARD NY | SW | 0.07 / 352.48 | 2 | 31 |
| | | | ***Site ID \| Close Date:*** 398535 \| 2008-10-08 00:00:00 | | | | |

| Map Key | DB | Company/Site Name | Address | Direction | Distance (mi/ft) | Elev Diff (ft) | Page Number |
|---|---|---|---|---|---|---|---|
| 1 | NY SPILLS | OFF ROAD ON DIRT | 1400 TOW PATH RD.<br>FT. EDWARD NY<br>***Site ID \| Close Date:*** 385303 \| 2007-08-03 00:00:00 | SW | 0.07 / 352.48 | 2 | 32 |
| 2 | CERCLIS | OLD FORT EDWARD LF | MCINTYRE ST<br>FORT EDWARD NY 12828<br>***Site EPA ID:*** NYD000512616 | NW | 0.06 / 295.89 | 9 | 33 |
| 3 | CERCLIS | FT MILLER LF | PATERSON RD<br>FT MILLER NY 12828<br>***Site EPA ID:*** NYD000512624 | SSW | 0.02 / 105.14 | -6 | 34 |
| 4 | RCRA NON GEN | E S M I OF NEW YORK | 304 TOWPATH RD<br>FORT EDWARD NY 12828-1754<br>***EPA Handler ID:*** NYR000012369 | WNW | 0.17 / 890.04 | 12 | 36 |
| 4 | AST | ESMI OF NEW YORK | 304 TOWPATH LANE<br>FORT EDWARD NY 12828<br>***Site ID \| Site Status:*** 40774 \| Active | WNW | 0.17 / 890.04 | 12 | 38 |
| 4 | SWF/LF | ESMI of New York | 304 Towpath Road<br>Fort Edward NY 12828 | WNW | 0.17 / 890.04 | 12 | 48 |
| 4 | SWF/LF | ESMI of New York | 304 Towpath Road<br>Fort Edward NY 12828 | WNW | 0.17 / 890.04 | 12 | 48 |
| 5 | RCRA NON GEN | PALLETS INC | 99-1/2 EAST ST<br>FORT EDWARD NY 12828-1813<br>***EPA Handler ID:*** NYR000025460 | SW | 0.22 / 1,163.58 | -1 | 48 |
| 5 | AST | PALLETS INC | 99 1/2 EAST ST<br>FORT EDWARD NY 12828<br>***Site ID \| Site Status:*** 39217 \| Unregulated/Closed | SW | 0.22 / 1,163.58 | -1 | 50 |
| 5 | UST | PALLETS INC | 99 1/2 EAST ST<br>FORT EDWARD NY 12828<br>***Site ID \| Site Status:*** 39217 \| Unregulated/Closed | SW | 0.22 / 1,163.58 | -1 | 54 |
| 5 | SWF/LF | Pallets Inc Wood Processing Facility | 99 1/2 East Street<br>Fort Edward NY 12828 | SW | 0.22 / 1,163.58 | -1 | 58 |
| 6 | SHWS | Former Defiance Asphalt | Center St<br>Fort Edward NY 12828- | SW | 0.31 / 1,633.62 | 5 | 59 |
| 7 | SWF/LF | Pine Valley Materials C&D Processing Facility | County Route 43<br>Argyle NY 12809 | SW | 0.34 / 1,808.14 | 3 | 59 |

| Map Key | DB | Company/Site Name | Address | Direction | Distance (mi/ft) | Elev Diff (ft) | Page Number |
|---|---|---|---|---|---|---|---|
| 8 | SHWS | Old Ft. Edward Landfill | Burgoyne and McIntyre Avenues<br>Fort Edward NY 12828 | W | 0.57 / 2,985.67 | 117 | 60 |
| 9 | LST | CHEMICAL WASTE MANAGEMENT | 12 WING STREET<br>FORT EDWARD NY<br>***Site ID \| Close Date:*** 102319 \| 1995-05-30 00:00:00 | WSW | 0.41 / 2,189.95 | 2 | 62 |
| 9 | SWF/LF | Fort Edward MRF (Waste Mgmt) | 12 Wing Street<br>Fort Edward NY 12828 | WSW | 0.41 / 2,189.95 | 2 | 62 |
| 9 | SWF/LF | Fort Edward MRF (Waste Mgmt) | 12 Wing Street<br>Fort Edward NY 12828 | WSW | 0.41 / 2,189.95 | 2 | 63 |
| 10 | SHWS | Upper Broadway Barrel Site | 354 Broadway<br>Fort Edward NY 12828 | WNW | 0.88 / 4,661.10 | 124 | 63 |
| 11 | MGP | NM - Fort Edward MGP | Canal St<br>Fort Edward NY 12828 | SW | 0.67 / 3,526.20 | -1 | 65 |
| 12 | SHWS | NM - Fort Edward MGP | Canal St<br>Fort Edward NY 12828 | SW | 0.67 / 3,526.20 | -1 | 65 |
| 12 | MGP | NM - Fort Edward MGP | Canal St<br>Fort Edward NY 12828 | SW | 0.67 / 3,526.20 | -1 | 66 |
| 13 | VAPOR | Fort Edward Landfill | Burgoyne Avenue<br>Fort Edward NY 12828 | N | 0.82 / 4,355.38 | 100 | 67 |
| 13 | SHWS | Fort Edward Landfill | Burgoyne Avenue<br>Fort Edward NY 12828 | N | 0.82 / 4,355.38 | 100 | 67 |
| 14 | RCRA CORRACTS | GENERAL ELECTRIC COMPANY | 381 BROADWAY<br>FORT EDWARD NY 12828<br>***EPA Handler ID:*** NYD093256063 | WNW | 0.95 / 5,002.19 | 126 | 69 |
| 15 | SHWS | Irving Tissue Inc. | 1 Eddy Street<br>Ft. Edward NY 12828 | WSW | 0.77 / 4,080.08 | 2 | 107 |
| 16 | SHWS | Family Diner - Ft. Edward | 70 Broadway<br>Fort Edward NY 12828- | SW | 0.78 / 4,115.93 | 1 | 108 |

| Map Key | DB | Company/Site Name | Address | Direction | Distance (mi/ft) | Elev Diff (ft) | Page Number |
|---|---|---|---|---|---|---|---|
| 17 | NPL | HUDSON RIVER PCBS | NO STREET APPLICABLE<br>HUDSON RIVER NY 12871<br>***EPA ID:*** NYD980763841 | WSW | 0.93 / 4,934.30 | 0 | 109 |

# Executive Summary: Summary by Data Source

## ***Standard***

## Federal

### NPL - National Priority List

A search of the NPL database, dated Nov 25, 2019 has found that there are 1 NPL site(s) within approximately 1.00 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| HUDSON RIVER PCBS | NO STREET APPLICABLE<br>HUDSON RIVER NY 12871<br><br>***EPA ID***: *NYD980763841* | WSW | 0.93 / 4,934.30 | 17 |

### CERCLIS - Comprehensive Environmental Response, Compensation and Liability Information System - CERCLIS

A search of the CERCLIS database, dated Oct 25, 2013 has found that there are 2 CERCLIS site(s) within approximately 0.50 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| OLD FORT EDWARD LF | MCINTYRE ST<br>FORT EDWARD NY 12828<br><br>***Site EPA ID***: *NYD000512616* | NW | 0.06 / 295.89 | 2 |

| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| FT MILLER LF | PATERSON RD<br>FT MILLER NY 12828<br><br>***Site EPA ID***: *NYD000512624* | SSW | 0.02 / 105.14 | 3 |

### RCRA CORRACTS - RCRA CORRACTS-Corrective Action

A search of the RCRA CORRACTS database, dated Nov 18, 2019 has found that there are 1 RCRA CORRACTS site(s) within approximately 1.00 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| GENERAL ELECTRIC COMPANY | 381 BROADWAY<br>FORT EDWARD NY 12828<br><br>***EPA Handler ID***: *NYD093256063* | WNW | 0.95 / 5,002.19 | 14 |

### RCRA NON GEN - RCRA Non-Generators

A search of the RCRA NON GEN database, dated Nov 18, 2019 has found that there are 2 RCRA NON GEN site(s) within approximately 0.25 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| E S M I OF NEW YORK | 304 TOWPATH RD<br>FORT EDWARD NY 12828-1754<br><br>***EPA Handler ID**: NYR000012369* | WNW | 0.17 / 890.04 | 4 |

| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| PALLETS INC | 99-1/2 EAST ST<br>FORT EDWARD NY 12828-1813<br><br>***EPA Handler ID**: NYR000025460* | SW | 0.22 / 1,163.58 | 5 |

## State

### SHWS - Registry of Inactive Hazardous Waste Disposal Sites in New York State

A search of the SHWS database, dated Nov 25, 2019 has found that there are 7 SHWS site(s) within approximately 1.00 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| Former Defiance Asphalt | Center St<br>Fort Edward NY 12828- | SW | 0.31 / 1,633.62 | 6 |
| Old Ft. Edward Landfill | Burgoyne and McIntyre Avenues<br>Fort Edward NY 12828 | W | 0.57 / 2,985.67 | 8 |
| Upper Broadway Barrel Site | 354 Broadway<br>Fort Edward NY 12828 | WNW | 0.88 / 4,661.10 | 10 |
| Fort Edward Landfill | Burgoyne Avenue<br>Fort Edward NY 12828 | N | 0.82 / 4,355.38 | 13 |
| Irving Tissue Inc. | 1 Eddy Street<br>Ft. Edward NY 12828 | WSW | 0.77 / 4,080.08 | 15 |
| Family Diner - Ft. Edward | 70 Broadway<br>Fort Edward NY 12828- | SW | 0.78 / 4,115.93 | 16 |

| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| NM - Fort Edward MGP | Canal St<br>Fort Edward NY 12828 | SW | 0.67 / 3,526.20 | 12 |

### VAPOR - Vapor Intrusion Legacy Site List

A search of the VAPOR database, dated Dec 31, 2018 has found that there are 1 VAPOR site(s) within approximately 1.00 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| Fort Edward Landfill | Burgoyne Avenue<br>Fort Edward NY 12828 | N | 0.82 / 4,355.38 | 13 |

## SWF/LF - Solid Waste Facilities and Landfills

A search of the SWF/LF database, dated Oct 9, 2019 has found that there are 6 SWF/LF site(s) within approximately 0.50 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| ESMI of New York | 304 Towpath Road<br>Fort Edward NY 12828 | WNW | 0.17 / 890.04 | 4 |
| ESMI of New York | 304 Towpath Road<br>Fort Edward NY 12828 | WNW | 0.17 / 890.04 | 4 |
| Pine Valley Materials C&D Processing Facility | County Route 43<br>Argyle NY 12809 | SW | 0.34 / 1,808.14 | 7 |
| Fort Edward MRF (Waste Mgmt) | 12 Wing Street<br>Fort Edward NY 12828 | WSW | 0.41 / 2,189.95 | 9 |
| Fort Edward MRF (Waste Mgmt) | 12 Wing Street<br>Fort Edward NY 12828 | WSW | 0.41 / 2,189.95 | 9 |

| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| Pallets Inc Wood Processing Facility | 99 1/2 East Street<br>Fort Edward NY 12828 | SW | 0.22 / 1,163.58 | 5 |

## LST - Leaking Storage Tanks

A search of the LST database, dated Dec 12, 2019 has found that there are 1 LST site(s) within approximately 0.50 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| CHEMICAL WASTE MANAGEMENT | 12 WING STREET<br>FORT EDWARD NY | WSW | 0.41 / 2,189.95 | 9 |
| | ***Site ID* \| *Close Date***: *102319 \| 1995-05-30 00:00:00* | | | |

## UST - Underground Storage Tanks- UST-Petroleum Bulk Storage (PBS)

A search of the UST database, dated Dec 19, 2019 has found that there are 1 UST site(s) within approximately 0.25 miles of the project property.

| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| PALLETS INC | 99 1/2 EAST ST<br>FORT EDWARD NY 12828 | SW | 0.22 / 1,163.58 | 5 |
| | ***Site ID* \| *Site Status***: *39217* \| *Unregulated/Closed* | | | |

### AST - The Bulk Storage Program Database - AST

A search of the AST database, dated Dec 19, 2019 has found that there are 2 AST site(s) within approximately 0.25 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| ESMI OF NEW YORK | 304 TOWPATH LANE<br>FORT EDWARD NY 12828 | WNW | 0.17 / 890.04 | 4 |
| | ***Site ID* \| *Site Status***: *40774* \| *Active* | | | |

| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| PALLETS INC | 99 1/2 EAST ST<br>FORT EDWARD NY 12828 | SW | 0.22 / 1,163.58 | 5 |
| | ***Site ID* \| *Site Status***: *39217* \| *Unregulated/Closed* | | | |

## *Non Standard*

## State

### MGP - Manufactured Gas Plants

A search of the MGP database, dated Oct 16, 2019 has found that there are 2 MGP site(s) within approximately 1.00 miles of the project property.

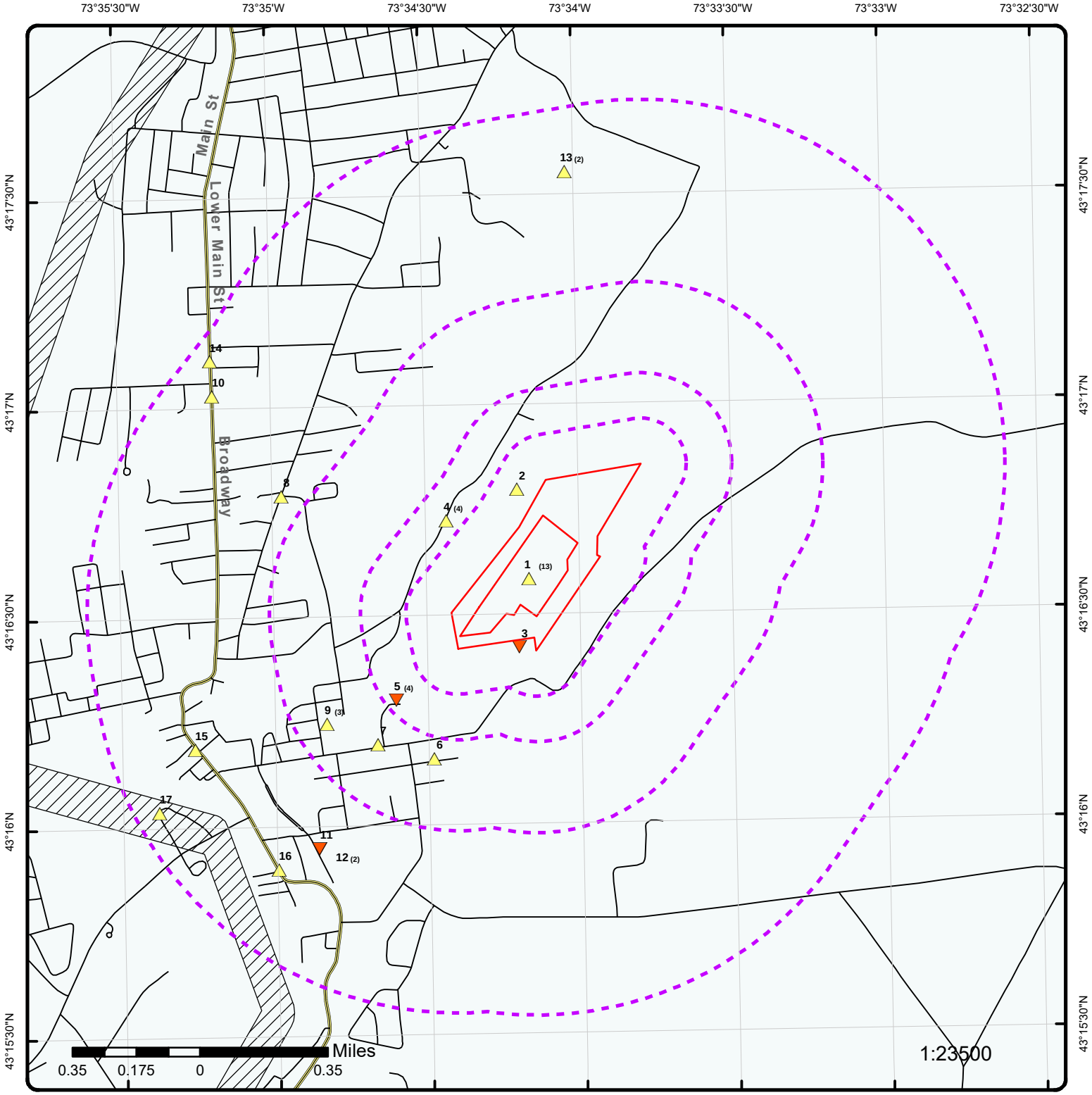
| Lower Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| NM - Fort Edward MGP | Canal St<br>Fort Edward NY 12828 | SW | 0.67 / 3,526.20 | 11 |
| NM - Fort Edward MGP | Canal St<br>Fort Edward NY 12828 | SW | 0.67 / 3,526.20 | 12 |

### NY SPILLS - Spill Incidents Database

A search of the NY SPILLS database, dated Dec 12, 2019 has found that there are 13 NY SPILLS site(s) within approximately 0.12 miles of the project property.

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| GE HUDSON RIVER PROJECT | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *397362* \| *2008-06-16 00:00:00* | | | |
| GE HUDSON RIVER PROJECT | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |

| Equal/Higher Elevation | Address | Direction | Distance (mi/ft) | Map Key |
|---|---|---|---|---|
| | ***Site ID* \| *Close Date***: *400091 \| 2008-07-02 00:00:00* | | | |
| GE HUDSON RIVER PROCESS F | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *389338 \| 2007-11-19 00:00:00* | | | |
| GE RIVER PROCESSING PLANT | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *386839 \| 2007-09-12 00:00:00* | | | |
| CONSTRUCTION SITE | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *388969 \| 2007-11-15 00:00:00* | | | |
| CONSTRUCTION SITE | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *386550 \| 2007-08-31 00:00:00* | | | |
| GE HUDSON RIVER PROCESS F | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *387393 \| 2008-03-27 00:00:00* | | | |
| HUDSON RIVER DREDGING PRO | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *385315 \| 2007-08-17 00:00:00* | | | |
| G E HUDSON RIVER PLANT | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *397773 \| 2008-06-16 00:00:00* | | | |
| CONSTRUCTION SITE | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *386002 \| 2007-08-29 00:00:00* | | | |
| CONSTRUCITON SITE | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *398295 \| 2008-07-01 00:00:00* | | | |
| GE HUDSON RIVER CONSTRUCT | 1400 TOWPATH RD<br>FORT EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *398535 \| 2008-10-08 00:00:00* | | | |
| OFF ROAD ON DIRT | 1400 TOW PATH RD.<br>FT. EDWARD NY | SW | 0.07 / 352.48 | 1 |
| | ***Site ID* \| *Close Date***: *385303 \| 2007-08-03 00:00:00* | | | |




# Map : 1.0 Mile Radius

Order Number: 20200114171

Address: 1400 Towpath Lane, Fort Edward, NY

ENVIRONMENTAL RISK INFORMATION SERVICES

| | | | |
|---|---|---|---|
| Project Property | Rails | State Boundary | FWS Special Designation Areas |
| Buffer Outline | Major Highways | National Priority List Sites | State Brownfield Sites |
| Eris Sites with Higher Elevation | Major Highways Ramps | National Wetland | State Brownfield Areas |
| Eris Sites with Same Elevation | Major Roads | Indian Reserve Land | State Superfund Areas:Dept. of Defense |
| Eris Sites with Lower Elevation | Major Roads Ramps | Historic Fill | State Superfund Areas:NPL |
| Eris Sites with Unknown Elevation | Secondary Roads | 100 Year Flood Zone | WQARF Areas |
| County Boundary | Secondary Roads Ramps | 500 Year Flood Zone | Federal Lands: Dept. of Defense (owned/administered areas) |
| | Local Roads and Ramps | | |

**Source:** © 2016 ESRI

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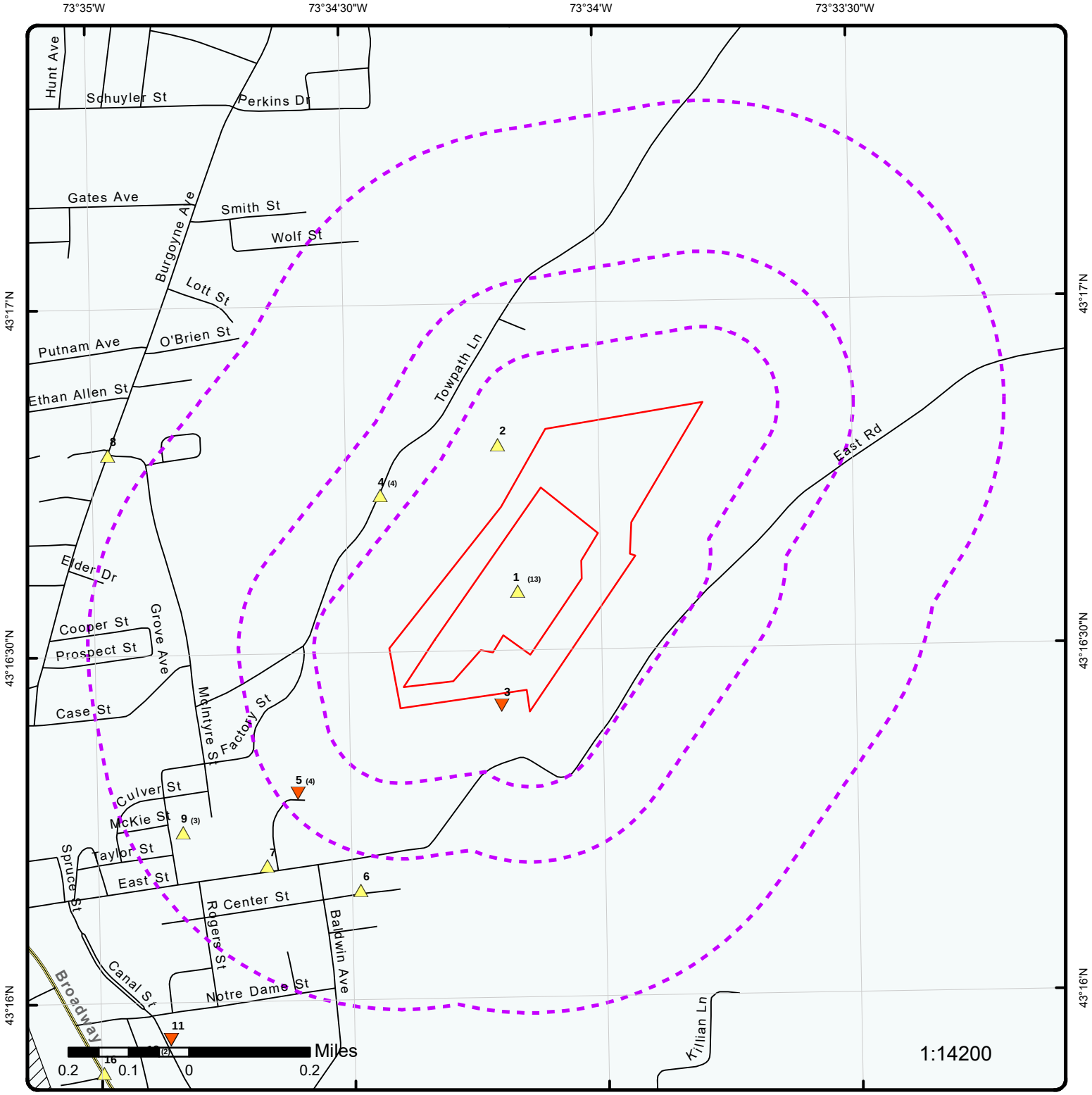


# Map : 0.5 Mile Radius

Order Number: 20200114171

Address: 1400 Towpath Lane, Fort Edward, NY

ERIS
ENVIRONMENTAL RISK INFORMATION SERVICES

| | | | |
|---|---|---|---|
| Project Property | Rails | State Boundary | FWS Special Designation Areas |
| Buffer Outline | Major Highways | National Priority List Sites | State Brownfield Sites |
| Eris Sites with Higher Elevation | Major Highways Ramps | National Wetland | State Brownfield Areas |
| Eris Sites with Same Elevation | Major Roads | Indian Reserve Land | State Superfund Areas:Dept. of Defense |
| Eris Sites with Lower Elevation | Major Roads Ramps | Historic Fill | State Superfund Areas:NPL |
| Eris Sites with Unknown Elevation | Secondary Roads | 100 Year Flood Zone | WQARF Areas |
| County Boundary | Secondary Roads Ramps | 500 Year Flood Zone | Federal Lands: Dept. of Defense (owned/administered areas) |
| | Local Roads and Ramps | | |

**Source:** © 2016 ESRI

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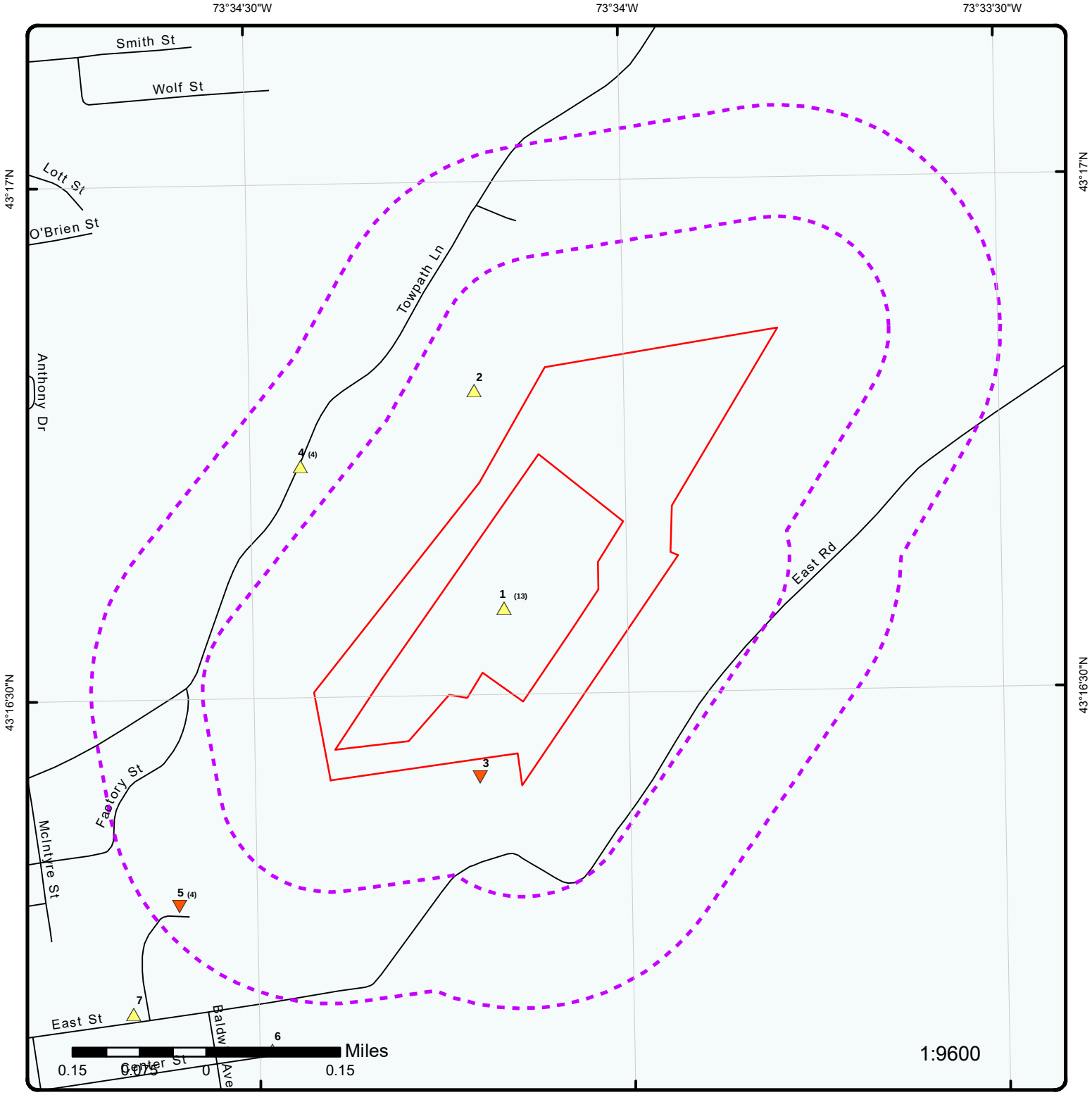


# Map : 0.25 Mile Radius

Order Number: 20200114171

Address: 1400 Towpath Lane, Fort Edward, NY

| | | | |
|---|---|---|---|
| Project Property | Rails | State Boundary | FWS Special Designation Areas |
| Buffer Outline | Major Highways | National Priority List Sites | State Brownfield Sites |
| Eris Sites with Higher Elevation | Major Highways Ramps | National Wetland | State Brownfield Areas |
| Eris Sites with Same Elevation | Major Roads | Indian Reserve Land | State Superfund Areas:Dept. of Defense |
| Eris Sites with Lower Elevation | Major Roads Ramps | Historic Fill | State Superfund Areas:NPL |
| Eris Sites with Unknown Elevation | Secondary Roads | 100 Year Flood Zone | WQARF Areas |
| County Boundary | Secondary Roads Ramps | 500 Year Flood Zone | Federal Lands: Dept. of Defense (owned/administered areas) |
| | Local Roads and Ramps | | |

**Source:** © 2016 ESRI

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# Aerial **Year: 2017**

Order Number: 20200114171

Address: 1400 Towpath Lane, Fort Edward, NY

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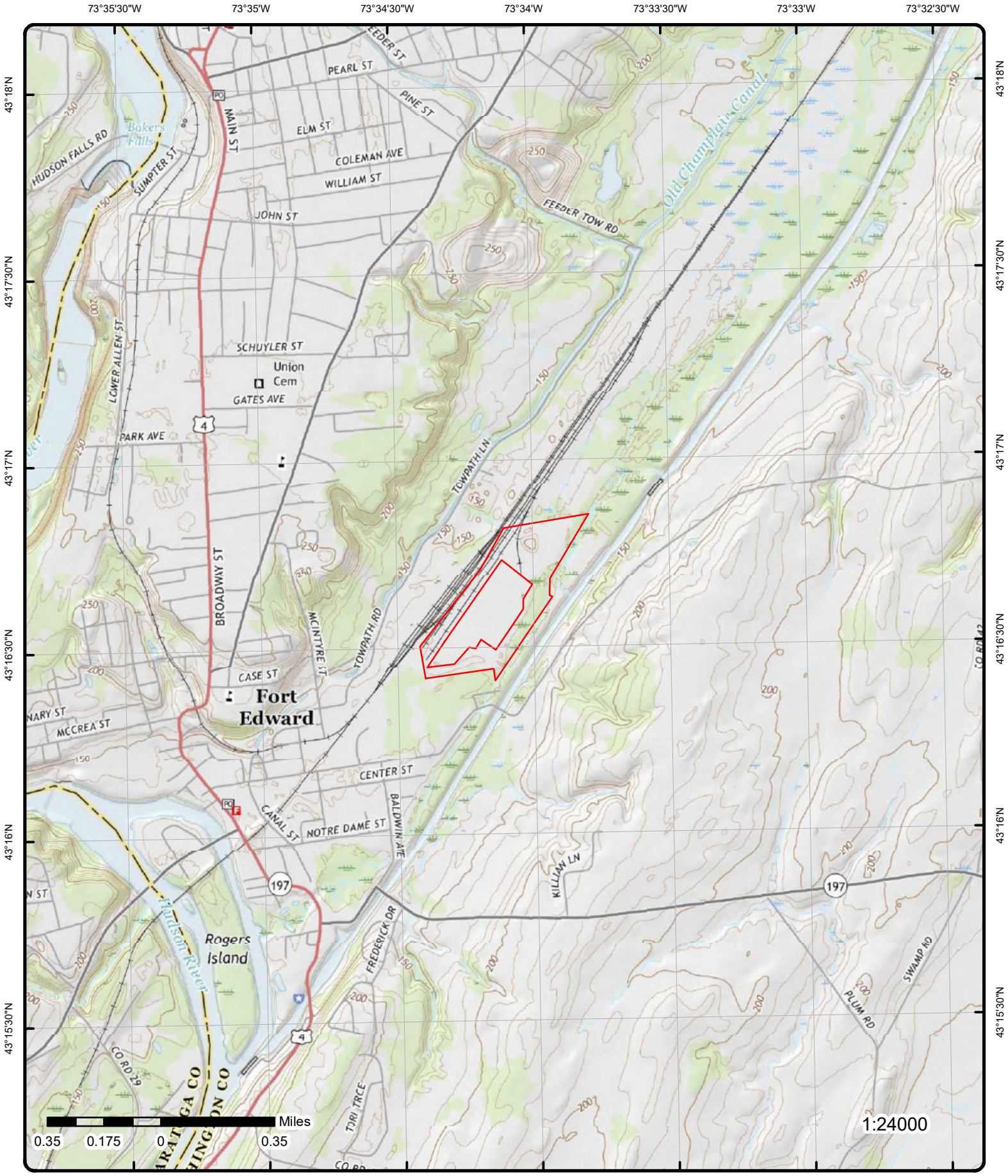
**Source:** ESRI World Imagery




# Topographic Map

**Year: 2016**

Order Number: 20200114171

Address: 1400 Towpath Lane, NY

Quadrangle(s): Fort Miller,NY; Hudson Falls,NY

**Source:** USGS Topographic Map

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# Detail Report

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 1 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | HUDSON RIVER DREDGING PRO<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0705050 | **Spill Date:** | 2007-08-02 16:30:00 |
| **Site ID:** | 385315 | **Rcvd Date:** | 2007-08-02 19:28:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 27 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2007-08-17 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-08-02 19:50:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2007-08-17 13:23:04.007000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | ajfrank |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"Caller reports a blown hose on bucket truck owned by National Grid. 2 qts went on the ground. National Gris did the cleanup."

**DEC Remark:**

"Note: 0705039 is a duplicate called in by Nat. Grid. 08/08/07: AF site inspection - no residual impacts observed. RFC = no further action required."

***Spiller Information***

| | | | |
|---|---|---|---|
| **Spiller Name:** | | **Spiller Zip:** | |
| **Spiller Company:** | NATIONAL GRID | **Spiller Country:** | 999 |
| **Spiller Address:** | | **Contact Name:** | ROBERT GIBSON |
| **Spiller City:** | | **Contact Phone:** | (518) 877-4694 |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1142585 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2132822 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 1.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 2 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | GE HUDSON RIVER PROCESS F<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0706803 | **Spill Date:** | 2007-09-19 12:30:00 |
| **Site ID:** | 387393 | **Rcvd Date:** | 2007-09-19 14:08:00 |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 444 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2008-03-27 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-09-19 14:17:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2008-03-27 15:00:17.803000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | ajthorne |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"8 OUNCES OF OIL LEAKED FROM A HYDRAuLIC LINE FROM CONCRETE TRUCK AND IS ALL CLEANED UP"

**DEC Remark:**

"9/19/07: AT spoke w/ Parsons rep, contaminated soil was excavated and drummed, to be disposed of at ESMI. Await disposal receipt. 3/25/08: Received disposal receipt. RFC: Based on info provided, spill addressed, no further action necessary."

***Spiller Information***

| | | | |
|---|---|---|---|
| **Spiller Name:** | MARK MURPHY | **Spiller Zip:** | |
| **Spiller Company:** | GE HUDSON RIVER PROCESS F | **Spiller Country:** | 001 |
| **Spiller Address:** | 1400 TOWPATH RD | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | FORT EDWARD | **Contact Phone:** | (518) 746-5322 |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1144597 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2134906 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | .00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | *3 of 13* | *SW* | *0.07 / 352.48* | *138.26 / 2* | ***CONSTRUCTION SITE 1400 TOWPATH RD FORT EDWARD NY*** | ***NY SPILLS*** |

| | | | |
|---|---|---|---|
| **Spill No:** | 0706097 | **Spill Date:** | 2007-08-29 12:26:00 |
| **Site ID:** | 386550 | **Rcvd Date:** | 2007-08-29 12:26:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 444 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2007-08-31 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-08-29 12:47:00 |
| **Contribute Factor:** | Human Error | **Update Date:** | 2007-08-31 14:50:03.240000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | ajthorne |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"WHILE REFILLING A PIECE OF EQUIPMENT LEAKED FROM HOSE AND IS ALL CLEANE DUP ABOUT 1 QUART"

***DEC Remark:***

"Based on info provided, spill addressed, no further action necessary."

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | MARK MURPHY | ***Spiller Zip:*** | |
| ***Spiller Company:*** | CONSTRUCTION SITE | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 1400 TOWPATH RD | ***Contact Name:*** | MARK MURPHY |
| ***Spiller City:*** | FORT EDWARD | ***Contact Phone:*** | (518) 746-5322 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | | | |
| ***Longitude:*** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 1143789 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 2134057 | ***Med GW:*** | False |
| ***Material Code:*** | 0008 | ***Med SW:*** | False |
| ***Material Name:*** | diesel | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | *4 of 13* | *SW* | *0.07 / 352.48* | *138.26 / 2* | ***CONSTRUCTION SITE 1400 TOWPATH RD FORT EDWARD NY*** | ***NY SPILLS*** |

| | | | |
|---|---|---|---|
| ***Spill No:*** | 0708127 | ***Spill Date:*** | 2007-10-25 08:20:00 |
| ***Site ID:*** | 388969 | ***Rcvd Date:*** | 2007-10-25 09:04:00 |
| ***DER Facility ID:*** | 334700 | ***CAC Date:*** | 2007-10-25 00:00:00 |
| ***CID:*** | 408 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 2007-11-15 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 2007-10-25 09:23:00 |
| ***Contribute Factor:*** | Equipment Failure | ***Update Date:*** | 2019-01-11 13:12:43.240000000 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Commercial Vehicle | ***Lead DEC:*** | mjdipiet |
| ***Class:*** | C3 | ***Reported by:*** | Responsible Party |
| ***Meets Std:*** | False | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | | | |
| ***Caller Remark:*** | | | |

"1 PINT WAS RELEASED; HAS BEEN CLEANED;"

***DEC Remark:***

"10/25/07: Per caller, spill addressed. RFC: Spill addressed. NO FILE."

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | MARK MURPHY | ***Spiller Zip:*** | 12828 |
| ***Spiller Company:*** | CONSTRUCTION SITE | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 1400 TOWPATH RD | ***Contact Name:*** | MARK MURPHY |
| ***Spiller City:*** | FORT EDWARD | ***Contact Phone:*** | (518) 705-3158 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |

**Latitude:**
**Longitude:**

**Material Information**

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1146122 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2136485 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | .00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 5 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | GE RIVER PROCESSING PLANT<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0706340 | **Spill Date:** | 2007-09-06 09:30:00 |
| **Site ID:** | 386839 | **Rcvd Date:** | 2007-09-06 11:38:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 444 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2007-09-12 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-09-06 11:48:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2007-09-12 09:12:40.733000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Institutional, Educational, Gov., Other | **Lead DEC:** | ajthorne |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"PIECE OF EQUIPMENT USED TO BUILD A RAIL TRACK, AND IN PROCESS OF CLEANING UP"

**DEC Remark:**

"9/12/07: Received disposal receipt and haz waste manifest. RFC: Based on info provided, spill addressed, no further action necessary."

**Spiller Information**

| | | | |
|---|---|---|---|
| **Spiller Name:** | MARK MURPHY | **Spiller Zip:** | |
| **Spiller Company:** | GE RIVER PROCESSING PLANT | **Spiller Country:** | 999 |
| **Spiller Address:** | 1400 TOWPATH RD | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | FORT EDWARD | **Contact Phone:** | (518) 705-3158 |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

**Material Information**

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1144065 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2134353 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 5.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |

| | | | |
|---|---|---|---|
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| 1 | 6 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | GE HUDSON RIVER PROCESS F<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **Spill No:** | 0708441 | **Spill Date:** | 2007-11-02 10:42:00 |
| **Site ID:** | 389338 | **Rcvd Date:** | 2007-11-02 11:46:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 408 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2007-11-19 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-11-02 12:09:00 |
| **Contribute Factor:** | Other | **Update Date:** | 2007-11-19 07:57:39.727000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | ajthorne |
| **Class:** | C3 | **Reported by:** | Responsible Party |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"TANK ON DUMP TRUCK CAUGHT AND RUPTURED WHILE TRYING TO CROSS OVER A RAIL ROAD CROSSING; CLEAN UP IN PROGRESS;"

**DEC Remark:**

"AT spoke w/ consultant onsite. RR tracks being constructed onsite, RR crossing ramp being too steep, dump truck jarred/disconnected line to saddle tank, spilled approximately 25 gal of diesel to soil adjacent to RR tracks. Contained w/ clean soil, absorbent pads placed down. Staff are going to excavate contaminated soil based on visual/olfactory screening, approximately 10' X 10' impacted area. Expect report in a few weeks. 11/16/07: Received report. Based on info provided, 22.3 tons of soil properly disposed of at ESMI. RFC: Based on info provided, spill addressed, no further Spil response action necessary."

***Spiller Information***

| | | | |
|---|---|---|---|
| **Spiller Name:** | MARK MURPHY | **Spiller Zip:** | 12828 |
| **Spiller Company:** | GE HUDSON RIVER PROCESS F | **Spiller Country:** | 001 |
| **Spiller Address:** | 1400 TOWPATH RD | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | FORT EDWARD | **Contact Phone:** | (518) 705-3158 |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1146476 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2136854 | **Med GW:** | False |
| **Material Code:** | 0008 | **Med SW:** | False |
| **Material Name:** | diesel | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 25.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| 1 | 7 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | GE HUDSON RIVER PROJECT<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **Spill No:** | 0803366 | **Spill Date:** | 2008-06-20 12:50:00 |
| **Site ID:** | 400091 | **Rcvd Date:** | 2008-06-20 16:46:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **CID:** | 404 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2008-07-02 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2008-06-20 17:06:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2008-07-02 10:28:14.977000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | SXPASZKO |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | True | **Referred to:** | |
| **Penalty:** | False | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | True |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"plug failed on a motor grader; all cleaned up"

**DEC Remark:**

"RFC: Based on the current information, the spill has been addressed. No further action is required at this time."

***Spiller Information***

| | | | |
|---|---|---|---|
| **Spiller Name:** | MARK MURPHY | **Spiller Zip:** | |
| **Spiller Company:** | GE HUDSON RIVER PROJECT | **Spiller Country:** | 001 |
| **Spiller Address:** | 1400 TOWPATH RD | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | FORT EDWARD | **Contact Phone:** | (518) 746-6071 |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1156936 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2147932 | **Med GW:** | False |
| **Material Code:** | 0021 | **Med SW:** | False |
| **Material Name:** | transmission fluid | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 1.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 8 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | GE HUDSON RIVER PROJECT<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0801439 | **Spill Date:** | 2008-05-06 13:00:00 |
| **Site ID:** | 397362 | **Rcvd Date:** | 2008-05-06 15:12:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 408 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2008-06-16 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2008-05-06 15:30:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2008-06-16 13:49:04.217000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | AJFRANK |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"has been cleaned"

***DEC Remark:***

"05/07/08: AF spoke with murphy. Leak from a piece of equipment at the construction site. Leak was repair and equipment was moved to recover impacted material to drums for disposal. 6/16/08: Received disposal receipt. RFC: Spill addressed, no further action necessary."

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | MARK MURPHY | ***Spiller Zip:*** | |
| ***Spiller Company:*** | CONTRACTOR | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 1400 TOWPATH RD | ***Contact Name:*** | MARK MURPHY |
| ***Spiller City:*** | FORT EDWARD | ***Contact Phone:*** | (518) 705-3158 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | | | |
| ***Longitude:*** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 1154330 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 2145123 | ***Med GW:*** | False |
| ***Material Code:*** | 0010 | ***Med SW:*** | False |
| ***Material Name:*** | hydraulic oil | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

| 1 | 9 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | G E HUDSON RIVER PLANT<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| ***Spill No:*** | 0801759 | ***Spill Date:*** | 2008-05-14 14:49:00 |
| ***Site ID:*** | 397773 | ***Rcvd Date:*** | 2008-05-14 14:49:00 |
| ***DER Facility ID:*** | 334700 | ***CAC Date:*** | |
| ***CID:*** | 444 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 2008-06-16 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 2008-05-14 15:04:00 |
| ***Contribute Factor:*** | Equipment Failure | ***Update Date:*** | 2008-06-16 13:47:53.390000000 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Commercial/Industrial | ***Lead DEC:*** | AJTHORNE |
| ***Class:*** | C3 | ***Reported by:*** | Other |
| ***Meets Std:*** | False | ***Referred to:*** | |
| ***Penalty:*** | | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | |
| ***UST Trust:*** | | | |
| ***Caller Remark:*** | | | |

"LINE ON A CRANE RUPTURED AND ABOUT 1 QUART AND ALL CLEANED UP"

***DEC Remark:***

"AT spoke w/ Parsons rep, hydraulic oil spilled onto sub-base, hand excavated into drum to be disposed of at ESMI. 6/16/08: Received disposal receipt. RFC: Spill addressed, no further action necessary."

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | MARK MURPHY | ***Spiller Zip:*** | |
| ***Spiller Company:*** | G E HUDSON RIVER PLANT | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 1400 TOWPATH RD | ***Contact Name:*** | MARK MURPHY |
| ***Spiller City:*** | FORT EDWARD | ***Contact Phone:*** | (518) 705-3158 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

**Latitude:**
**Longitude:**

**Material Information**

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1154704 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2145517 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | .00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | 10 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | CONSTRUCTION SITE<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0705651 | **Spill Date:** | 2007-08-16 13:30:00 |
| **Site ID:** | 386002 | **Rcvd Date:** | 2007-08-16 15:20:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 406 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2007-08-29 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-08-16 15:31:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2007-08-29 09:41:03.297000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | ajthorne |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"Equip. failure on a backhoe released 4 gal. of hydraulic oil onto soil. Caller used absorbent pads for clean up. Hayward Baker will be removing the contaminated soil from the site."

**DEC Remark:**

"AT spoke w/ Parsons rep, contractor for GE dredging. During construction of dredge spoils processing site, backhoe leaked 4 gal of hydraulic oil onto soil. Padded off and drummed impacted soil to be disposed of at ESMI. Awaiting fax of disposal receipt. 8/28/07: Received chain of custody and disposal receipt. RFC: Based on information provided, spill addressed, no further action necessary."

**Spiller Information**

| | | | |
|---|---|---|---|
| **Spiller Name:** | | **Spiller Zip:** | |
| **Spiller Company:** | HAYWARD BAKER | **Spiller Country:** | 001 |
| **Spiller Address:** | | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | | **Contact Phone:** | (518) 746-5322 |
| **Spiller State:** | ZZ | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

**Material Information**

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1143258 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2133531 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |

| | | | |
|---|---|---|---|
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 4.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | 4.00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 11 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | CONSTRUCITON SITE<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0802202 | **Spill Date:** | 2008-05-21 14:50:00 |
| **Site ID:** | 398295 | **Rcvd Date:** | 2008-05-27 14:50:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |
| **CID:** | 444 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2008-07-01 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2008-05-27 15:04:00 |
| **Contribute Factor:** | Other | **Update Date:** | 2008-07-01 09:37:58.717000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial/Industrial | **Lead DEC:** | AJTHORNE |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"FUEL TANK EXPANSION AND IS ALL CLEANED"

**DEC Remark:**

"80 gal diesel AST on back of truck reportedly leaked approx 1 QT to soil. Impacted soil excavated and drummed for disposal at ESMI. 7/1/08: Received disposal receipt. RFC: Based on info provided, spill addressed, no further action necessary."

***Spiller Information***

| | | | |
|---|---|---|---|
| **Spiller Name:** | MARK MURPHY | **Spiller Zip:** | |
| **Spiller Company:** | CONSTRUCITON SITE | **Spiller Country:** | 001 |
| **Spiller Address:** | 1400 TOWPATH RD | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | FORT EDWARD | **Contact Phone:** | (518) 746-6071 |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1155188 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2146048 | **Med GW:** | False |
| **Material Code:** | 0008 | **Med SW:** | False |
| **Material Name:** | diesel | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | .00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 12 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | GE HUDSON RIVER CONSTRUCT<br>1400 TOWPATH RD<br>FORT EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0802408 | **Spill Date:** | 2008-06-02 10:30:00 |
| **Site ID:** | 398535 | **Rcvd Date:** | 2008-06-02 13:54:00 |
| **DER Facility ID:** | 334700 | **CAC Date:** | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **CID:** | 408 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2008-10-08 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2008-06-02 14:05:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2008-10-08 16:01:39.890000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial/Industrial | **Lead DEC:** | AJFRANK |
| **Class:** | C3 | **Reported by:** | Other |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | False | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | False |
| **UST Trust:** | | | |
| **Caller Remark:** | | | |

"forklift failure; HAS BEEN CLEANED;"

**DEC Remark:**

"06/02/08: AF left message for M. Murphy to call back regarding the spill. Confirmed that the soil was excavated and staged for disposal. 08/11/08: Disposal receipt received. Soil combined with hydraulic contaminated soil from spill 0803366 totaled 5 tons disposed of at esmi. RFC = no further action required."

**Spiller Information**

| | | | |
|---|---|---|---|
| **Spiller Name:** | | **Spiller Zip:** | |
| **Spiller Company:** | CONTRACTOR - ROSETTI | **Spiller Country:** | 001 |
| **Spiller Address:** | | **Contact Name:** | MARK MURPHY |
| **Spiller City:** | | **Contact Phone:** | (518) 746-6071 |
| **Spiller State:** | ZZ | **Contact Ext:** | |
| **Latitude:** | | | |
| **Longitude:** | | | |

**Material Information**

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1155418 | **Med Air:** | False |
| **OU:** | 01 | **Med Ind Air:** | False |
| **Material ID:** | 2146286 | **Med GW:** | False |
| **Material Code:** | 0010 | **Med SW:** | False |
| **Material Name:** | hydraulic oil | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 5.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | .00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 1 | 13 of 13 | SW | 0.07 / 352.48 | 138.26 / 2 | OFF ROAD ON DIRT<br>1400 TOW PATH RD.<br>FT. EDWARD NY | NY SPILLS |

| | | | |
|---|---|---|---|
| **Spill No:** | 0705039 | **Spill Date:** | 2007-08-02 15:00:00 |
| **Site ID:** | 385303 | **Rcvd Date:** | 2007-08-02 15:27:00 |
| **DER Facility ID:** | 334690 | **CAC Date:** | |
| **CID:** | 410 | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 2007-08-03 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 2007-08-02 15:53:00 |
| **Contribute Factor:** | Equipment Failure | **Update Date:** | 2007-08-03 13:33:38.913000000 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Commercial Vehicle | **Lead DEC:** | ajfrank |
| **Class:** | C3 | **Reported by:** | Local Agency |
| **Meets Std:** | False | **Referred to:** | |
| **Penalty:** | False | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | False |
| **UST Trust:** | False | | |
| **Caller Remark:** | | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

"SPILL IS ON DIRT ON ROUTE 196, ROUGHLY 3 MILES FROM ROCK CITY FALLS, BROKEN HYD HOSE ON NG TRUCK # 4366, HAZMAT HAS BEEN CONTACTED FOR CLEANUP:"

***DEC Remark:***

"08/03/07: refer to 0705050 RFC = Duplicate"

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | BARB SCHURERE | ***Spiller Zip:*** | |
| ***Spiller Company:*** | NATIONAL GRID | ***Spiller Country:*** | 999 |
| ***Spiller Address:*** | TRUCK # 4366 | ***Contact Name:*** | BARB SCHUERER |
| ***Spiller City:*** | | ***Contact Phone:*** | (518) 433-3696 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | | | |
| ***Longitude:*** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 1142573 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 2132811 | ***Med GW:*** | False |
| ***Material Code:*** | 0010 | ***Med SW:*** | False |
| ***Material Name:*** | hydraulic oil | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | 14.00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 2 | 1 of 1 | NW | 0.06 / 295.89 | 145.08 / 9 | OLD FORT EDWARD LF<br>MCINTYRE ST<br>FORT EDWARD NY 12828 | CERCLIS |

| | | | |
|---|---|---|---|
| ***Site ID:*** | 0201226 | ***RNPL Status Code:*** | N |
| ***Site EPA ID:*** | NYD000512616 | ***NPL Status:*** | Not on the NPL |
| ***Site Street Address 2:*** | | ***RFED Facility Code:*** | N |
| ***Site County Name:*** | WASHINGTON | ***RFED Facility Desc:*** | Not a Federal Facility |
| ***Site FIPS Code:*** | 36115 | ***USGS Hydro Unit No.:*** | 02020003 |
| ***Region Code:*** | 02 | ***Site Cong. Dist. Code:*** | 29 |
| ***Site SMSA No.:*** | 2975 | ***ROT Desc:*** | Other |
| ***Site Prim. Latitude:*** | +43.279938 | ***FR NPL Update No.:*** | |
| ***Site Prim. Longitude:*** | -073.57 | ***RFRA Code:*** | |
| ***Lat Long Source:*** | | | |
| ***RNON NPL Status Desc:*** | Site Reassessment Start Needed | | |

***CERCLIS Assess History***

| | | | |
|---|---|---|---|
| ***OU ID:*** | 00 | ***RALT Short Name:*** | |
| ***Act Code ID:*** | | ***Act Start Date:*** | |
| ***RAT Code:*** | | ***Act Complete Date:*** | |
| ***RAT Short Name:*** | | ***AGT Order No.:*** | 0 |
| ***RAT Name:*** | | ***SH OU:*** | |
| ***RAT Hist. Only Flag:*** | | ***SH Code:*** | |
| ***RAT NSI Indicator:*** | | ***SH Seq:*** | |
| ***RAT Level:*** | | ***SH Start Date:*** | |
| ***RAT DEF OU:*** | | ***SH Complete Date:*** | |
| ***RFBS Code:*** | | ***SH Lead:*** | |
| ***SPA Code:*** | | | |
| ***RAT Def:*** | | | |
| ***Site Desc:*** | THE NYSDEC IS ALREADY CONDUCTING A RI AT THE FACILITY UNDER THE STATE'S AUTHORITY.<br><br>9/2010: On- going monitoring and maintenance. Still in NYSDEC Superfund | | |

**Site Alias:** No alias data available

**CERCLIS Assess History**

| | | | |
|---|---|---|---|
| **OU ID:** | 00 | **RALT Short Name:** | EPA Fund |
| **Act Code ID:** | 001 | **Act Start Date:** | |
| **RAT Code:** | PA | **Act Complete Date:** | 1/1/1980 00:00:00 |
| **RAT Short Name:** | PA | **AGT Order No.:** | 130 |
| **RAT Name:** | PRELIMINARY ASSESSMENT | **SH OU:** | |
| **RAT Hist. Only Flag:** | | **SH Code:** | |
| **RAT NSI Indicator:** | B | **SH Seq:** | |
| **RAT Level:** | 1 | **SH Start Date:** | |
| **RAT DEF OU:** | 00 | **SH Complete Date:** | |
| **RFBS Code:** | P | **SH Lead:** | |
| **SPA Code:** | 13 | | |

**RAT Def:** Collection of diverse existing information about the source and nature of the site hazard. It is EPA policy to complete the preliminary assessment within one year of site discovery.

**Site Desc:**
**Site Alias:**

**CERCLIS Assess History**

| | | | |
|---|---|---|---|
| **OU ID:** | 00 | **RALT Short Name:** | EPA Fund |
| **Act Code ID:** | 001 | **Act Start Date:** | |
| **RAT Code:** | DS | **Act Complete Date:** | 11/1/1978 00:00:00 |
| **RAT Short Name:** | DISCVRY | **AGT Order No.:** | 10 |
| **RAT Name:** | DISCOVERY | **SH OU:** | |
| **RAT Hist. Only Flag:** | | **SH Code:** | |
| **RAT NSI Indicator:** | B | **SH Seq:** | |
| **RAT Level:** | 1 | **SH Start Date:** | |
| **RAT DEF OU:** | 00 | **SH Complete Date:** | |
| **RFBS Code:** | | **SH Lead:** | |
| **SPA Code:** | 13 | | |

**RAT Def:** The process by which a potential hazardous waste site is brought to the attention of the EPA. The process can occur through the use of several mechanisms such as a phone call or referral by another government agency.

**Site Desc:**
**Site Alias:**

**CERCLIS Assess History**

| | | | |
|---|---|---|---|
| **OU ID:** | 00 | **RALT Short Name:** | State (Fund) |
| **Act Code ID:** | 001 | **Act Start Date:** | |
| **RAT Code:** | SI | **Act Complete Date:** | 6/1/1985 00:00:00 |
| **RAT Short Name:** | SI | **AGT Order No.:** | 160 |
| **RAT Name:** | SITE INSPECTION | **SH OU:** | |
| **RAT Hist. Only Flag:** | | **SH Code:** | |
| **RAT NSI Indicator:** | B | **SH Seq:** | |
| **RAT Level:** | 1 | **SH Start Date:** | |
| **RAT DEF OU:** | 00 | **SH Complete Date:** | |
| **RFBS Code:** | P | **SH Lead:** | |
| **SPA Code:** | 13 | | |

**RAT Def:** The process of collecting site data and samples to characterize the severity of the hazard for the hazard ranking score and/or enforcement support.

**Site Desc:**
**Site Alias:**

| | | | | | | |
|---|---|---|---|---|---|---|
| 3 | 1 of 1 | SSW | 0.02 / 105.14 | 130.60 / -6 | FT MILLER LF<br>PATERSON RD<br>FT MILLER NY 12828 | CERCLIS |

| | | | |
|---|---|---|---|
| **Site ID:** | 0201227 | **RNPL Status Code:** | N |
| **Site EPA ID:** | NYD000512624 | **NPL Status:** | Not on the NPL |
| **Site Street Address 2:** | | **RFED Facility Code:** | N |
| **Site County Name:** | WASHINGTON | **RFED Facility Desc:** | Not a Federal Facility |

| | | | |
|---|---|---|---|
| **Site FIPS Code:** | 36115 | **USGS Hydro Unit No.:** | 02020003 |
| **Region Code:** | 02 | **Site Cong. Dist. Code:** | 29 |
| **Site SMSA No.:** | 2975 | **ROT Desc:** | Other |
| **Site Prim. Latitude:** | +43.273667 | **FR NPL Update No.:** | |
| **Site Prim. Longitude:** | -073.57 | **RFRA Code:** | |
| **Lat Long Source:** | | | |
| **RNON NPL Status Desc:** | Site Reassessment Ongoing | | |

***CERCLIS Assess History***

| | | | |
|---|---|---|---|
| **OU ID:** | 00 | **RALT Short Name:** | EPA Fund |
| **Act Code ID:** | 001 | **Act Start Date:** | |
| **RAT Code:** | DS | **Act Complete Date:** | 11/1/1978 00:00:00 |
| **RAT Short Name:** | DISCVRY | **AGT Order No.:** | 10 |
| **RAT Name:** | DISCOVERY | **SH OU:** | |
| **RAT Hist. Only Flag:** | | **SH Code:** | |
| **RAT NSI Indicator:** | B | **SH Seq:** | |
| **RAT Level:** | 1 | **SH Start Date:** | |
| **RAT DEF OU:** | 00 | **SH Complete Date:** | |
| **RFBS Code:** | | **SH Lead:** | |
| **SPA Code:** | 13 | | |

**RAT Def:** The process by which a potential hazardous waste site is brought to the attention of the EPA. The process can occur through the use of several mechanisms such as a phone call or referral by another government agency.

**Site Desc:**

**Site Alias:**

***CERCLIS Assess History***

| | | | |
|---|---|---|---|
| **OU ID:** | 00 | **RALT Short Name:** | |
| **Act Code ID:** | | **Act Start Date:** | |
| **RAT Code:** | | **Act Complete Date:** | |
| **RAT Short Name:** | | **AGT Order No.:** | 0 |
| **RAT Name:** | | **SH OU:** | |
| **RAT Hist. Only Flag:** | | **SH Code:** | |
| **RAT NSI Indicator:** | | **SH Seq:** | |
| **RAT Level:** | | **SH Start Date:** | |
| **RAT DEF OU:** | | **SH Complete Date:** | |
| **RFBS Code:** | | **SH Lead:** | |
| **SPA Code:** | | | |

**RAT Def:**

**Site Desc:** THE NYSDEC IS ALREADY CONDUCTING A REMEDIAL INVESTIGATION AT THE FACILITY UNDER THE STATE'S AUTHORITY.

9/2010: on-going NYSDEC monitoring of site

.

**Site Alias:** FORT MILLER,,,NY,;

***CERCLIS Assess History***

| | | | |
|---|---|---|---|
| **OU ID:** | 00 | **RALT Short Name:** | State (Fund) |
| **Act Code ID:** | 001 | **Act Start Date:** | |
| **RAT Code:** | SI | **Act Complete Date:** | 9/1/1982 00:00:00 |
| **RAT Short Name:** | SI | **AGT Order No.:** | 160 |
| **RAT Name:** | SITE INSPECTION | **SH OU:** | |
| **RAT Hist. Only Flag:** | | **SH Code:** | |
| **RAT NSI Indicator:** | B | **SH Seq:** | |
| **RAT Level:** | 1 | **SH Start Date:** | |
| **RAT DEF OU:** | 00 | **SH Complete Date:** | |
| **RFBS Code:** | P | **SH Lead:** | |
| **SPA Code:** | 13 | | |

**RAT Def:** The process of collecting site data and samples to characterize the severity of the hazard for the hazard ranking score and/or enforcement support.

**Site Desc:**

**Site Alias:**

***CERCLIS Assess History***

| | | | |
|---|---|---|---|
| ***OU ID:*** | 00 | ***RALT Short Name:*** | EPA Fund |
| ***Act Code ID:*** | 001 | ***Act Start Date:*** | |
| ***RAT Code:*** | PA | ***Act Complete Date:*** | 11/1/1979 00:00:00 |
| ***RAT Short Name:*** | PA | ***AGT Order No.:*** | 130 |
| ***RAT Name:*** | PRELIMINARY ASSESSMENT | ***SH OU:*** | |
| ***RAT Hist. Only Flag:*** | | ***SH Code:*** | |
| ***RAT NSI Indicator:*** | B | ***SH Seq:*** | |
| ***RAT Level:*** | 1 | ***SH Start Date:*** | |
| ***RAT DEF OU:*** | 00 | ***SH Complete Date:*** | |
| ***RFBS Code:*** | P | ***SH Lead:*** | |
| ***SPA Code:*** | 13 | | |

***RAT Def:*** Collection of diverse existing information about the source and nature of the site hazard. It is EPA policy to complete the preliminary assessment within one year of site discovery.

***Site Desc:***
***Site Alias:***

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| | | | | | | |
|---|---|---|---|---|---|---|
| 4 | *1 of 4* | *WNW* | *0.17 / 890.04* | *147.93 / 12* | ***E S M I OF NEW YORK***<br>***304 TOWPATH RD***<br>***FORT EDWARD NY 12828-1754*** | ***RCRA NON GEN*** |

| | |
|---|---|
| ***EPA Handler ID:*** | NYR000012369 |
| ***Gen Status Universe:*** | No Report |
| ***Contact Name:*** | |
| ***Contact Address:*** | 304 , TOWPATH RD , , FORT EDWARD , NY, 12828 , US |
| ***Contact Phone No and Ext:*** | |
| ***Contact Email:*** | |
| ***Contact Country:*** | US |
| ***County Name:*** | WASHINGTON |
| ***EPA Region:*** | 02 |
| ***Land Type:*** | Private |
| ***Receive Date:*** | 20070101 |

***Violation/Evaluation Summary***

***Note:*** NO RECORDS: As of November 2019, there are no Compliance Monitoring and Enforcement (violation) records associated with this facility (EPA ID).

***Handler Summary***

| | |
|---|---|
| ***Importer Activity:*** | No |
| ***Mixed Waste Generator:*** | No |
| ***Transporter Activity:*** | No |
| ***Transfer Facility:*** | No |
| ***Onsite Burner Exemption:*** | No |
| ***Furnace Exemption:*** | No |
| ***Underground Injection Activity:*** | No |
| ***Commercial TSD:*** | No |
| ***Used Oil Transporter:*** | No |
| ***Used Oil Transfer Facility:*** | No |
| ***Used Oil Processor:*** | No |
| ***Used Oil Refiner:*** | No |
| ***Used Oil Burner:*** | No |
| ***Used Oil Market Burner:*** | No |
| ***Used Oil Spec Marketer:*** | No |

***Hazardous Waste Handler Details***

| | |
|---|---|
| ***Sequence No:*** | 1 |
| ***Receive Date:*** | 19950825 |
| ***Handler Name:*** | E S M I OF NEW YORK |
| ***Generator Status Universe:*** | No Report |
| ***Source Type:*** | Notification |

***Waste Code Details***

***Hazardous Waste Code:*** NONE
***Waste Code Description:*** DESCRIPTION

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19990708
***Handler Name:*** E S M I OF NEW YORK
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 2
***Receive Date:*** 20060101
***Handler Name:*** E S M I OF NEW YORK
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 3
***Receive Date:*** 20070101
***Handler Name:*** E S M I OF NEW YORK
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Owner/Operator Details***

***Owner/Operator Ind:*** Current Operator
***Type:*** Private
***Name:*** ENVIRONMENTAL SOIL MGMT
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-747-5500
***Source Type:*** Implementer
***Street No:***
***Street 1:*** 304 TOWPATH RD
***Street 2:***
***City:*** FORT EDWARD
***State:*** NY
***Country:*** US
***Zip Code:*** 12828

***Owner/Operator Ind:*** Current Owner
***Type:*** Private
***Name:*** ENVIRONMENTAL SOIL MGMT
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-747-5500
***Source Type:*** Implementer
***Street No:***
***Street 1:*** 304 TOWPATH RD
***Street 2:***
***City:*** FORT EDWARD
***State:*** NY
***Country:*** US
***Zip Code:*** 12828

***Owner/Operator Ind:*** Current Owner
***Type:*** Private
***Name:*** ENVIRONMENTAL SOIL MGMT
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-747-5500
***Source Type:*** Notification
***Street No:***
***Street 1:*** 304 TOWPATH RD
***Street 2:***
***City:*** FORT EDWARD
***State:*** NY
***Country:***
***Zip Code:*** 12828

***Historical Handler Details***

***Receive Dt:*** 20060101
***Generator Code Description:*** Not a Generator, Verified
***Handler Name:*** E S M I OF NEW YORK

**Receive Dt:** 19990708
**Generator Code Description:** Not a Generator, Verified
**Handler Name:** E S M I OF NEW YORK

**Receive Dt:** 19950825
**Generator Code Description:** Small Quantity Generator
**Handler Name:** E S M I OF NEW YORK

| 4 | 2 of 4 | WNW | 0.17 / 890.04 | 147.93 / 12 | ESMI OF NEW YORK<br>304 TOWPATH LANE<br>FORT EDWARD NY 12828 | AST |
|---|---|---|---|---|---|---|

**Site ID:** 40774
**Site Status:** Active
**Program No:** 5-600544
**Program Type Code:** PBS
**Program Type Desc:** Petroleum Bulk Storage Program
**Site Type:** Manufacturing (Other than Chemical)/Processing
**Expiry:** 2020/08/22
**County:** Washington
**UTM X:** 615797.31726
**UTM Y:** 4792755.92868

***Tank Information***

**Prog No:** 5-600544
**Tank ID:** 111661
**Tank No:** 003
**Tank Status:** 3
**Tank Status Desc:** Closed - Removed
**Tank Type:** 01
**Tank Type Desc:** Steel/Carbon Steel/Iron
**Install Date:** 1998-11-01 00:00:00
**Close Date:** 2010-03-01 00:00:00
**Tk Out of Serv Dt:**
**Capacity (Gal):** 500
**Registered:** True
**Tank Model:** 201
**Pipe Model:**
**Tank Location:** 3
**Tank Location Desc:** Aboveground on saddles, legs, stilts, rack or cradle
**Category:** 2
**Category Desc:** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
**Subpart:**
**Subpart Desc:**
**Tank Owner Name:**
**Tank Owner Address:**
**UDC Ind:** 1
**Red Tag Start Date:**
**Red Tag End Date:**
**Tank Last Test:**
**Tank Next Test Due:**
**Test Method:** NN
**Line Last Test Due:**
**Next Line Test Due:**
**Line Test Method:**
**Class A Operator:**
**Class B Operator:**
**Modified by:** bxhankin
**Last Modified:** 2017-04-14 14:30:47.863000000

***Material Information***

**Material Name:** diesel
**Percent:** 100.00

***Equipment Information***

**Equipment:** G01
**Code Name:** Diking (Aboveground)
**Type:** Tank Secondary Containment

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** D11
**Code Name:** Flexible Piping
**Type:** Pipe Type

**Equipment:** E00
**Code Name:** None

***Type:*** Piping Secondary Containment

***Equipment:*** B01
***Code Name:*** Painted/Asphalt Coating
***Type:*** Tank External Protection

***Equipment:*** C01
***Code Name:*** Aboveground
***Type:*** Pipe Location

***Equipment:*** L09
***Code Name:*** Exempt Suction Piping
***Type:*** Piping Leak Detection

***Equipment:*** F00
***Code Name:*** None
***Type:*** Pipe External Protection

***Equipment:*** I03
***Code Name:*** Automatic Shut-Off
***Type:*** Overfill

***Equipment:*** A00
***Code Name:*** None
***Type:*** Tank Internal Protection

***Equipment:*** H06
***Code Name:*** Impervious Barrier/Concrete Pad (A/G)
***Type:*** Tank Leak Detection

***Equipment:*** K00
***Code Name:*** None
***Type:*** Spill Prevention

***Tank Information***

| | | | |
|---|---|---|---|
| ***Prog No:*** | 5-600544 | ***UDC Ind:*** | 1 |
| ***Tank ID:*** | 222408 | ***Red Tag Start Date:*** | |
| ***Tank No:*** | 005 | ***Red Tag End Date:*** | |
| ***Tank Status:*** | 3 | ***Tank Last Test:*** | |
| ***Tank Status Desc:*** | Closed - Removed | ***Tank Next Test Due:*** | |
| ***Tank Type:*** | 01 | ***Test Method:*** | NN |
| ***Tank Type Desc:*** | Steel/Carbon Steel/Iron | ***Line Last Test Due:*** | |
| ***Install Date:*** | 2008-04-09 00:00:00 | ***Next Line Test Due:*** | |
| ***Close Date:*** | 2009-03-06 00:00:00 | ***Line Test Method:*** | |
| ***Tk Out of Serv Dt:*** | | ***Class A Operator:*** | |
| ***Capacity (Gal):*** | 500 | ***Class B Operator:*** | |
| ***Registered:*** | True | ***Modified by:*** | rbmulvey |
| ***Tank Model:*** | 201 | ***Last Modified:*** | 2017-04-14 14:30:47.863000000 |
| ***Pipe Model:*** | | | |

***Tank Location:*** 3
***Tank Location Desc:*** Aboveground on saddles, legs, stilts, rack or cradle
***Category:*** 2
***Category Desc:*** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
***Subpart:***
***Subpart Desc:***
***Tank Owner Name:***
***Tank Owner Address:***

***Material Information***

***Material Name:*** diesel
***Percent:*** 100.00

***Equipment Information***

***Equipment:*** F00
***Code Name:*** None
***Type:*** Pipe External Protection

***Equipment:*** E00
***Code Name:*** None
***Type:*** Piping Secondary Containment

***Equipment:*** J02
***Code Name:*** Suction Dispenser
***Type:*** Dispenser

***Equipment:*** D11
***Code Name:*** Flexible Piping
***Type:*** Pipe Type

***Equipment:*** B01
***Code Name:*** Painted/Asphalt Coating
***Type:*** Tank External Protection

***Equipment:*** K00
***Code Name:*** None
***Type:*** Spill Prevention

***Equipment:*** I03
***Code Name:*** Automatic Shut-Off
***Type:*** Overfill

***Equipment:*** C01
***Code Name:*** Aboveground
***Type:*** Pipe Location

***Equipment:*** L09
***Code Name:*** Exempt Suction Piping
***Type:*** Piping Leak Detection

***Equipment:*** H06
***Code Name:*** Impervious Barrier/Concrete Pad (A/G)
***Type:*** Tank Leak Detection

***Equipment:*** G01
***Code Name:*** Diking (Aboveground)
***Type:*** Tank Secondary Containment

***Equipment:*** A00
***Code Name:*** None
***Type:*** Tank Internal Protection

***Tank Information***

| | | | |
|---|---|---|---|
| ***Prog No:*** | 5-600544 | ***UDC Ind:*** | 1 |
| ***Tank ID:*** | 229229 | ***Red Tag Start Date:*** | |
| ***Tank No:*** | 05A | ***Red Tag End Date:*** | |
| ***Tank Status:*** | 3 | ***Tank Last Test:*** | |
| ***Tank Status Desc:*** | Closed - Removed | ***Tank Next Test Due:*** | |
| ***Tank Type:*** | 01 | ***Test Method:*** | NN |
| ***Tank Type Desc:*** | Steel/Carbon Steel/Iron | ***Line Last Test Due:*** | |
| ***Install Date:*** | 2009-03-06 00:00:00 | ***Next Line Test Due:*** | |
| ***Close Date:*** | 2009-08-05 00:00:00 | ***Line Test Method:*** | |
| ***Tk Out of Serv Dt:*** | | ***Class A Operator:*** | |
| ***Capacity (Gal):*** | 500 | ***Class B Operator:*** | |
| ***Registered:*** | True | ***Modified by:*** | bxhankin |
| ***Tank Model:*** | | ***Last Modified:*** | 2017-04-14 14:30:47.863000000 |
| ***Pipe Model:*** | | | |
| ***Tank Location:*** | 3 | | |
| ***Tank Location Desc:*** | Aboveground on saddles, legs, stilts, rack or cradle | | |
| ***Category:*** | 2 | | |

***Category Desc:*** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
***Subpart:***
***Subpart Desc:***
***Tank Owner Name:***
***Tank Owner Address:***

***Material Information***

***Material Name:*** diesel
***Percent:*** 100.00

***Equipment Information***

***Equipment:*** D11
***Code Name:*** Flexible Piping
***Type:*** Pipe Type

***Equipment:*** K00
***Code Name:*** None
***Type:*** Spill Prevention

***Equipment:*** H06
***Code Name:*** Impervious Barrier/Concrete Pad (A/G)
***Type:*** Tank Leak Detection

***Equipment:*** F00
***Code Name:*** None
***Type:*** Pipe External Protection

***Equipment:*** A00
***Code Name:*** None
***Type:*** Tank Internal Protection

***Equipment:*** C01
***Code Name:*** Aboveground
***Type:*** Pipe Location

***Equipment:*** L09
***Code Name:*** Exempt Suction Piping
***Type:*** Piping Leak Detection

***Equipment:*** E00
***Code Name:*** None
***Type:*** Piping Secondary Containment

***Equipment:*** I03
***Code Name:*** Automatic Shut-Off
***Type:*** Overfill

***Equipment:*** J02
***Code Name:*** Suction Dispenser
***Type:*** Dispenser

***Equipment:*** B01
***Code Name:*** Painted/Asphalt Coating
***Type:*** Tank External Protection

***Equipment:*** G01
***Code Name:*** Diking (Aboveground)
***Type:*** Tank Secondary Containment

***Tank Information***

***Prog No:*** 5-600544 ***UDC Ind:*** 1
***Tank ID:*** 111660 ***Red Tag Start Date:***

| | | | |
|---|---|---|---|
| **Tank No:** | 002 | **Red Tag End Date:** | |
| **Tank Status:** | 3 | **Tank Last Test:** | |
| **Tank Status Desc:** | Closed - Removed | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | NN |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Line Last Test Due:** | |
| **Install Date:** | 1996-11-01 00:00:00 | **Next Line Test Due:** | |
| **Close Date:** | 2009-08-05 00:00:00 | **Line Test Method:** | |
| **Tk Out of Serv Dt:** | | **Class A Operator:** | |
| **Capacity (Gal):** | 500 | **Class B Operator:** | |
| **Registered:** | True | **Modified by:** | bxhankin |
| **Tank Model:** | 201 | **Last Modified:** | 2017-04-14 14:30:47.863000000 |
| **Pipe Model:** | | | |

**Tank Location:** 3
**Tank Location Desc:** Aboveground on saddles, legs, stilts, rack or cradle
**Category:** 2
**Category Desc:** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
**Subpart:**
**Subpart Desc:**
**Tank Owner Name:**
**Tank Owner Address:**

***Material Information***

**Material Name:** diesel
**Percent:** 100.00

***Equipment Information***

**Equipment:** A00
**Code Name:** None
**Type:** Tank Internal Protection

**Equipment:** D11
**Code Name:** Flexible Piping
**Type:** Pipe Type

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** L09
**Code Name:** Exempt Suction Piping
**Type:** Piping Leak Detection

**Equipment:** F00
**Code Name:** None
**Type:** Pipe External Protection

**Equipment:** G01
**Code Name:** Diking (Aboveground)
**Type:** Tank Secondary Containment

**Equipment:** H06
**Code Name:** Impervious Barrier/Concrete Pad (A/G)
**Type:** Tank Leak Detection

**Equipment:** E00
**Code Name:** None
**Type:** Piping Secondary Containment

**Equipment:** I03
**Code Name:** Automatic Shut-Off
**Type:** Overfill

**Equipment:** C01
**Code Name:** Aboveground
**Type:** Pipe Location

**Equipment:** B01
**Code Name:** Painted/Asphalt Coating
**Type:** Tank External Protection

**Equipment:** K00
**Code Name:** None
**Type:** Spill Prevention

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-600544 | **UDC Ind:** | 0 |
| **Tank ID:** | 206603 | **Red Tag Start Date:** | |
| **Tank No:** | 004 | **Red Tag End Date:** | |
| **Tank Status:** | 2 | **Tank Last Test:** | |
| **Tank Status Desc:** | Temporarily Out of Service | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | - |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Line Last Test Due:** | |
| **Install Date:** | 2005-05-04 00:00:00 | **Next Line Test Due:** | |
| **Close Date:** | 2016-06-25 00:00:00 | **Line Test Method:** | - |
| **Tk Out of Serv Dt:** | | **Class A Operator:** | |
| **Capacity (Gal):** | 20000 | **Class B Operator:** | |
| **Registered:** | True | **Modified by:** | BXHANKIN |
| **Tank Model:** | | **Last Modified:** | 2018-07-17 11:43:36.237000000 |
| **Pipe Model:** | | | |

**Tank Location:** 3
**Tank Location Desc:** Aboveground on saddles, legs, stilts, rack or cradle
**Category:** 2
**Category Desc:** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
**Subpart:** 4
**Subpart Desc:** Subpart 4 contains requirements for ASTs (aboveground storage tanks).
**Tank Owner Name:** PETER HANSEN
**Tank Owner Address:** 304 TOWPATH LANE FORT EDWARD, NY. 12828

***Material Information***

**Material Name:** used oil (heating, on-site consumption)
**Percent:** 100.00

***Equipment Information***

**Equipment:** I04
**Code Name:** Product Level Gauge (A/G)
**Type:** Overfill

**Equipment:** B01
**Code Name:** Painted/Asphalt Coating
**Type:** Tank External Protection

**Equipment:** F01
**Code Name:** Painted/Asphalt Coating
**Type:** Pipe External Protection

**Equipment:** L00
**Code Name:** None
**Type:** Piping Leak Detection

**Equipment:** G10
**Code Name:** Impervious Underlayment
**Type:** Tank Secondary Containment

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** H06
**Code Name:** Impervious Barrier/Concrete Pad (A/G)
**Type:** Tank Leak Detection

**Equipment:** E00
**Code Name:** None
**Type:** Piping Secondary Containment

**Equipment:** D01
**Code Name:** Steel/Carbon Steel/Iron
**Type:** Pipe Type

**Equipment:** K99
**Code Name:** Other
**Type:** Spill Prevention

**Equipment:** A00
**Code Name:** None
**Type:** Tank Internal Protection

**Equipment:** G01
**Code Name:** Diking (Aboveground)
**Type:** Tank Secondary Containment

**Equipment:** C01
**Code Name:** Aboveground
**Type:** Pipe Location

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-600544 | **UDC Ind:** | 0 |
| **Tank ID:** | 111659 | **Red Tag Start Date:** | |
| **Tank No:** | 001 | **Red Tag End Date:** | |
| **Tank Status:** | 2 | **Tank Last Test:** | |
| **Tank Status Desc:** | Temporarily Out of Service | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | - |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Line Last Test Due:** | |
| **Install Date:** | 2000-08-01 00:00:00 | **Next Line Test Due:** | |
| **Close Date:** | 2016-06-25 00:00:00 | **Line Test Method:** | - |
| **Tk Out of Serv Dt:** | | **Class A Operator:** | |
| **Capacity (Gal):** | 15000 | **Class B Operator:** | |
| **Registered:** | True | **Modified by:** | BXHANKIN |
| **Tank Model:** | | **Last Modified:** | 2018-07-17 11:43:36.223000000 |
| **Pipe Model:** | | | |

**Tank Location:** 3
**Tank Location Desc:** Aboveground on saddles, legs, stilts, rack or cradle
**Category:** 2
**Category Desc:** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
**Subpart:** 4
**Subpart Desc:** Subpart 4 contains requirements for ASTs (aboveground storage tanks).
**Tank Owner Name:** PETER HANSEN
**Tank Owner Address:** 304 TOWPATH LANE FORT EDWARD, NY. 12828

***Material Information***

**Material Name:** used oil (heating, on-site consumption)
**Percent:** 100.00

***Equipment Information***

**Equipment:** H06
**Code Name:** Impervious Barrier/Concrete Pad (A/G)
**Type:** Tank Leak Detection

**Equipment:** F01

**Code Name:** Painted/Asphalt Coating
**Type:** Pipe External Protection

**Equipment:** K99
**Code Name:** Other
**Type:** Spill Prevention

**Equipment:** G01
**Code Name:** Diking (Aboveground)
**Type:** Tank Secondary Containment

**Equipment:** C01
**Code Name:** Aboveground
**Type:** Pipe Location

**Equipment:** A00
**Code Name:** None
**Type:** Tank Internal Protection

**Equipment:** B01
**Code Name:** Painted/Asphalt Coating
**Type:** Tank External Protection

**Equipment:** G10
**Code Name:** Impervious Underlayment
**Type:** Tank Secondary Containment

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** I02
**Code Name:** High Level Alarm
**Type:** Overfill

**Equipment:** D01
**Code Name:** Steel/Carbon Steel/Iron
**Type:** Pipe Type

**Equipment:** E00
**Code Name:** None
**Type:** Piping Secondary Containment

**Equipment:** L00
**Code Name:** None
**Type:** Piping Leak Detection

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-600544 | **UDC Ind:** | 0 |
| **Tank ID:** | 230129 | **Red Tag Start Date:** | |
| **Tank No:** | 006 | **Red Tag End Date:** | |
| **Tank Status:** | 1 | **Tank Last Test:** | |
| **Tank Status Desc:** | In Service | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | - |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Line Last Test Due:** | |
| **Install Date:** | 2009-06-24 00:00:00 | **Next Line Test Due:** | |
| **Close Date:** | | **Line Test Method:** | - |
| **Tk Out of Serv Dt:** | | **Class A Operator:** | |
| **Capacity (Gal):** | 20000 | **Class B Operator:** | |
| **Registered:** | True | **Modified by:** | BXHANKIN |
| **Tank Model:** | | **Last Modified:** | 2018-07-17 11:43:36.243000000 |
| **Pipe Model:** | | | |

**Tank Location:** 3
**Tank Location Desc:** Aboveground on saddles, legs, stilts, rack or cradle
**Category:** 2
**Category Desc:** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
**Subpart:** 4

***Subpart Desc:*** Subpart 4 contains requirements for ASTs (aboveground storage tanks).
***Tank Owner Name:*** PETER HANSEN
***Tank Owner Address:*** 304 TOWPATH LANE FORT EDWARD, NY. 12828

***Material Information***

***Material Name:*** diesel
***Percent:*** 100.00

***Equipment Information***

***Equipment:*** H06
***Code Name:*** Impervious Barrier/Concrete Pad (A/G)
***Type:*** Tank Leak Detection

***Equipment:*** I04
***Code Name:*** Product Level Gauge (A/G)
***Type:*** Overfill

***Equipment:*** D99
***Code Name:*** Other
***Type:*** Pipe Type

***Equipment:*** A00
***Code Name:*** None
***Type:*** Tank Internal Protection

***Equipment:*** C01
***Code Name:*** Aboveground
***Type:*** Pipe Location

***Equipment:*** F00
***Code Name:*** None
***Type:*** Pipe External Protection

***Equipment:*** J02
***Code Name:*** Suction Dispenser
***Type:*** Dispenser

***Equipment:*** G10
***Code Name:*** Impervious Underlayment
***Type:*** Tank Secondary Containment

***Equipment:*** E00
***Code Name:*** None
***Type:*** Piping Secondary Containment

***Equipment:*** G01
***Code Name:*** Diking (Aboveground)
***Type:*** Tank Secondary Containment

***Equipment:*** L00
***Code Name:*** None
***Type:*** Piping Leak Detection

***Equipment:*** K99
***Code Name:*** Other
***Type:*** Spill Prevention

***Equipment:*** B01
***Code Name:*** Painted/Asphalt Coating
***Type:*** Tank External Protection

***Affiliation Information***

| | |
|---|---|
| ***Affiliation Type:*** | 07 |
| ***Affiliation Name:*** | Mail Contact |
| ***Affiliation Sub Type:*** | NNN |
| ***Company:*** | ESMI OF NEW YORK |
| ***Contact Title:*** | COMPLIANCE MANAGER |
| ***Contact Name:*** | PETER HANSEN |
| ***Address1:*** | 304 TOWPATH LANE |
| ***Address2:*** | |
| ***City:*** | FORT EDWARD |
| ***State:*** | NY |
| ***Zip Code:*** | 12828 |
| ***Country Code:*** | 001 |
| ***Phone:*** | (518) 747-5500 |
| ***Phone Ext:*** | |
| ***Email:*** | PHANSEN@ESMIOFNY.COM |
| ***Fax:*** | |

| | |
|---|---|
| ***Affiliation Type:*** | 01 |
| ***Affiliation Name:*** | Facility Owner |
| ***Affiliation Sub Type:*** | E |
| ***Company:*** | ESMI OF NEW YORK |
| ***Contact Title:*** | COMPLIANCE MANAGER |
| ***Contact Name:*** | PETER HANSEN |
| ***Address1:*** | 304 TOWPATH LANE |
| ***Address2:*** | |
| ***City:*** | FORT EDWARD |
| ***State:*** | NY |
| ***Zip Code:*** | 12828 |
| ***Country Code:*** | 001 |
| ***Phone:*** | (518) 747-5500 |
| ***Phone Ext:*** | |
| ***Email:*** | PHANSEN@ESMIOFNY.COM |
| ***Fax:*** | |

| | |
|---|---|
| ***Affiliation Type:*** | 11 |
| ***Affiliation Name:*** | Emergency Contact |
| ***Affiliation Sub Type:*** | NNN |
| ***Company:*** | ESMI OF NEW YORK |
| ***Contact Title:*** | |
| ***Contact Name:*** | PETER HANSEN |
| ***Address1:*** | |
| ***Address2:*** | |
| ***City:*** | |
| ***State:*** | NN |
| ***Zip Code:*** | |
| ***Country Code:*** | 999 |
| ***Phone:*** | (518) 747-5500 |
| ***Phone Ext:*** | |
| ***Email:*** | |
| ***Fax:*** | |

| | |
|---|---|
| ***Affiliation Type:*** | 04 |
| ***Affiliation Name:*** | Facility Operator |
| ***Affiliation Sub Type:*** | NNN |
| ***Company:*** | ESMI OF NEW YORK |
| ***Contact Title:*** | |
| ***Contact Name:*** | PETER HANSEN |
| ***Address1:*** | |
| ***Address2:*** | |
| ***City:*** | |
| ***State:*** | NN |
| ***Zip Code:*** | |
| ***Country Code:*** | 999 |
| ***Phone:*** | (518) 747-5500 |
| ***Phone Ext:*** | |
| ***Email:*** | |
| ***Fax:*** | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 4 | 3 of 4 | WNW | 0.17 / 890.04 | 147.93 / 12 | ESMI of New York<br>304 Towpath Road<br>Fort Edward NY 12828 | SWF/LF |

| | | | |
|---|---|---|---|
| **Active:** | Yes | **Owner Address:** | 304 Towpath Road |
| **Activity No:** | [58Z01] | **Owner Addr2:** | |
| **Regltry Status:** | Permit | **Owner City:** | Fort Edward |
| **Accuracy Code:** | 4.3 - Utilization of Digital Orthophoto Quads | **Owner State:** | NY |
| **Auth No:** | 5-5330-00038/00019 | **Owner ZIP:** | 12828-1754 |
| **Auth Issue Dt:** | 7/22/2015 | **Owner Email:** | |
| **Operator Name:** | | **Owner Phone:** | |
| **Operator Type:** | | **Contact Name:** | Peter Hansen |
| **Expiration Date:** | 7/31/2025 | **Contact Addr:** | 304 Towpath Road |
| **Region:** | 5 | **Contact Addr2:** | |
| **County:** | Washington | **Contact City:** | Fort Edward |
| **East Coord:** | 615717 | **Contact State:** | NY |
| **North Coord:** | 4796220 | **Contact ZIP:** | 12828 |
| **Phone No:** | 5187475500 | **Contact Email:** | |
| **Owner Name:** | Environmental Soil Management of NY LLC | **Contact Phone:** | 5187475500 |
| **Owner Type:** | Private | | |
| **Date of Last Inspection:** | 12/18/2018 | | |
| **Activity Desc:** | Other | | |
| **Waste Types:** | | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 4 | 4 of 4 | WNW | 0.17 / 890.04 | 147.93 / 12 | ESMI of New York<br>304 Towpath Road<br>Fort Edward NY 12828 | SWF/LF |

| | | | |
|---|---|---|---|
| **Active:** | Yes | **Owner Address:** | 304 Towpath Road |
| **Activity No:** | [58Z10005] | **Owner Addr2:** | |
| **Regltry Status:** | Registration | **Owner City:** | Fort Edward |
| **Accuracy Code:** | 4.3 - Utilization of Digital Orthophoto Quads | **Owner State:** | NY |
| **Auth No:** | | **Owner ZIP:** | 12828-1754 |
| **Auth Issue Dt:** | | **Owner Email:** | |
| **Operator Name:** | | **Owner Phone:** | |
| **Operator Type:** | | **Contact Name:** | Peter Hansen |
| **Expiration Date:** | | **Contact Addr:** | 304 Towpath Road |
| **Region:** | 5 | **Contact Addr2:** | |
| **County:** | Washington | **Contact City:** | Fort Edward |
| **East Coord:** | 615717 | **Contact State:** | NY |
| **North Coord:** | 4796220 | **Contact ZIP:** | 12828 |
| **Phone No:** | 5187475500 | **Contact Email:** | |
| **Owner Name:** | Environmental Soil Management of NY LLC | **Contact Phone:** | 5187475500 |
| **Owner Type:** | Private | | |
| **Date of Last Inspection:** | | | |
| **Activity Desc:** | Research Development & Demonstration - registration | | |
| **Waste Types:** | | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 5 | 1 of 4 | SW | 0.22 / 1,163.58 | 135.28 / -1 | PALLETS INC<br>99-1/2 EAST ST<br>FORT EDWARD NY 12828-1813 | RCRA NON GEN |

| | |
|---|---|
| **EPA Handler ID:** | NYR000025460 |
| **Gen Status Universe:** | No Report |
| **Contact Name:** | ARTHUR BINLEY |
| **Contact Address:** | PO BOX 326 , , FORT EDWARD , NY, 12828-0326 , US |
| **Contact Phone No and Ext:** | 518-747-4177 |
| **Contact Email:** | |
| **Contact Country:** | US |
| **County Name:** | WASHINGTON |
| **EPA Region:** | 02 |
| **Land Type:** | Private |
| **Receive Date:** | 20070101 |

***Violation/Evaluation Summary***

***Note:*** VIOLATION or UNDETERMINED: There are VIOLATION or UNDETERMINED details or records associated with this facility (EPA ID) in the Compliance Monitoring and Enforcement table dated November, 2019.

***Violation Details***

***Citation:***
***Violation Short Description:*** Generators - Records/Reporting
***Violation Type:*** 262.D
***Violation Determined Date:*** 19970826
***Scheduled Compliance Date:*** 19971001
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 19971009
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 19970826
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Evaluation Details***

***Evaluation Start Date:*** 19970301
***Evaluation Type Description:*** NON-FINANCIAL RECORD REVIEW
***Violation Short Description:*** Generators - Records/Reporting
***Return to Compliance Date:*** 19971009
***Evaluation Agency:*** State

***Handler Summary***

***Importer Activity:*** No
***Mixed Waste Generator:*** No
***Transporter Activity:*** No
***Transfer Facility:*** No
***Onsite Burner Exemption:*** No
***Furnace Exemption:*** No
***Underground Injection Activity:*** No
***Commercial TSD:*** No
***Used Oil Transporter:*** No
***Used Oil Transfer Facility:*** No
***Used Oil Processor:*** No
***Used Oil Refiner:*** No
***Used Oil Burner:*** No
***Used Oil Market Burner:*** No
***Used Oil Spec Marketer:*** No

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19960613
***Handler Name:*** PALLETS INC
***Generator Status Universe:*** No Report
***Source Type:*** Notification

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

***Waste Code Details***

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D018
***Waste Code Description:*** BENZENE

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 20060101
***Handler Name:*** PALLETS INC
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 2
***Receive Date:*** 20070101
***Handler Name:*** PALLETS INC
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Owner/Operator Details***

***Owner/Operator Ind:*** Current Owner
***Type:*** Private
***Name:*** PALLETS INC
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-747-4177
***Source Type:*** Notification
***Street No:***
***Street 1:*** 99 1/2 EAST ST
***Street 2:***
***City:*** FORT EDWARD
***State:*** NY
***Country:***
***Zip Code:*** 12828-1813

***Owner/Operator Ind:*** Current Owner
***Type:*** Private
***Name:*** PALLETS INC
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-747-4177
***Source Type:*** Implementer
***Street No:***
***Street 1:*** 99 1/2 EAST ST
***Street 2:***
***City:*** FORT EDWARD
***State:*** NY
***Country:*** US
***Zip Code:*** 12828-1813

***Owner/Operator Ind:*** Current Operator
***Type:*** Private
***Name:*** PALLETS INC
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-747-4177
***Source Type:*** Implementer
***Street No:***
***Street 1:*** 99 1/2 EAST ST
***Street 2:***
***City:*** FORT EDWARD
***State:*** NY
***Country:*** US
***Zip Code:*** 12828-1813

***Historical Handler Details***

***Receive Dt:*** 20060101
***Generator Code Description:*** Not a Generator, Verified
***Handler Name:*** PALLETS INC

***Receive Dt:*** 19960613
***Generator Code Description:*** Very Small Quantity Generator
***Handler Name:*** PALLETS INC

| | | | | | | |
|---|---|---|---|---|---|---|
| 5 | *2 of 4* | *SW* | *0.22 / 1,163.58* | *135.28 / -1* | ***PALLETS INC***<br>***99 1/2 EAST ST***<br>***FORT EDWARD NY 12828*** | ***AST*** |

| | | | |
|---|---|---|---|
| **Site ID:** | 39217 | **Expiry:** | N/A |
| **Site Status:** | Unregulated/Closed | **County:** | Washington |
| **Program No:** | 5-261890 | **UTM X:** | 615415.64546 |
| **Program Type Code:** | PBS | **UTM Y:** | 4791761.51677 |
| **Program Type Desc:** | Petroleum Bulk Storage Program | | |
| **Site Type:** | Trucking/Transportation/Fleet Operation | | |

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-261890 | **UDC Ind:** | 1 |
| **Tank ID:** | 111097 | **Red Tag Start Date:** | |
| **Tank No:** | 004 | **Red Tag End Date:** | |
| **Tank Status:** | 1 | **Tank Last Test:** | |
| **Tank Status Desc:** | In Service | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | NN |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Line Last Test Due:** | |
| **Install Date:** | 1998-12-01 00:00:00 | **Next Line Test Due:** | |
| **Close Date:** | | **Line Test Method:** | |
| **Tk Out of Serv Dt:** | | **Class A Operator:** | |
| **Capacity (Gal):** | 500 | **Class B Operator:** | |
| **Registered:** | True | **Modified by:** | TRANSLAT |
| **Tank Model:** | | **Last Modified:** | 2017-04-14 14:30:47.863000000 |
| **Pipe Model:** | | | |

| | |
|---|---|
| **Tank Location:** | 3 |
| **Tank Location Desc:** | Aboveground on saddles, legs, stilts, rack or cradle |
| **Category:** | 2 |
| **Category Desc:** | Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015 |
| **Subpart:** | 4 |
| **Subpart Desc:** | Subpart 4 contains requirements for ASTs (aboveground storage tanks). |
| **Tank Owner Name:** | |
| **Tank Owner Address:** | |

***Material Information***

| | |
|---|---|
| **Material Name:** | gasoline |
| **Percent:** | 100.00 |

***Equipment Information***

| | |
|---|---|
| **Equipment:** | F00 |
| **Code Name:** | None |
| **Type:** | Pipe External Protection |
| **Equipment:** | G00 |
| **Code Name:** | None |
| **Type:** | Tank Secondary Containment |
| **Equipment:** | I04 |
| **Code Name:** | Product Level Gauge (A/G) |
| **Type:** | Overfill |
| **Equipment:** | B01 |
| **Code Name:** | Painted/Asphalt Coating |
| **Type:** | Tank External Protection |
| **Equipment:** | D02 |
| **Code Name:** | Galvanized Steel |
| **Type:** | Pipe Type |
| **Equipment:** | A00 |
| **Code Name:** | None |
| **Type:** | Tank Internal Protection |
| **Equipment:** | H00 |
| **Code Name:** | None |

**Type:** Tank Leak Detection

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** C01
**Code Name:** Aboveground
**Type:** Pipe Location

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-261890 | **UDC Ind:** | 1 |
| **Tank ID:** | 111098 | **Red Tag Start Date:** | |
| **Tank No:** | 005 | **Red Tag End Date:** | |
| **Tank Status:** | 1 | **Tank Last Test:** | |
| **Tank Status Desc:** | In Service | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | NN |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Line Last Test Due:** | |
| **Install Date:** | 1998-12-01 00:00:00 | **Next Line Test Due:** | |
| **Close Date:** | | **Line Test Method:** | |
| **Tk Out of Serv Dt:** | | **Class A Operator:** | |
| **Capacity (Gal):** | 500 | **Class B Operator:** | |
| **Registered:** | True | **Modified by:** | TRANSLAT |
| **Tank Model:** | | **Last Modified:** | 2017-04-14 14:30:47.863000000 |
| **Pipe Model:** | | | |

**Tank Location:** 3
**Tank Location Desc:** Aboveground on saddles, legs, stilts, rack or cradle
**Category:** 2
**Category Desc:** Category 2 means a tank which was installed from December 27, 1986 through October 11, 2015
**Subpart:** 4
**Subpart Desc:** Subpart 4 contains requirements for ASTs (aboveground storage tanks).
**Tank Owner Name:**
**Tank Owner Address:**

***Material Information***

**Material Name:** diesel
**Percent:** 100.00

***Equipment Information***

**Equipment:** I04
**Code Name:** Product Level Gauge (A/G)
**Type:** Overfill

**Equipment:** C01
**Code Name:** Aboveground
**Type:** Pipe Location

**Equipment:** G00
**Code Name:** None
**Type:** Tank Secondary Containment

**Equipment:** D02
**Code Name:** Galvanized Steel
**Type:** Pipe Type

**Equipment:** B01
**Code Name:** Painted/Asphalt Coating
**Type:** Tank External Protection

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

***Equipment:*** H00
***Code Name:*** None
***Type:*** Tank Leak Detection

***Equipment:*** A00
***Code Name:*** None
***Type:*** Tank Internal Protection

***Equipment:*** F00
***Code Name:*** None
***Type:*** Pipe External Protection

***Affiliation Information***

***Affiliation Type:*** 07
***Affiliation Name:*** Mail Contact
***Affiliation Sub Type:*** NNN
***Company:*** PALLETS INC
***Contact Title:***
***Contact Name:***
***Address1:*** 99 1/2 EAST ST
***Address2:***
***City:*** FORT EDWARD
***State:*** NY
***Zip Code:*** 12828
***Country Code:*** 001
***Phone:*** (518) 747-4177
***Phone Ext:***
***Email:***
***Fax:***

***Affiliation Type:*** 11
***Affiliation Name:*** Emergency Contact
***Affiliation Sub Type:*** NNN
***Company:*** PALLETS INC
***Contact Title:***
***Contact Name:*** ARTHUR S BINLEY
***Address1:***
***Address2:***
***City:***
***State:*** NN
***Zip Code:***
***Country Code:*** 001
***Phone:*** (518) 747-4177
***Phone Ext:***
***Email:***
***Fax:***

***Affiliation Type:*** 01
***Affiliation Name:*** Facility Owner
***Affiliation Sub Type:*** E
***Company:*** PALLETS INC
***Contact Title:***
***Contact Name:***
***Address1:*** 99 1/2 EAST ST
***Address2:***
***City:*** FORT EDWARD
***State:*** NY
***Zip Code:*** 12828
***Country Code:*** 001
***Phone:*** (518) 747-4177
***Phone Ext:***
***Email:***
***Fax:***

***Affiliation Type:*** 04
***Affiliation Name:*** Facility Operator

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | |
|---|---|
| **Affiliation Sub Type:** | NNN |
| **Company:** | PALLETS INC |
| **Contact Title:** | |
| **Contact Name:** | ARTHUR S BINLEY |
| **Address1:** | |
| **Address2:** | |
| **City:** | |
| **State:** | NN |
| **Zip Code:** | |
| **Country Code:** | 001 |
| **Phone:** | (518) 747-4177 |
| **Phone Ext:** | |
| **Email:** | |
| **Fax:** | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 5 | 3 of 4 | SW | 0.22 / 1,163.58 | 135.28 / -1 | PALLETS INC<br>99 1/2 EAST ST<br>FORT EDWARD NY 12828 | UST |

| | | | |
|---|---|---|---|
| **Site ID:** | 39217 | **Expiry:** | N/A |
| **Site Status:** | Unregulated/Closed | **County:** | Washington |
| **Program No:** | 5-261890 | **UTM X:** | 615415.64546 |
| **Program Type Code:** | PBS | **UTM Y:** | 4791761.51677 |
| **Program Type Desc:** | Petroleum Bulk Storage Program | | |
| **Site Type:** | Trucking/Transportation/Fleet Operation | | |

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-261890 | **UDC Ind:** | 1 |
| **Tank ID:** | 103459 | **Red Tag Start Date:** | |
| **Tank No:** | 003 | **Red Tag End Date:** | |
| **Tank Status:** | 3 | **Tank Last Test:** | 1992-12-01 00:00:00 |
| **Tank Status Desc:** | Closed - Removed | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | 03 |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Date Tested:** | |
| **Install Date:** | | **Next Test:** | |
| **Close Date:** | 1998-12-01 00:00:00 | **Line Last Test Due:** | |
| **Tk Out of Serv Dt:** | | **Next Line Test Due:** | |
| **Capacity (Gal):** | 6500 | **Line Test Method:** | |
| **Registered:** | True | **Modified by:** | TRANSLAT |
| **Tank Model:** | | **Last Modified:** | 2017-04-14 14:30:47.863000000 |
| **Pipe Model:** | | | |
| **Tank Location:** | 5 | | |
| **Tank Location Desc:** | Underground | | |
| **Category:** | 1 | | |
| **Category Desc:** | Category 1 means a tank which was installed before December 27, 1986 | | |
| **Subpart:** | | | |
| **Subpart Desc:** | | | |
| **Class A Operator:** | | | |
| **Class B Operator:** | | | |
| **Tank Owner Name:** | | | |
| **Tank Owner Address:** | | | |

***Material Information***

| | |
|---|---|
| **Material Name:** | diesel |
| **Percent:** | 100.00 |

***Equipment Information***

| | |
|---|---|
| **Equipment:** | D02 |
| **Code Name:** | Galvanized Steel |
| **Type:** | Pipe Type |

| | |
|---|---|
| **Equipment:** | A00 |

**Code Name:** None
**Type:** Tank Internal Protection

**Equipment:** I00
**Code Name:** None
**Type:** Overfill

**Equipment:** B00
**Code Name:** None
**Type:** Tank External Protection

**Equipment:** F00
**Code Name:** None
**Type:** Pipe External Protection

**Equipment:** C02
**Code Name:** Underground/On-ground
**Type:** Pipe Location

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** G00
**Code Name:** None
**Type:** Tank Secondary Containment

**Equipment:** H00
**Code Name:** None
**Type:** Tank Leak Detection

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-261890 | **UDC Ind:** | 1 |
| **Tank ID:** | 103458 | **Red Tag Start Date:** | |
| **Tank No:** | 002 | **Red Tag End Date:** | |
| **Tank Status:** | 3 | **Tank Last Test:** | |
| **Tank Status Desc:** | Closed - Removed | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | NN |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Date Tested:** | |
| **Install Date:** | | **Next Test:** | |
| **Close Date:** | 1997-04-01 00:00:00 | **Line Last Test Due:** | |
| **Tk Out of Serv Dt:** | | **Next Line Test Due:** | |
| **Capacity (Gal):** | 550 | **Line Test Method:** | |
| **Registered:** | True | **Modified by:** | TRANSLAT |
| **Tank Model:** | | **Last Modified:** | 2017-04-14 14:30:47.863000000 |
| **Pipe Model:** | | | |

**Tank Location:** 5
**Tank Location Desc:** Underground
**Category:** 1
**Category Desc:** Category 1 means a tank which was installed before December 27, 1986
**Subpart:**
**Subpart Desc:**
**Class A Operator:**
**Class B Operator:**
**Tank Owner Name:**
**Tank Owner Address:**

***Material Information***

**Material Name:** gasoline
**Percent:** 100.00

***Equipment Information***

**Equipment:** B00
**Code Name:** None
**Type:** Tank External Protection

**Equipment:** H00
**Code Name:** None
**Type:** Tank Leak Detection

**Equipment:** D02
**Code Name:** Galvanized Steel
**Type:** Pipe Type

**Equipment:** A00
**Code Name:** None
**Type:** Tank Internal Protection

**Equipment:** F00
**Code Name:** None
**Type:** Pipe External Protection

**Equipment:** I00
**Code Name:** None
**Type:** Overfill

**Equipment:** G00
**Code Name:** None
**Type:** Tank Secondary Containment

**Equipment:** J02
**Code Name:** Suction Dispenser
**Type:** Dispenser

**Equipment:** C02
**Code Name:** Underground/On-ground
**Type:** Pipe Location

***Tank Information***

| | | | |
|---|---|---|---|
| **Prog No:** | 5-261890 | **UDC Ind:** | 1 |
| **Tank ID:** | 103457 | **Red Tag Start Date:** | |
| **Tank No:** | 001 | **Red Tag End Date:** | |
| **Tank Status:** | 3 | **Tank Last Test:** | |
| **Tank Status Desc:** | Closed - Removed | **Tank Next Test Due:** | |
| **Tank Type:** | 01 | **Test Method:** | NN |
| **Tank Type Desc:** | Steel/Carbon Steel/Iron | **Date Tested:** | |
| **Install Date:** | | **Next Test:** | |
| **Close Date:** | 1998-12-01 00:00:00 | **Line Last Test Due:** | |
| **Tk Out of Serv Dt:** | | **Next Line Test Due:** | |
| **Capacity (Gal):** | 1000 | **Line Test Method:** | |
| **Registered:** | True | **Modified by:** | TRANSLAT |
| **Tank Model:** | | **Last Modified:** | 2017-04-14 14:30:47.863000000 |
| **Pipe Model:** | | | |

**Tank Location:** 5
**Tank Location Desc:** Underground
**Category:** 1
**Category Desc:** Category 1 means a tank which was installed before December 27, 1986
**Subpart:**
**Subpart Desc:**
**Class A Operator:**
**Class B Operator:**
**Tank Owner Name:**
**Tank Owner Address:**

***Material Information***

**Material Name:** gasoline
**Percent:** 100.00

***Equipment Information***

***Equipment:*** B00
***Code Name:*** None
***Type:*** Tank External Protection

***Equipment:*** C02
***Code Name:*** Underground/On-ground
***Type:*** Pipe Location

***Equipment:*** A00
***Code Name:*** None
***Type:*** Tank Internal Protection

***Equipment:*** H00
***Code Name:*** None
***Type:*** Tank Leak Detection

***Equipment:*** I00
***Code Name:*** None
***Type:*** Overfill

***Equipment:*** F00
***Code Name:*** None
***Type:*** Pipe External Protection

***Equipment:*** G00
***Code Name:*** None
***Type:*** Tank Secondary Containment

***Equipment:*** D02
***Code Name:*** Galvanized Steel
***Type:*** Pipe Type

***Equipment:*** J02
***Code Name:*** Suction Dispenser
***Type:*** Dispenser

***Affiliation Information***

***Affiliation Type:*** 11
***Affiliation Name:*** Emergency Contact
***Affiliation Sub Type:*** NNN
***Company:*** PALLETS INC
***Contact Title:***
***Contact Name:*** ARTHUR S BINLEY
***Address1:***
***Address2:***
***City:***
***State:*** NN
***Zip Code:***
***Country Code:*** 001
***Phone:*** (518) 747-4177
***Phone Ext:***
***Email:***
***Fax:***

***Affiliation Type:*** 07
***Affiliation Name:*** Mail Contact
***Affiliation Sub Type:*** NNN
***Company:*** PALLETS INC
***Contact Title:***
***Contact Name:***
***Address1:*** 99 1/2 EAST ST
***Address2:***
***City:*** FORT EDWARD

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | |
|---|---|
| ***State:*** | NY |
| ***Zip Code:*** | 12828 |
| ***Country Code:*** | 001 |
| ***Phone:*** | (518) 747-4177 |
| ***Phone Ext:*** | |
| ***Email:*** | |
| ***Fax:*** | |
| ***Affiliation Type:*** | 01 |
| ***Affiliation Name:*** | Facility Owner |
| ***Affiliation Sub Type:*** | E |
| ***Company:*** | PALLETS INC |
| ***Contact Title:*** | |
| ***Contact Name:*** | |
| ***Address1:*** | 99 1/2 EAST ST |
| ***Address2:*** | |
| ***City:*** | FORT EDWARD |
| ***State:*** | NY |
| ***Zip Code:*** | 12828 |
| ***Country Code:*** | 001 |
| ***Phone:*** | (518) 747-4177 |
| ***Phone Ext:*** | |
| ***Email:*** | |
| ***Fax:*** | |
| ***Affiliation Type:*** | 04 |
| ***Affiliation Name:*** | Facility Operator |
| ***Affiliation Sub Type:*** | NNN |
| ***Company:*** | PALLETS INC |
| ***Contact Title:*** | |
| ***Contact Name:*** | ARTHUR S BINLEY |
| ***Address1:*** | |
| ***Address2:*** | |
| ***City:*** | |
| ***State:*** | NN |
| ***Zip Code:*** | |
| ***Country Code:*** | 001 |
| ***Phone:*** | (518) 747-4177 |
| ***Phone Ext:*** | |
| ***Email:*** | |
| ***Fax:*** | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 5 | *4 of 4* | *SW* | *0.22 / 1,163.58* | *135.28 / -1* | ***Pallets Inc Wood Processing Facility***<br>***99 1/2 East Street***<br>***Fort Edward NY 12828*** | ***SWF/LF*** |

| | | | |
|---|---|---|---|
| ***Active:*** | Yes | ***Owner Address:*** | PO Box 326 |
| ***Activity No:*** | [58W08] | ***Owner Addr2:*** | |
| ***Regltry Status:*** | Registration | ***Owner City:*** | Fort Edward |
| ***Accuracy Code:*** | | ***Owner State:*** | NY |
| ***Auth No:*** | 58W08 | ***Owner ZIP:*** | 12828 |
| ***Auth Issue Dt:*** | | ***Owner Email:*** | |
| ***Operator Name:*** | Pallets Inc | ***Owner Phone:*** | 5187474177 |
| ***Operator Type:*** | Private | ***Contact Name:*** | Marvin Horowitz |
| ***Expiration Date:*** | | ***Contact Addr:*** | |
| ***Region:*** | 5 | ***Contact Addr2:*** | |
| ***County:*** | Washington | ***Contact City:*** | |
| ***East Coord:*** | 615414 | ***Contact State:*** | NY |
| ***North Coord:*** | 4791762 | ***Contact ZIP:*** | |
| ***Phone No:*** | 5187474177 | ***Contact Email:*** | MHorowitz@pltsinc.com |
| ***Owner Name:*** | Clinton Binley | ***Contact Phone:*** | 5187474177 |
| ***Owner Type:*** | Private | | |
| ***Date of Last Inspection:*** | | | |
| ***Activity Desc:*** | C&D processing - registration | | |
| ***Waste Types:*** | Wood (Clean);Wood (Pallets & Crates);Wood (Unadulterated Pallets);Wood (Unadulterated) | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 6 | 1 of 1 | SW | 0.31 / 1,633.62 | 140.92 / 5 | Former Defiance Asphalt<br>Center St<br>Fort Edward NY 12828- | SHWS |

| | | | |
|---|---|---|---|
| **Site Code:** | 58256 | **Latitude:** | 43.269282913 |
| **Site Code (GIS):** | 558032 | **Longitude:** | -73.574726326 |
| **HW Code:** | 558032 | **Latitude (GIS):** | 43.2692829195049 |
| **SWIS:** | 5830 | **Longitude (GIS):** | -73.5747263263256 |
| **Site Class:** | N | **X Coord (GIS):** | 615663.84324 |
| **Site Class (GIS):** | N | **Y Coord (GIS):** | 4791705.08210 |
| **Program:** | HW | **Method:** | 4.3 |
| **Acres:** | | **Accuracy:** | 0 to 10 meters |
| **Town:** | Fort Edward | **Record Added:** | 2002-08-02 11:20:00 |
| **County:** | Washington | **Record Update:** | 2013-08-19 16:07:00 |
| **Region:** | 5 | **Updated by:** | JBSWARTO |
| **Town (GIS):** | Fort Edward | **Region (GIS):** | 5 |
| **County (GIS):** | Washington | | |

**Site Class Desc (GIS):**

No Further Action at this Time: Sites are given a classification of "N" when:

a. the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant placing the site on the Registry or it is being addressed under a brownfield program;

b. a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;

c. a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or

d. an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

**Site Class Desc:**

No Further Action at this Time: Sites are given a classification of "N" when:

a. the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant placing the site on the Registry or it is being addressed under a brownfield program;

b. a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;

c. a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or

d. an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

**Assess DOH:**

**Description:**

Brownfield Cleanup Program Transition Site #C558034. BCP terminated November 2012 - Nothing remains on-site which would lead us to list the site in the Registry.

**Assessment:**

Historic drainage tiles beneath the site served as a conduit for contamination from a filled area which also had a "tar pit" where drums were cleaned out.

| | | | | | | |
|---|---|---|---|---|---|---|
| 7 | 1 of 1 | SW | 0.34 / 1,808.14 | 138.65 / 3 | Pine Valley Materials C&D<br>Processing Facility<br>County Route 43<br>Argyle NY 12809 | SWF/LF |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **Active:** | No | **Owner Address:** | 212 Miller Road |
| **Activity No:** | [58W04] | **Owner Addr2:** | |
| **Regltry Status:** | Registration | **Owner City:** | Argyle |
| **Accuracy Code:** | 4.3 - Utilization of Digital Orthophoto Quads | **Owner State:** | NY |
| **Auth No:** | 58W04 | **Owner ZIP:** | 12809 |
| **Auth Issue Dt:** | | **Owner Email:** | |
| **Operator Name:** | | **Owner Phone:** | 5186386338 |
| **Operator Type:** | | **Contact Name:** | |
| **Expiration Date:** | | **Contact Addr:** | |
| **Region:** | 5 | **Contact Addr2:** | |
| **County:** | Washington | **Contact City:** | |
| **East Coord:** | 615414 | **Contact State:** | |
| **North Coord:** | 4791770 | **Contact ZIP:** | |
| **Phone No:** | 5186386338 | **Contact Email:** | |
| **Owner Name:** | Ralph Jameson II | **Contact Phone:** | |
| **Owner Type:** | Private | | |
| **Date of Last Inspection:** | | | |
| **Activity Desc:** | C&D processing - registration | | |
| **Waste Types:** | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 8 | 1 of 1 | W | 0.57 / 2,985.67 | 252.84 / 117 | **Old Ft. Edward Landfill**<br>**Burgoyne and McIntyre Avenues**<br>**Fort Edward NY 12828** | SHWS |

| | | | |
|---|---|---|---|
| **Site Code:** | 56211 | **Latitude:** | 43.279775350 |
| **Site Code (GIS):** | 558002 | **Longitude:** | -73.577856370 |
| **HW Code:** | 558002 | **Latitude (GIS):** | 43.2797753521587 |
| **SWIS:** | 5830 | **Longitude (GIS):** | -73.5778563731494 |
| **Site Class:** | 04 | **X Coord (GIS):** | 615389.99994 |
| **Site Class (GIS):** | 04 | **Y Coord (GIS):** | 4792866.00006 |
| **Program:** | HW | **Method:** | 4.3 |
| **Acres:** | 1.500 | **Accuracy:** | 0 to 10 meters |
| **Town:** | Fort Edward | **Record Added:** | 1999-11-18 12:00:00 |
| **County:** | Washington | **Record Update:** | 2019-06-19 09:22:00 |
| **Region:** | 5 | **Updated by:** | RDHUYCK |
| **Town (GIS):** | Fort Edward | **Region (GIS):** | 5 |
| **County (GIS):** | Washington | | |

**Site Class Desc (GIS):** This classification is assigned to a site that has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring. Class 4 is appropriate for a site where remedial construction actions have been completed for all operable units, but the site has not necessarily been brought into compliance with standards, criteria, or guidance (e.g., a groundwater extraction and treatment system has been installed and is operating properly but groundwater standards have not been achieved yet). The Record of Decision should define the remedial action objectives that need to be achieved during site management. If a Certificate of Completion (CoC) is to be issued for a site, the CoC is issued concurrently with the reclassification.

**Site Class Desc:** This classification is assigned to a site that has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring. Class 4 is appropriate for a site where remedial construction actions have been completed for all operable units, but the site has not necessarily been brought into compliance with standards, criteria, or guidance (e.g., a groundwater extraction and treatment system has been installed and is operating properly but groundwater standards have not been achieved yet). The Record of Decision should define the remedial action objectives that need to be achieved during site management. If a Certificate of Completion (CoC) is to be issued for a site, the CoC is issued concurrently with the reclassification.

**Assess DOH:** Monitoring of the site will continue to insure the effectiveness and integrity of the cap. There are no current exposure concerns.

**Description:**

The site was used as a municipal landfill by the Town and Village of Fort Edward and was operated as an open dump. Waste was dumped over the bank and frequently burned. The landfill is located in an area of sand and gravel over an impervious clay. The General Electric Company (GE) dumped approximately 310 tons of scrap capacitors containing PCB oil at this landfill. Remedial work has been completed by GE under a Consent Order. Remediation involved the construction of a clay cap, a leachate collection system (with horizontal under-drains) and a waste treatment system. The remedy is performing properly and is effective. The off-site investigation was completed by the NYSDEC in 1999 and concluded that no further action related to off-site areas is needed.

**Assessment:**

Off-site evaluations and investigations are complete. Data from these off-site investigations reveal low level PCB contamination in the soils and sediments downgradient of the site. The levels are no greater than 1 ppm and less than the established action level set by the NYSDEC. A long-term monitoring and maintenance is ongoing.

***Materials Information***

| | | | |
|---|---|---|---|
| ***Waste Name:*** | PCB OIL (B001) | ***Waste Quantity:*** | 310 TONS |
| ***Waste Code:*** | | | |

***Owner Information***

| | | | |
|---|---|---|---|
| ***Sub Type:*** | NNN | ***Owner Street:*** | 2 Anthony Dr |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | FORT EDWARD |
| ***Owner Company:*** | Richard Cooper | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |
| ***Sub Type:*** | NNN | ***Owner Street:*** | 421 Albany Shaker Road |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | PO Box 16 |
| ***Owner Name:*** | | ***Owner City:*** | Loudonville Station |
| ***Owner Company:*** | James H. Maloy, Inc. | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12211 |
| ***Sub Type:*** | NNN | ***Owner Street:*** | 106 Dutch Island Dr |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | Savannah |
| ***Owner Company:*** | Frederick J Dickinson Trust | ***Owner State:*** | GA |
| ***Country:*** | United States of America | ***Owner Zip:*** | 31406 |
| ***Sub Type:*** | NNN | ***Owner Street:*** | |
| ***Own Op:*** | 04 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | |
| ***Owner Company:*** | UNKNOWN3 | ***Owner State:*** | ZZ |
| ***Country:*** | United States of America | ***Owner Zip:*** | |

***HW Extra Information***

| | | | |
|---|---|---|---|
| ***Dump:*** | True | ***Dell:*** | False |
| ***Structure:*** | False | ***Updated By:*** | INITIAL |
| ***Lagoon:*** | False | ***Record Added:*** | 1999-11-18 12:00:00 |
| ***Landfill:*** | False | ***Record Updated:*** | 1999-11-18 12:00:00 |
| ***Pond:*** | False | ***Latitude:*** | 43:16:47:0 |
| ***Disposal Start:*** | 1940 | ***Longitude:*** | 73:34:42:0 |
| ***Disposal Terminate:*** | 1952 | | |

***Projects Information***

| | | | |
|---|---|---|---|
| ***Project Code:*** | 05 | ***Code Name:*** | Remedial Action |
| ***Project Desc:*** | Remedial Action | ***Operable Unit ID:*** | 1655 |
| ***Project Refer Name:*** | | ***Operable Unit:*** | 01 |
| ***End Date:*** | 1985-06-01 00:00:00 | ***Operable Unit Desc:*** | REMEDIAL PROGRAM |
| ***End Status:*** | ACT | | |
| ***Project Code:*** | 04 | ***Code Name:*** | Remedial Design |
| ***Project Desc:*** | Remedial Design | ***Operable Unit ID:*** | 1655 |
| ***Project Refer Name:*** | | ***Operable Unit:*** | 01 |
| ***End Date:*** | 1984-04-01 00:00:00 | ***Operable Unit Desc:*** | REMEDIAL PROGRAM |
| ***End Status:*** | ACT | | |
| ***Project Code:*** | 02 | ***Code Name:*** | Remedial Investigation |
| ***Project Desc:*** | Remedial Investigation | ***Operable Unit ID:*** | 1655 |
| ***Project Refer Name:*** | | ***Operable Unit:*** | 01 |
| ***End Date:*** | 1983-10-01 00:00:00 | ***Operable Unit Desc:*** | REMEDIAL PROGRAM |
| ***End Status:*** | ACT | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 9 | 1 of 3 | WSW | 0.41 / 2,189.95 | 137.67 / 2 | CHEMICAL WASTE MANAGEMENT<br>12 WING STREET<br>FORT EDWARD NY | LST |

| | | | |
|---|---|---|---|
| **Spill No:** | 9501039 | **Spill Date:** | 1995-04-25 13:40:00 |
| **Site ID:** | 102319 | **Rcvd Date:** | 1995-04-25 13:57:00 |
| **DER Facility ID:** | 90619 | **CAC Date:** | 1995-05-30 00:00:00 |
| **CID:** | | **Insp Date:** | |
| **Program Type:** | ER | **Close Date:** | 1995-05-30 00:00:00 |
| **SWIS Code:** | 5830 | **Create Date:** | 1995-05-30 00:00:00 |
| **Contribute Factor:** | Tank Overfill | **Update Date:** | 2001-05-29 00:00:00 |
| **Water Body:** | | **DEC Region:** | 5 |
| **Source:** | Institutional, Educational, Gov., Other | **Lead DEC:** | ALKARWIE |
| **Class:** | D4 | **Reported by:** | Responsible Party |
| **Meets Std:** | True | **Referred to:** | |
| **Penalty:** | False | **County:** | Washington |
| **REM Phase:** | 0 | **After Hours:** | False |
| **UST Trust:** | False | | |
| **Caller Remark:** | | | |
| **DEC Remark:** | | | |

***Spiller Information***

| | | | |
|---|---|---|---|
| **Spiller Name:** | | **Spiller Zip:** | 12828- |
| **Spiller Company:** | CHEM WASTE | **Spiller Country:** | 001 |
| **Spiller Address:** | 12 WING ST. | **Contact Name:** | |
| **Spiller City:** | FORT EDWARD | **Contact Phone:** | |
| **Spiller State:** | NY | **Contact Ext:** | |
| **Latitude:** | 43.270845290 | | |
| **Longitude:** | -73.580947870 | | |

***Material Information***

| | | | |
|---|---|---|---|
| **OP Unit ID:** | 1015160 | **Med Air:** | False |
| **OU:** | 01 | **Med in Air:** | False |
| **Material ID:** | 369650 | **Med GW:** | False |
| **Material Code:** | 0008 | **Med SW:** | False |
| **Material Name:** | diesel | **Med DW:** | False |
| **CAS No:** | | **Med Sewer:** | False |
| **Material Family:** | Petroleum | **Med Surf:** | False |
| **Quantity:** | 2.00 | **Med Subway:** | False |
| **Units:** | G | **Med Utility:** | False |
| **Recovered:** | 2.00 | **Oxygenate:** | |
| **Med Soil:** | True | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 9 | 2 of 3 | WSW | 0.41 / 2,189.95 | 137.67 / 2 | Fort Edward MRF (Waste Mgmt)<br>12 Wing Street<br>Fort Edward NY 12828 | SWF/LF |

| | | | |
|---|---|---|---|
| **Active:** | No | **Owner Address:** | 1001 Fannin; Suite 4000 |
| **Activity No:** | [58M01] | **Owner Addr2:** | |
| **Regltry Status:** | Permit | **Owner City:** | Houston |
| **Accuracy Code:** | 4.3 - Utilization of Digital Orthophoto Quads | **Owner State:** | TX |
| **Auth No:** | 5-5330-00013/00004 | **Owner ZIP:** | 77002 |
| **Auth Issue Dt:** | 2/15/2018 | **Owner Email:** | |
| **Operator Name:** | Waste Management of NY LLC | **Owner Phone:** | 7135126200 |
| **Operator Type:** | Private | **Contact Name:** | James Casey |
| **Expiration Date:** | 7/31/2024 | **Contact Addr:** | |
| **Region:** | 5 | **Contact Addr2:** | |
| **County:** | Washington | **Contact City:** | |
| **East Coord:** | 615164 | **Contact State:** | NY |
| **North Coord:** | 4791871 | **Contact ZIP:** | |
| **Phone No:** | 5187474496 | **Contact Email:** | JCasey@WM.com |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **Owner Name:** | Waste Management of NY LLC | **Contact Phone:** | 5187474129 |
| **Owner Type:** | Private | | |
| **Date of Last Inspection:** | | | |
| **Activity Desc:** | C&D processing - permit | | |
| **Waste Types:** | Construction & Demolition Debris;Wood (Clean);Paper/Cardboard;Metal (Structural);Brick | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 9 | 3 of 3 | WSW | 0.41 / 2,189.95 | 137.67 / 2 | Fort Edward MRF (Waste Mgmt)<br>12 Wing Street<br>Fort Edward NY 12828 | SWF/LF |

| | | | |
|---|---|---|---|
| **Active:** | Yes | **Owner Address:** | 1001 Fannin; Suite 4000 |
| **Activity No:** | [58M01] | **Owner Addr2:** | |
| **Regltry Status:** | Permit | **Owner City:** | Houston |
| **Accuracy Code:** | 4.3 - Utilization of Digital Orthophoto Quads | **Owner State:** | TX |
| **Auth No:** | 5-5330-00013/00004 | **Owner ZIP:** | 77002 |
| **Auth Issue Dt:** | 6/22/2018 | **Owner Email:** | |
| **Operator Name:** | Waste Management of NY LLC | **Owner Phone:** | 7135126200 |
| **Operator Type:** | Private | **Contact Name:** | James Casey |
| **Expiration Date:** | 7/31/2024 | **Contact Addr:** | |
| **Region:** | 5 | **Contact Addr2:** | |
| **County:** | Washington | **Contact City:** | |
| **East Coord:** | 615164 | **Contact State:** | NY |
| **North Coord:** | 4791871 | **Contact ZIP:** | |
| **Phone No:** | 5187474496 | **Contact Email:** | JCasey@WM.com |
| **Owner Name:** | Waste Management of NY LLC | **Contact Phone:** | 5187474129 |
| **Owner Type:** | Private | | |
| **Date of Last Inspection:** | | | |
| **Activity Desc:** | RHRF - permit | | |
| **Waste Types:** | Paper/Cardboard;Source Separated Recyclables (Metal/Glass/Paper/Plastic);Metals (Aluminum);Newspaper | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 10 | 1 of 1 | WNW | 0.88 / 4,661.10 | 259.64 / 124 | Upper Broadway Barrel Site<br>354 Broadway<br>Fort Edward NY 12828 | SHWS |

| | | | |
|---|---|---|---|
| **Site Code:** | 58176 | **Latitude:** | 43.283792769 |
| **Site Code (GIS):** | 558033 | **Longitude:** | -73.584604219 |
| **HW Code:** | 558033 | **Latitude (GIS):** | 43.2837927752772 |
| **SWIS:** | 5830 | **Longitude (GIS):** | -73.5846042190248 |
| **Site Class:** | N | **X Coord (GIS):** | 614834.92800 |
| **Site Class (GIS):** | N | **Y Coord (GIS):** | 4793302.86200 |
| **Program:** | HW | **Method:** | 4.3 |
| **Acres:** | | **Accuracy:** | 0 to 10 meters |
| **Town:** | Fort Edward | **Record Added:** | 2002-08-02 11:22:00 |
| **County:** | Washington | **Record Update:** | 2018-02-22 14:48:00 |
| **Region:** | 5 | **Updated by:** | JBSWARTO |
| **Town (GIS):** | Fort Edward | **Region (GIS):** | 5 |
| **County (GIS):** | Washington | | |

**Site Class Desc (GIS):** No Further Action at this Time: Sites are given a classification of "N" when:

a. the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant placing the site on the Registry or it is being addressed under a brownfield program;

b. a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;

c. a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or

d. an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

**Site Class Desc:** No Further Action at this Time: Sites are given a classification of "N" when:

a. the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant placing the site on the Registry or it is being addressed under a brownfield program;

b. a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;

c. a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or

d. an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

***Assess DOH:*** As information for this site becomes available, it will be reviewed by the NYSDOH to determine if site contamination presents public health exposure concerns.

***Description:***

Location: This property is located at 354 Broadway in the Town of Ft. Edward. The site transitioned from State Superfund to a Brownfield project as the Former Grand Union site, C558033. Site Features: The site is relatively flat. The former Grand Union building is located behind two fast food restaurants on Broadway and adjacent to the Agway. The building has been empty for some time and has fallen into disrepair. There was a fire inside the building and the roof has been breached. Current Zoning: Commercial Historical Uses: The site was the location of a former Grand Union food store and a car dealership/repair shop prior to that. Due to concerns from local residents that hazardous waste may have been disposed of on the property, a state funded site characterization was completed in the Fall, 2004. PCBs were detected in the shallow subsurface soils at low concentrations. The owner took actions to remove all soils contaminated with PCBs greater than 1 ppm. This activity continued into 2006 and although approximately 3,500 tons of contaminated soils has been removed, additional remediation is needed. Confirmation sampling found PCBs greater than 1 ppm. The USEPA conducted an extensive investigation of the site in 2011 which has characterized the remaining PCB contamination. The Town of Fort Edward has obtained a USEPA Brownfield grant to address the a portion of the remaining soil contamination. The Town of Fort Edward also successfully applied for a Brownfield Cleanup Agreement with the NYSDEC. The site transitioned from State Superfund to a Brownfield project as the Former Grand Union site, C558033. The contaminated soil present at the site was addressed under the Brownfield Cleanup. The details of the remediation may be found under site number C558033. Site Geology and Hydrogeology: The overburden is varies from 20 to 60 feet thick and is comprised primarily of sand. Groundwater was encountered between 6 to 9 feet below the ground surface in the overburden and flows in a south to southwest direction.

***Assessment:***

PCBs have been found in the soil. 3500 tons of contaminated soil were removed, but areas of PCB contamination remain. No impacts to groundwater or soil vapor detected. This project was completed under the governance of the Brownfield Cleanup Program site ID number 558033. The PCB contaminated soil was removed from the property to achieve the remedial clean up goal of 1 ppm in the 0 to 1 foot depth and 10 ppm at deeper depths. There was a small area of SVOC contamination in the southeast corner of the property. This soil was also remediated during the Brownfield cleanup. The Cleanup was completed and a Certificate of Completion was issued in December of 2015.

***Owner Information***

| | | | |
|---|---|---|---|
| ***Sub Type:*** | NNN | ***Owner Street:*** | HERON TOWER |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | 70 EAST 55TH STREET, 7TH FLOOR |
| ***Owner Name:*** | CHARLES CARAMES | ***Owner City:*** | NEW YORK |
| ***Owner Company:*** | DVL INC. | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 10022 |

***Projects Information***

| | | | |
|---|---|---|---|
| ***Project Code:*** | 01 | ***Code Name:*** | Site Characterization |
| ***Project Desc:*** | Site Caracterization | ***Operable Unit ID:*** | 1710 |
| ***Project Refer Name:*** | | ***Operable Unit:*** | 01 |
| ***End Date:*** | 2004-11-03 00:00:00 | ***Operable Unit Desc:*** | site wide PSA on soil, GW, soil gas |
| ***End Status:*** | ACT | | |

| | | | |
|---|---|---|---|
| ***Project Code:*** | 01 | ***Code Name:*** | Site Characterization |
| ***Project Desc:*** | Site Caracterization | ***Operable Unit ID:*** | 1710 |
| ***Project Refer Name:*** | Follow up SC | ***Operable Unit:*** | 01 |
| ***End Date:*** | 2012-06-07 00:00:00 | ***Operable Unit Desc:*** | site wide PSA on soil, GW, soil gas |
| ***End Status:*** | ACT | | |

| Map Key | Number of Records | Direction | Distance (mi/ft) | Elev/Diff (ft) | Site | DB |
|---|---|---|---|---|---|---|
| 11 | 1 of 1 | SW | 0.67 / 3,526.20 | 135.15 / -1 | NM - Fort Edward MGP<br>Canal St<br>Fort Edward NY 12828 | MGP |

| | | | |
|---|---|---|---|
| **Site Code:** | V00472 | **Project Manager:** | DEYETTE, SCOTT |
| **SWIS Code:** | 5830 | **Region:** | 5 |
| **Class:** | N | **Town:** | Fort Edward |
| **Disp Start:** | | **County:** | Washington |
| **Disp Term:** | | **Latitude:** | 43.26577856 |
| **Acres:** | 1.6 | **Longitude:** | -73.58103732 |

***Detail(s)***

***Description:***

This was transferred to the SSF program on July 13, 2018, and is being tracked as #558045. Location: The Fort Edward-Canal Street former manufactured gas plant (MGP) site is located in a suburban area at 22 Canal Street, in the Village of Fort Edward, Washington County. The site is approximately 1.6 acres in size. Site Features: The site is currently vacant and covered in grass. A fence exists on the north, south and east sides of the site. Current Site and Land Use: The site is zoned residential. The surrounding area includes residential and commercial properties. While the property is zoned as Residential (R-1), which is established for single-family residential development, the current property owner, National Grid, has indicated that they plan to apply for a variance or have the property rezoned to restricted residential use. Past Use of the Site: Historic MGP operations at the site were primarily located on the western portion of the property and were in operation from about 1900 to 1924. The primary buildings and structures associated with the former MGP operation consisted of a single gas works building at the west end of the site along Canal Street (subsequently converted for residential use) and a 33,000 cubic foot gas holder located along the northern property line east of the gas works. The former gas house building and holder concrete pad are no longer present on the site. Site Geology and Hydrogeology: Fill material consisting of silty sand with some brick, ash and slag exists where the former MGP building was, but not across the entire site. The fill is underlain by brown silty sand which is approximately 4 to 5 feet in thickness. The silty sand is underlain by fine sand, then medium to coarse sand. The sand layer extends to approximately 25 to 28 feet below ground surface where silty clay is encountered. Groundwater is encountered at 5 to 7 feet below ground surface at the site, and generally flows to the south.

***Assess ENV:***

Prior to Remediation: The primary contaminants of concern at the site include benzene, toluene, ethylbenzene, xylenes (BTEX)and polycyclic aromatic hydrocarbons (PAHs). Coal tar containing these contaminants of concern (COCs) was present on adjacent properties to the east and south of the site. To the east, the coal tar was found within a 4 inch clay tile pipe. To the south, the coal tar was found within a peat lined trench. Subsurface soil impacts were encountered at depths ranging from 2 to 14 feet below ground surface. Surface soil impacts on-site ranged from non-detect to 41 ppm total PAHs. BTEX analyses were all below detection limits for both surface and subsurface soils on-site. In off-site subsurface soils, PAH and BTEX analyses were all below detection limits. Groundwater: During the groundwater monitoring program at the site, no impacts to groundwater from the contaminants of concern were identified. Post-Remediation: Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were benzene, toluene, ethylbenzene, xylenes (BTEX)and polycyclic aromatic hydrocarbons (PAHs). Remedial actions have successfully achieved soil cleanup objectives for restricted residential use. Residual contamination in the soil is being managed under a Site Management Plan.

***Assess DOH:***

Direct contact with the low-level residual contamination in soil is unlikely as contaminated soils are covered with clean backfill. People could come in contact with contamination in the vicinity of the clay tile conduit extending on the off-site property east of the site and on the property to the south by digging or otherwise disturbing the soil in these areas.

| | | | | | | |
|---|---|---|---|---|---|---|
| 12 | 1 of 2 | SW | 0.67 / 3,526.20 | 135.15 / -1 | NM - Fort Edward MGP<br>Canal St<br>Fort Edward NY 12828 | SHWS |

| | | | |
|---|---|---|---|
| **Site Code:** | 570706 | **Latitude:** | 43.265778547 |
| **Site Code (GIS):** | 558045 | **Longitude:** | -73.581037321 |
| **HW Code:** | 558045 | **Latitude (GIS):** | 43.2657785533152 |
| **SWIS:** | 5830 | **Longitude (GIS):** | -73.5810373206042 |
| **Site Class:** | A | **X Coord (GIS):** | 615158.29424 |
| **Site Class (GIS):** | A | **Y Coord (GIS):** | 4791307.18751 |
| **Program:** | HW | **Method:** | 4.2 |
| **Acres:** | 1.600 | **Accuracy:** | Variable |
| **Town:** | Fort Edward | **Record Added:** | 2018-05-23 14:41:00 |
| **County:** | Washington | **Record Update:** | 2019-04-03 10:38:00 |
| **Region:** | 5 | **Updated by:** | SXDEYETT |
| **Town (GIS):** | Fort Edward | **Region (GIS):** | 5 |
| **County (GIS):** | Washington | | |

**Site Class Desc (GIS):** Active: The classification assigned to a non-registry site in any remedial program where work is underway and not yet complete (i. e., Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program

and RCRA Corrective action Program sites). This may be used for Manufactured Gas Plant sites or those being remediated under an EPA Cooperative Agreement.

***Site Class Desc:*** Active: The classification assigned to a non-registry site in any remedial program where work is underway and not yet complete (i. e., Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program and RCRA Corrective action Program sites). This may be used for Manufactured Gas Plant sites or those being remediated under an EPA Cooperative Agreement.

***Assess DOH:*** Direct contact with the low-level residual contamination in soil is unlikely as contaminated soils are covered with clean backfill. People could come in contact with contamination in the vicinity of the clay tile conduit extending on the off-site property east of the site and on the property to the south by digging or otherwise disturbing the soil in these areas.

***Description:***

Location: The Fort Edward-Canal Street former manufactured gas plant (MGP) site is located in a suburban area at 22 Canal Street, in the Village of Fort Edward, Washington County. The site is approximately 1.6 acres in size. Site Features: The site is currently vacant and covered in grass. A fence exists on the north, south and east sides of the site. Current Site and Land Use: The site is zoned residential. The surrounding area includes residential and commercial properties. While the property is zoned as Residential (R-1), which is established for single-family residential development, the current property owner, National Grid, has indicated that they plan to apply for a variance or have the property rezoned to restricted residential use. Past Use of the Site: Historic MGP operations at the site were primarily located on the western portion of the property and were in operation from about 1900 to 1924. The primary buildings and structures associated with the former MGP operation consisted of a single gas works building at the west end of the site along Canal Street (subsequently converted for residential use) and a 33,000 cubic foot gas holder located along the northern property line east of the gas works. The former gas house building and holder concrete pad are no longer present on the site. Site Geology and Hydrogeology: Fill material consisting of silty sand with some brick, ash and slag exists where the former MGP building was, but not across the entire site. The fill is underlain by brown silty sand which is approximately 4 to 5 feet in thickness. The silty sand is underlain by fine sand, then medium to coarse sand. The sand layer extends to approximately 25 to 28 feet below ground surface where silty clay is encountered. Groundwater is encountered at 5 to 7 feet below ground surface at the site, and generally flows to the south. This was previously listed as #V00472 in the VCP, until July 13, 2018.

***Assessment:***

Prior to Remediation: The primary contaminants of concern at the site include benzene, toluene, ethylbenzene, xylenes (BTEX)and polycyclic aromatic hydrocarbons (PAHs). Coal tar containing these contaminants of concern (COCs) was present on adjacent properties to the east and south of the site. To the east, the coal tar was found within a 4 inch clay tile pipe. To the south, the coal tar was found within a peat lined trench. Subsurface soil impacts were encountered at depths ranging from 2 to 14 feet below ground surface. Surface soil impacts on-site ranged from non-detect to 41 ppm total PAHs. BTEX analyses were all below detection limits for both surface and subsurface soils on-site. In off-site subsurface soils, PAH and BTEX analyses were all below detection limits. Groundwater: During the groundwater monitoring program at the site, no impacts to groundwater from the contaminants of concern were identified. Post-Remediation: Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were benzene, toluene, ethylbenzene, xylenes (BTEX)and polycyclic aromatic hydrocarbons (PAHs). Remedial actions have successfully achieved soil cleanup objectives for restricted residential use. Residual contamination in the soil is being managed under a Site Management Plan.

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| | | | | | | |
|---|---|---|---|---|---|---|
| 12 | 2 of 2 | SW | 0.67 / 3,526.20 | 135.15 / -1 | NM - Fort Edward MGP<br>Canal St<br>Fort Edward NY 12828 | MGP |

| | | | |
|---|---|---|---|
| ***Site Code:*** | 558045 | ***Project Manager:*** | DEYETTE, SCOTT |
| ***SWIS Code:*** | 5830 | ***Region:*** | 5 |
| ***Class:*** | A | ***Town:*** | Fort Edward |
| ***Disp Start:*** | | ***County:*** | Washington |
| ***Disp Term:*** | | ***Latitude:*** | 43.265778547 |
| ***Acres:*** | 1.6 | ***Longitude:*** | -73.581037321 |

***Detail(s)***

***Description:***

Location: The Fort Edward-Canal Street former manufactured gas plant (MGP) site is located in a suburban area at 22 Canal Street, in the Village of Fort Edward, Washington County. The site is approximately 1.6 acres in size. Site Features: The site is currently vacant and covered in grass. A fence exists on the north, south and east sides of the site. Current Site and Land Use: The site is zoned residential. The surrounding area includes residential and commercial properties. While the property is zoned as Residential (R-1), which is established for single-family residential development, the current property owner, National Grid, has indicated that they plan to apply for a variance or have the property rezoned to restricted residential use. Past Use of the Site: Historic MGP operations at the site were primarily located on the western portion of the property and were in operation from about 1900 to 1924. The primary buildings and structures associated with the former MGP operation consisted of a single gas works building at the west end of the site along Canal Street (subsequently converted for residential use) and a 33,000 cubic foot gas holder located along the northern property line east of the gas works. The former gas house building and holder concrete pad are no longer present on the site. Site Geology and Hydrogeology: Fill material consisting of silty sand with some brick, ash and slag exists where the former MGP building was, but not across the entire site. The fill is underlain by brown silty sand which is approximately 4 to 5 feet in thickness. The silty sand is underlain by fine sand, then medium to coarse sand. The sand layer extends to approximately 25 to 28 feet below ground surface where silty clay is encountered. Groundwater is encountered at 5 to 7 feet below ground surface at the site, and generally flows to the south. This was previously listed as #V00472 in the VCP, until July 13, 2018.

***Assess ENV:***

Prior to Remediation: The primary contaminants of concern at the site include benzene, toluene, ethylbenzene, xylenes (BTEX)and polycyclic aromatic hydrocarbons (PAHs). Coal tar containing these contaminants of concern (COCs) was present on adjacent properties to the east and south of the site. To the east, the coal tar was found within a 4 inch clay tile pipe. To the south, the coal tar was found within a peat lined trench. Subsurface soil impacts were encountered at depths ranging from 2 to 14 feet below ground surface. Surface soil impacts on-site ranged from non-detect to 41 ppm total PAHs. BTEX analyses were all below detection limits for both surface and subsurface soils on-site. In off-site subsurface soils, PAH and BTEX analyses were all below detection limits. Groundwater: During the groundwater monitoring program at the site, no impacts to groundwater from the contaminants of concern were identified. Post-Remediation: Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were benzene, toluene, ethylbenzene, xylenes (BTEX)and polycyclic aromatic hydrocarbons (PAHs). Remedial actions have successfully achieved soil cleanup objectives for restricted residential use. Residual contamination in the soil is being managed under a Site Management Plan.

***Assess DOH:***

Direct contact with the low-level residual contamination in soil is unlikely as contaminated soils are covered with clean backfill. People could come in contact with contamination in the vicinity of the clay tile conduit extending on the off-site property east of the site and on the property to the south by digging or otherwise disturbing the soil in these areas.

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| 13 | 1 of 2 | N | 0.82 / 4,355.38 | 236.40 / 100 | **Fort Edward Landfill**<br>**Burgoyne Avenue**<br>**Fort Edward NY 12828** | VAPOR |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| ***Site Code:*** | 558001 | ***Town:*** | Fort Edward |
| ***Vapor Ins Eval Stat:*** | Complete | ***X Coordinate:*** | 616237.61342 |
| ***Program:*** | State Superfund Program | ***Y Coordinate:*** | 4794298.05412 |
| ***Site Class:*** | 04 | ***Method:*** | 4.3 |
| ***Address 2:*** | | ***Accuracy:*** | variable |
| ***County:*** | Washington | ***Accuracy Unit:*** | |

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| 13 | 2 of 2 | N | 0.82 / 4,355.38 | 236.40 / 100 | **Fort Edward Landfill**<br>**Burgoyne Avenue**<br>**Fort Edward NY 12828** | SHWS |
|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| ***Site Code:*** | 58612 | ***Latitude:*** | 43.293673790 |
| ***Site Code (GIS):*** | 558001 | ***Longitude:*** | -73.569556710 |
| ***HW Code:*** | 558001 | ***Latitude (GIS):*** | 43.2925361022844 |
| ***SWIS:*** | 5830 | ***Longitude (GIS):*** | -73.5671104026492 |
| ***Site Class:*** | 04 | ***X Coord (GIS):*** | 616237.61342 |
| ***Site Class (GIS):*** | 04 | ***Y Coord (GIS):*** | 4794298.05412 |
| ***Program:*** | HW | ***Method:*** | 4.3 |
| ***Acres:*** | 23.000 | ***Accuracy:*** | 0 to 10 meters |
| ***Town:*** | Fort Edward | ***Record Added:*** | 1999-11-18 12:00:00 |
| ***County:*** | Washington | ***Record Update:*** | 2019-07-02 14:38:00 |
| ***Region:*** | 5 | ***Updated by:*** | JLDYBER |
| ***Town (GIS):*** | Fort Edward | ***Region (GIS):*** | 5 |
| ***County (GIS):*** | Washington | | |

***Site Class Desc (GIS):*** This classification is assigned to a site that has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring. Class 4 is appropriate for a site where remedial construction actions have been completed for all operable units, but the site has not necessarily been brought into compliance with standards, criteria, or guidance (e.g., a groundwater extraction and treatment system has been installed and is operating properly but groundwater standards have not been achieved yet). The Record of Decision should define the remedial action objectives that need to be achieved during site management. If a Certificate of Completion (CoC) is to be issued for a site, the CoC is issued concurrently with the reclassification.

***Site Class Desc:*** This classification is assigned to a site that has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring. Class 4 is appropriate for a site where remedial construction actions have been completed for all operable units, but the site has not necessarily been brought into compliance with standards, criteria, or guidance (e.g., a groundwater extraction and treatment system has been installed and is operating properly but groundwater standards have not been achieved yet). The Record of Decision should define the remedial action objectives that need to be achieved during site management. If a Certificate of Completion (CoC) is to be issued for a site, the CoC is issued concurrently with the reclassification.

***Assess DOH:*** The landfill is properly capped; therefore, people are not likely to contact contaminated soils as measures are in place to prevent contact with the underlying contamination. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the groundwater and/or soil may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Because the site is vacant, the inhalation of site-related contaminants due to soil vapor intrusion does not represent a current concern. However, the potential for soil vapor intrusion does exist for any future on-site redevelopment and/or

occupancy. Sampling indicates soil vapor intrusion is not a concern off-site.

***Description:***

Location: The Fort Edward Landfill Site is located on Leavy Hollow Road off Burgoyne Avenue in a primarily semi-rural residential district in the Town of Fort Edward, Washington County, New York. Site Features: The site consists of an approximately 23-acre closed former municipal landfill. Current Zoning and Land Use: The site is zoned industrial with the surrounding area being residential (mixed types). The nearest residences are located across Leavy Hollow Road to the south and west of the landfill. Also, adjacent and to the north of the site is the Glens Falls Feeder Canal, which flows into the Old Champlain Canal at the northeast corner of the site. Past Use of the Site: Until 1991, the site was used as a municipal landfill. It was concluded during remedial and pre-design investigations that landfill-derived contaminants, including PCBs, were migrating from the site through the pathways of groundwater and leachate seepage to surface water. The landfill likely was also emitting gases and organic compounds. Site Geology and Hydrogeology: Groundwater is generally 7 to 40 feet below ground surface. The overall direction of groundwater flow beneath the landfill is to the east-northeast.

***Assessment:***

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were scrap capacitors and solvents in groundwater, surface water, sediment and soil. Remedial actions have successfully achieved the soil cleanup objectives for closed landfill use. Residual contamination in the groundwater, surface water, sediment and soil is be managed under a Site Management Plan.

***Materials Information***

| | | | |
|---|---|---|---|
| ***Waste Name:*** | SCRAP CAPACITORS (B007) | ***Waste Quantity:*** | 850 TONS |
| ***Waste Code:*** | | | |
| ***Waste Name:*** | SOLVENTS (F001 AND F002) | ***Waste Quantity:*** | 200 TO 400 TONS |
| ***Waste Code:*** | | | |

***Owner Information***

| | | | |
|---|---|---|---|
| ***Sub Type:*** | C01 | ***Owner Street:*** | Town Hall / Route 4 |
| ***Own Op:*** | 04 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | Fort Edward |
| ***Owner Company:*** | Town of Fort Edward | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |
| ***Sub Type:*** | C01 | ***Owner Street:*** | Town Hall |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | Route 4 |
| ***Owner Name:*** | | ***Owner City:*** | Fort Edward |
| ***Owner Company:*** | Town of Fort Edward | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |
| ***Sub Type:*** | C01 | ***Owner Street:*** | Town Hall |
| ***Own Op:*** | 03 | ***Owner Street 2:*** | Route 4 |
| ***Owner Name:*** | | ***Owner City:*** | Fort Edward |
| ***Owner Company:*** | Town of Fort Edward | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |

***HW Extra Information***

| | | | |
|---|---|---|---|
| ***Dump:*** | False | ***Dell:*** | False |
| ***Structure:*** | False | ***Updated By:*** | SLEDWARD |
| ***Lagoon:*** | False | ***Record Added:*** | 1999-11-18 12:00:00 |
| ***Landfill:*** | True | ***Record Updated:*** | 2014-02-18 13:50:00 |
| ***Pond:*** | False | ***Latitude:*** | 43:17:37:0 |
| ***Disposal Start:*** | 1969 | ***Longitude:*** | 73:34:12:0 |
| ***Disposal Terminate:*** | 1982 | | |

***Projects Information***

| | | | |
|---|---|---|---|
| ***Project Code:*** | 05 | ***Code Name:*** | Remedial Action |
| ***Project Desc:*** | Remedial Action | ***Operable Unit ID:*** | 1652 |
| ***Project Refer Name:*** | | ***Operable Unit:*** | 01 |
| ***End Date:*** | 1998-09-01 00:00:00 | ***Operable Unit Desc:*** | REMEDIAL PROGRAM |
| ***End Status:*** | ACT | | |

| | | | |
|---|---|---|---|
| **Project Code:** | 04 | **Code Name:** | Remedial Design |
| **Project Desc:** | Remedial Design | **Operable Unit ID:** | 1652 |
| **Project Refer Name:** | | **Operable Unit:** | 01 |
| **End Date:** | 1984-04-01 00:00:00 | **Operable Unit Desc:** | REMEDIAL PROGRAM |
| **End Status:** | ACT | | |

| | | | |
|---|---|---|---|
| **Project Code:** | 02 | **Code Name:** | Remedial Investigation |
| **Project Desc:** | Remedial Investigation | **Operable Unit ID:** | 1652 |
| **Project Refer Name:** | | **Operable Unit:** | 01 |
| **End Date:** | 1982-09-01 00:00:00 | **Operable Unit Desc:** | REMEDIAL PROGRAM |
| **End Status:** | ACT | | |

| | | | |
|---|---|---|---|
| **Project Code:** | 05 | **Code Name:** | Remedial Action |
| **Project Desc:** | Remedial Action | **Operable Unit ID:** | 1653 |
| **Project Refer Name:** | | **Operable Unit:** | 01A |
| **End Date:** | 1993-09-01 00:00:00 | **Operable Unit Desc:** | IRM |
| **End Status:** | ACT | | |

| | | | |
|---|---|---|---|
| **Project Code:** | 04 | **Code Name:** | Remedial Design |
| **Project Desc:** | Remedial Design | **Operable Unit ID:** | 1652 |
| **Project Refer Name:** | | **Operable Unit:** | 01 |
| **End Date:** | 1997-03-01 00:00:00 | **Operable Unit Desc:** | REMEDIAL PROGRAM |
| **End Status:** | ACT | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 14 | 1 of 1 | WNW | 0.95 / 5,002.19 | 261.94 / 126 | GENERAL ELECTRIC COMPANY<br>381 BROADWAY<br>FORT EDWARD NY 12828 | RCRA CORRACTS |

| | |
|---|---|
| **EPA Handler ID:** | NYD093256063 |
| **Gen Status Universe:** | Small Quantity Generator |
| **Contact Name:** | LAURIE E SCHEUING |
| **Contact Address:** | 381 , BROADWAY , , FORT EDWARD , NY, 12828 , US |
| **Contact Phone No and Ext:** | 518-429-4505 |
| **Contact Email:** | LAURIE.SCHEUING@GE.COM |
| **Contact Country:** | US |
| **County Name:** | WASHINGTON |
| **EPA Region:** | 02 |
| **Land Type:** | Private |
| **Receive Date:** | 20180302 |

***Event/Area Details***

| | |
|---|---|
| **Area Name:** | SITEWIDE |
| **Event Code:** | CA070YE |
| **Corrective Action Event Descri:** | DETERMINATION OF NEED FOR AN INVESTIGATION-INVESTIGATION IS NECESSARY |
| **Actual Date of Event:** | 19860526 |
| **Orig Sched Event Date:** | |
| **New Sched Event Date:** | |
| **Best Date:** | 19860526 |
| **Groundwater Release Indicator:** | Yes |
| **Soil Release Indicator:** | Yes |
| **Air Release Indicator:** | Yes |
| **Surface Waste Release Ind:** | Yes |
| **Event Responsible Agency:** | E |

| | |
|---|---|
| **Area Name:** | SITEWIDE |
| **Event Code:** | CA110 |
| **Corrective Action Event Descri:** | INVESTIGATION WORKPLAN RECEIVED |
| **Actual Date of Event:** | 19951001 |
| **Orig Sched Event Date:** | |
| **New Sched Event Date:** | |
| **Best Date:** | 19951001 |
| **Groundwater Release Indicator:** | Yes |
| **Soil Release Indicator:** | Yes |
| **Air Release Indicator:** | Yes |
| **Surface Waste Release Ind:** | Yes |

***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA600
***Corrective Action Event Descri:*** STABILIZATION/INTERIM MEASURES DECISION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19830130
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19830130
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA550
***Corrective Action Event Descri:*** REMEDY CONSTRUCTION
***Actual Date of Event:*** 19911130
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19911130
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19951215
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19951215
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** SWMU WWT-1, EQ BASIN
***Event Code:*** CA026
***Corrective Action Event Descri:*** SV WORKPLAN RECEIVED
***Actual Date of Event:*** 19990422
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19990422
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** SWMU WWT-1, EQ BASIN
***Event Code:*** CA050RF

***Corrective Action Event Descri:*** RFA COMPLETED-ASSESSMENT WAS A RFA
***Actual Date of Event:*** 20000725
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20000725
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** ON-SITE
***Event Code:*** CA050
***Corrective Action Event Descri:*** RFA COMPLETED
***Actual Date of Event:*** 19861231
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19861231
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** ON-SITE
***Event Code:*** CA300
***Corrective Action Event Descri:*** CMS WORKPLAN APPROVED
***Actual Date of Event:*** 19880825
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19880825
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19931210
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19931210
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA350
***Corrective Action Event Descri:*** CMS COMPLETE
***Actual Date of Event:*** 19890721
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890721
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA075HI
***Corrective Action Event Descri:*** CA PRIORITIZATION-HIGH CA PRIORITY
***Actual Date of Event:*** 19910628
***Orig Sched Event Date:***
***New Sched Event Date:***

***Best Date:*** 19910628
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA250
***Corrective Action Event Descri:*** CMS IMPOSITION
***Actual Date of Event:*** 19880705
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19880705
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA550NR
***Corrective Action Event Descri:*** REMEDY CONSTRUCTION-NO REMEDY CONSTRUCTED
***Actual Date of Event:*** 20150326
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20150326
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA770GW
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-GROUNDWATER CONTROL
***Actual Date of Event:*** 19840930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19840930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA350
***Corrective Action Event Descri:*** CMS COMPLETE
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA650
***Corrective Action Event Descri:*** STABILIZATION CONSTRUCTION COMPLETED
***Actual Date of Event:*** 19960430
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19960430
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***

***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19940311
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19940311
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA400
***Corrective Action Event Descri:*** REMEDY DECISION
***Actual Date of Event:*** 20000131
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20000131
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA772EP
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-ENFORCEMENT AND PERMIT TOOLS
***Actual Date of Event:*** 19940930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19940930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** ON-SITE
***Event Code:*** CA600
***Corrective Action Event Descri:*** STABILIZATION/INTERIM MEASURES DECISION
***Actual Date of Event:*** 19890419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE

***Event Code:*** CA075HI
***Corrective Action Event Descri:*** CA PRIORITIZATION-HIGH CA PRIORITY
***Actual Date of Event:*** 19921208
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19921208
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA225
***Corrective Action Event Descri:*** STABILIZATION MEASURES EVALUATION
***Actual Date of Event:*** 19930325
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19930325
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA770NG
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-NON-GROUNDWATER CONTROL
***Actual Date of Event:*** 20080930
***Orig Sched Event Date:*** 20080930
***New Sched Event Date:***
***Best Date:*** 20080930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA770NG
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-NON-GROUNDWATER CONTROL
***Actual Date of Event:*** 19960930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19960930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA550
***Corrective Action Event Descri:*** REMEDY CONSTRUCTION
***Actual Date of Event:*** 19891130
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19891130
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA350
***Corrective Action Event Descri:*** CMS COMPLETE
***Actual Date of Event:*** 19900530
***Orig Sched Event Date:***

***New Sched Event Date:***
***Best Date:*** 19900530
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA400
***Corrective Action Event Descri:*** REMEDY DECISION
***Actual Date of Event:*** 19901130
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19901130
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA250
***Corrective Action Event Descri:*** CMS IMPOSITION
***Actual Date of Event:*** 19950613
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19950613
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA070YE
***Corrective Action Event Descri:*** DETERMINATION OF NEED FOR AN INVESTIGATION-INVESTIGATION IS NECESSARY
***Actual Date of Event:*** 19940311
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19940311
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** ON-SITE
***Event Code:*** CA200
***Corrective Action Event Descri:*** INVESTIGATION COMPLETE
***Actual Date of Event:*** 19880705
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19880705
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** ON-SITE
***Event Code:*** CA350
***Corrective Action Event Descri:*** CMS COMPLETE
***Actual Date of Event:*** 19890721
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890721
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes

***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** ON-SITE
***Event Code:*** CA380
***Corrective Action Event Descri:*** DATE FOR PUBLIC NOTICE ON PROPOSED REMEDY
***Actual Date of Event:*** 19890721
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890721
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA050RF
***Corrective Action Event Descri:*** RFA COMPLETED-ASSESSMENT WAS A RFA
***Actual Date of Event:*** 19931203
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19931203
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA200
***Corrective Action Event Descri:*** INVESTIGATION COMPLETE
***Actual Date of Event:*** 19880705
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19880705
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19951215
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19951215
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA725YE
***Corrective Action Event Descri:*** HUMAN EXPOSURES CONTROLLED DETERMINATION-YES, APPLICABLE AS OF THIS DATE
***Actual Date of Event:*** 20050930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20050930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA770NG
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-NON-GROUNDWATER CONTROL
***Actual Date of Event:*** 20040930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20040930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA772EP
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-ENFORCEMENT AND PERMIT TOOLS
***Actual Date of Event:*** 19950613
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19950613
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA400
***Corrective Action Event Descri:*** REMEDY DECISION
***Actual Date of Event:*** 19890330
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890330
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA200
***Corrective Action Event Descri:*** INVESTIGATION COMPLETE
***Actual Date of Event:*** 19900530
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19900530
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA250
***Corrective Action Event Descri:*** CMS IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA772EP
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-ENFORCEMENT AND PERMIT TOOLS
***Actual Date of Event:*** 20000131

***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20000131
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19940311
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19940311
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** ON-SITE
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19860526
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19860526
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** ON-SITE
***Event Code:*** CA225NR
***Corrective Action Event Descri:*** STABILIZATION MEASURES EVALUATION-FACILITY NOT AMENABLE TO STABILIZATION
***Actual Date of Event:*** 19930325
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19930325
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA028
***Corrective Action Event Descri:*** SV WORKPLAN APPROVED
***Actual Date of Event:*** 19931118
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19931118
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19860526
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19860526
***Groundwater Release Indicator:*** Yes

***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA300
***Corrective Action Event Descri:*** CMS WORKPLAN APPROVED
***Actual Date of Event:*** 19880825
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19880825
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA140
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN NOTICE OF DEFICIENCY ISSUED
***Actual Date of Event:*** 19951101
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19951101
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA145
***Corrective Action Event Descri:*** Investigation WORKPLAN RESUBMITTED
***Actual Date of Event:*** 19951116
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19951116
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA070YE
***Corrective Action Event Descri:*** DETERMINATION OF NEED FOR AN INVESTIGATION-INVESTIGATION IS NECESSARY
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA150
***Corrective Action Event Descri:*** INVESTIGATION WORKPLAN APPROVED
***Actual Date of Event:*** 19870630
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19870630
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA200
***Corrective Action Event Descri:*** INVESTIGATION COMPLETE
***Actual Date of Event:*** 19890530
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890530
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA250
***Corrective Action Event Descri:*** CMS IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA610
***Corrective Action Event Descri:*** INTERIM MEASURES PLAN APPROVED
***Actual Date of Event:*** 19950930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19950930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA500
***Corrective Action Event Descri:*** CMI WORKPLAN APPROVED

***Actual Date of Event:*** 19900730
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19900730
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA070YE
***Corrective Action Event Descri:*** DETERMINATION OF NEED FOR AN INVESTIGATION-INVESTIGATION IS NECESSARY
***Actual Date of Event:*** 19950613
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19950613
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA770NG
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-NON-GROUNDWATER CONTROL
***Actual Date of Event:*** 19900930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19900930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** SWMU WWT-1, EQ BASIN
***Event Code:*** CA037
***Corrective Action Event Descri:*** SV DATA RECEIVED
***Actual Date of Event:*** 19991101
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19991101
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** ON-SITE
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19860526
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19860526
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** E

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA050
***Corrective Action Event Descri:*** RFA COMPLETED
***Actual Date of Event:*** 19861231
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19861231

***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** E

***Area Name:*** SITEWIDE
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA400
***Corrective Action Event Descri:*** REMEDY DECISION
***Actual Date of Event:*** 20150326
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20150326
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA772ID
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-INFORMATIONAL DEVICE
***Actual Date of Event:*** 20050930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20050930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA200
***Corrective Action Event Descri:*** INVESTIGATION COMPLETE
***Actual Date of Event:*** 19970130
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19970130
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA400
***Corrective Action Event Descri:*** REMEDY DECISION
***Actual Date of Event:*** 20000131
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20000131
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***

***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA770NG
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-NON-GROUNDWATER CONTROL
***Actual Date of Event:*** 19900930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19900930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA250
***Corrective Action Event Descri:*** CMS IMPOSITION
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#1 OFF-SITE GROUNDWATER
***Event Code:*** CA500
***Corrective Action Event Descri:*** CMI WORKPLAN APPROVED
***Actual Date of Event:*** 19890830
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19890830
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA770NG
***Corrective Action Event Descri:*** ENGINEERING CONTROLS ESTABLISHED-NON-GROUNDWATER CONTROL
***Actual Date of Event:*** 19960930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19960930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** SWMU WWT-1, EQ BASIN
***Event Code:*** CA028
***Corrective Action Event Descri:*** SV WORKPLAN APPROVED
***Actual Date of Event:*** 19990601
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19990601
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** SWMU WWT-1, EQ BASIN
***Event Code:*** CA070NO

***Corrective Action Event Descri:*** DETERMINATION OF NEED FOR AN INVESTIGATION-INVESTIGATION IS NOT NECESSARY
***Actual Date of Event:*** 20000725
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20000725
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** ON-SITE
***Event Code:*** CA028
***Corrective Action Event Descri:*** SV WORKPLAN APPROVED
***Actual Date of Event:*** 19930630
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19930630
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** SPDES PERMITTED OUTFALL 004 HUDSON RIVER
***Event Code:*** CA012RF
***Corrective Action Event Descri:*** PR/VSI REPORT FINALIZATION-SV OUTLINE NOT REQD- DOCUMENTED RELEASES
***Actual Date of Event:*** 19931101
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19931101
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA750YE
***Corrective Action Event Descri:*** RELEASE TO GW CONTROLLED DETERMINATION-YES, APPLICABLE AS OF THIS DATE
***Actual Date of Event:*** 20150320
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20150320
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** SITEWIDE
***Event Code:*** CA772ID
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-INFORMATIONAL DEVICE
***Actual Date of Event:*** 20050930
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20050930
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:*** Yes
***Surface Waste Release Ind:*** Yes
***Event Responsible Agency:*** S

***Area Name:*** OU#2 ON SITE SOIL AND GROUNDWATER
***Event Code:*** CA070YE
***Corrective Action Event Descri:*** DETERMINATION OF NEED FOR AN INVESTIGATION-INVESTIGATION IS NECESSARY
***Actual Date of Event:*** 19850419
***Orig Sched Event Date:***
***New Sched Event Date:***

***Best Date:*** 19850419
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:*** Yes
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA100
***Corrective Action Event Descri:*** INVESTIGATION IMPOSITION
***Actual Date of Event:*** 19950613
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19950613
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#3 ON SITE ENHANCED GROUNDWATER & PCB
***Event Code:*** CA350
***Corrective Action Event Descri:*** CMS COMPLETE
***Actual Date of Event:*** 19990530
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19990530
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA200
***Corrective Action Event Descri:*** INVESTIGATION COMPLETE
***Actual Date of Event:*** 19990530
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 19990530
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA772EP
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-ENFORCEMENT AND PERMIT TOOLS
***Actual Date of Event:*** 20000131
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20000131
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***
***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Area Name:*** OU#4 RIVERBANK
***Event Code:*** CA772EP
***Corrective Action Event Descri:*** INSTITUTIONAL CONTROLS ESTABLISHED-ENFORCEMENT AND PERMIT TOOLS
***Actual Date of Event:*** 20050803
***Orig Sched Event Date:***
***New Sched Event Date:***
***Best Date:*** 20050803
***Groundwater Release Indicator:*** Yes
***Soil Release Indicator:***
***Air Release Indicator:***

***Surface Waste Release Ind:***
***Event Responsible Agency:*** S

***Violation/Evaluation Summary***

***Note:*** VIOLATION or UNDETERMINED: There are VIOLATION or UNDETERMINED details or records associated with this facility (EPA ID) in the Compliance Monitoring and Enforcement table dated November, 2019.

***Violation Details***

***Citation:***
***Violation Short Description:*** Generators - General
***Violation Type:*** 262.A
***Violation Determined Date:*** 20150805
***Scheduled Compliance Date:***
***Return to Compliance:*** Documented
***Actual Return to Compl:*** 20161230
***Violation Responsible Agency:*** EPA

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 20151117
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** EPA
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:***
***Violation Short Description:*** Generators - Pre-transport
***Violation Type:*** 262.C
***Violation Determined Date:*** 20150805
***Scheduled Compliance Date:***
***Return to Compliance:*** Documented
***Actual Return to Compl:*** 20161230
***Violation Responsible Agency:*** EPA

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 20151117
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** EPA
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:***
***Violation Short Description:*** Generators - Records/Reporting
***Violation Type:*** 262.D
***Violation Determined Date:*** 20150805
***Scheduled Compliance Date:***
***Return to Compliance:*** Documented

***Actual Return to Compl:*** 20161230
***Violation Responsible Agency:*** EPA

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 20151117
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** EPA
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:*** SR - 373-1.1(d)(1)(iii)
***Violation Short Description:*** Generators - General
***Violation Type:*** 262.A
***Violation Determined Date:*** 20060228
***Scheduled Compliance Date:***
***Return to Compliance:*** Documented
***Actual Return to Compl:*** 20060428
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 20060405
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:*** SR - 372.2(a)(8)(ii)
***Violation Short Description:*** Generators - General
***Violation Type:*** 262.A
***Violation Determined Date:*** 20060228
***Scheduled Compliance Date:***
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 20060228
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 20060405
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:*** SR - 373-3.3(f)
***Violation Short Description:*** Generators - General
***Violation Type:*** 262.A
***Violation Determined Date:*** 20060228
***Scheduled Compliance Date:***
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 20060228
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 20060405
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:***
***Violation Short Description:*** TSD - General
***Violation Type:*** 264.A
***Violation Determined Date:*** 19990426
***Scheduled Compliance Date:*** 19990612
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 19990611
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 19990426
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:***
***Violation Short Description:*** TSD - General
***Violation Type:*** 264.A
***Violation Determined Date:*** 19970422
***Scheduled Compliance Date:*** 19970522
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 19970522
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 19970422
***Enf Disposition Status:***
***Disposition Status Date:***

***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:***
***Violation Short Description:*** LDR - General
***Violation Type:*** 268.A
***Violation Determined Date:*** 19880216
***Scheduled Compliance Date:***
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 19881209
***Violation Responsible Agency:*** State

***Violation Details***

***Citation:***
***Violation Short Description:*** TSD - General
***Violation Type:*** 264.A
***Violation Determined Date:*** 19860326
***Scheduled Compliance Date:*** 19860605
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 19860627
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 19860505
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Violation Details***

***Citation:***
***Violation Short Description:*** TSD - General
***Violation Type:*** 264.A
***Violation Determined Date:*** 19850326
***Scheduled Compliance Date:*** 19851005
***Return to Compliance:*** Observed
***Actual Return to Compl:*** 19851112
***Violation Responsible Agency:*** State

***Enforcement Details***

***Enforcement Type:*** 120
***Enforcement Type Description:*** WRITTEN INFORMAL
***Enforcement Action Date:*** 19850905
***Enf Disposition Status:***
***Disposition Status Date:***
***Enforcement Lead Agency:*** State
***Proposed Penalty Amount:***
***Final Amount:***
***Paid Amount:***

***Evaluation Details***

***Evaluation Start Date:*** 20150805
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** Generators - General
***Return to Compliance Date:*** 20161230
***Evaluation Agency:*** EPA

***Evaluation Start Date:*** 20150805
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** Generators - Pre-transport
***Return to Compliance Date:*** 20161230
***Evaluation Agency:*** EPA

***Evaluation Start Date:*** 20150805
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** Generators - Records/Reporting
***Return to Compliance Date:*** 20161230
***Evaluation Agency:*** EPA

***Evaluation Start Date:*** 20141003
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 20120918
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 20080603
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 20060228
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** Generators - General
***Return to Compliance Date:*** 20060228
***Evaluation Agency:*** State

***Evaluation Start Date:*** 20060228
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** Generators - General
***Return to Compliance Date:*** 20060428
***Evaluation Agency:*** State

***Evaluation Start Date:*** 20041104
***Evaluation Type Description:*** FINANCIAL RECORD REVIEW
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 20040121
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19990218
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** TSD - General
***Return to Compliance Date:*** 19990611
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19980331

***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19970304
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** TSD - General
***Return to Compliance Date:*** 19970522
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19951102
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19950307
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19940330
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19920717
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19910625
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19900702
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19890622
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19880816
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19880729
***Evaluation Type Description:*** FINANCIAL RECORD REVIEW
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19880216
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** LDR - General
***Return to Compliance Date:*** 19881209

***Evaluation Agency:*** State

***Evaluation Start Date:*** 19870318
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19860527
***Evaluation Type Description:*** FINANCIAL RECORD REVIEW
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19860326
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** TSD - General
***Return to Compliance Date:*** 19860627
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19850326
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:*** TSD - General
***Return to Compliance Date:*** 19851112
***Evaluation Agency:*** State

***Evaluation Start Date:*** 19840815
***Evaluation Type Description:*** COMPLIANCE EVALUATION INSPECTION ON-SITE
***Violation Short Description:***
***Return to Compliance Date:***
***Evaluation Agency:*** State

***Handler Summary***

***Importer Activity:*** No
***Mixed Waste Generator:*** No
***Transporter Activity:*** No
***Transfer Facility:*** No
***Onsite Burner:*** No
***Smelting, Melting and Refining:*** No
***Underground Injection Control:*** No
***Commercial TSD:*** No
***Used Oil Transporter:*** No
***Used Oil Transfer Facility:*** No
***Used Oil Processor:*** No
***Used Oil Refiner:*** No
***Used Oil Burner:*** No
***Used Oil Market Burner:*** No
***Used Oil Spec Marketer:*** No

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19900301
***Handler Name:*** GENERAL ELECTRIC COMPANY
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19911007
***Handler Name:*** GENERAL ELECTRIC CO CPP FORT EDWARD
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Part A

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19911007
***Handler Name:*** GENERAL ELECTRIC CO CPP FORT EDWARD
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 2
***Receive Date:*** 19920218
***Handler Name:*** GENERAL ELECTRIC
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19931202
***Handler Name:*** GENERAL ELECTRIC CO CPP FORT EDWARD
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Notification

***Waste Code Details***

***Hazardous Waste Code:*** D000
***Waste Code Description:*** DESCRIPTION

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D003
***Waste Code Description:*** REACTIVE WASTE

***Hazardous Waste Code:*** D006
***Waste Code Description:*** CADMIUM

***Hazardous Waste Code:*** D007
***Waste Code Description:*** CHROMIUM

***Hazardous Waste Code:*** D008
***Waste Code Description:*** LEAD

***Hazardous Waste Code:*** D009
***Waste Code Description:*** MERCURY

***Hazardous Waste Code:*** F001
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS USED IN DEGREASING: TETRACHLOROETHYLENE, TRICHLORETHYLENE, METHYLENE CHLORIDE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE AND CHLORINATED FLUOROCARBONS; ALL SPENT SOLVENT MIXTURES/BLENDS USED IN DEGREASING CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F002
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS: TETRACHLOROETHYLENE, METHYLENE CHLORIDE, TRICHLOROETHYLENE, 1,1,1-TRICHLOROETHANE, CHLOROBENZENE, 1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE, ORTHO-DICHLOROBENZENE, TRICHLOROFLUOROMETHANE, AND 1,1,2, TRICHLOROETHANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR

THOSE SOLVENTS LISTED IN F001, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F005
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F006
***Waste Code Description:*** WASTEWATER TREATMENT SLUDGES FROM ELECTROPLATING OPERATIONS, EXCEPT FROM THE FOLLOWING PROCESSES: (1) SULFURIC ACID ANODIZING OF ALUMINUM; (2) TIN PLATING ON CARBON STEEL; (3) ZINC PLATING (SEGREGATED BASIS) ON CARBON STEEL; (4) ALUMINUM OR ZINC-ALUMINUM PLATING ON CARBON STEEL; (5) CLEANING/STRIPPING ASSOCIATED WITH TIN, ZINC, AND ALUMINUM PLATING ON CARBON STEEL; AND (6) CHEMICAL ETCHING AND MILLING OF ALUMINUM.

***Hazardous Waste Code:*** F007
***Waste Code Description:*** SPENT CYANIDE PLATING BATH SOLUTIONS FROM ELECTROPLATING OPERATIONS.

***Hazardous Waste Code:*** F008
***Waste Code Description:*** PLATING BATH RESIDUES FROM THE BOTTOM OF PLATING BATHS FROM ELECTROPLATING OPERATIONS IN WHICH CYANIDES ARE USED IN THE PROCESS.

***Hazardous Waste Code:*** F009
***Waste Code Description:*** SPENT STRIPPING AND CLEANING BATH SOLUTIONS FROM ELECTROPLATING OPERATIONS IN WHICH CYANIDES ARE USED IN THE PROCESS.

***Hazardous Waste Code:*** F017
***Waste Code Description:*** DESCRIPTION

***Hazardous Waste Code:*** F018
***Waste Code Description:*** DESCRIPTION

***Hazardous Waste Code:*** F039
***Waste Code Description:*** LEACHATE RESULTING FROM THE TREATMENT, STORAGE, OR DISPOSAL OF WASTES CLASSIFIED BY MORE THAN ONE WASTE CODE UNDER SUBPART D, OR FROM A MIXTURE OF WASTES CLASSIFIED UNDER SUBPARTS C AND D OF THIS PART. (LEACHATE RESULTING FROM THE MANAGEMENT OF ONE OR MORE OF THE FOLLOWING EPA HAZARDOUS WASTES AND NO OTHER HAZARDOUS WASTES RETAINS ITS HAZARDOUS WASTE CODE(S): F020, F021, F022, F023, F026, F027, AND/OR F028.)

***Hazardous Waste Code:*** U002
***Waste Code Description:*** 2-PROPANONE (I) (OR) ACETONE (I)

***Hazardous Waste Code:*** U019
***Waste Code Description:*** BENZENE (I,T)

***Hazardous Waste Code:*** U028
***Waste Code Description:*** 1,2-BENZENEDICARBOXYLIC ACID, BIS(2-ETHYLHEXYL) ESTER (OR) DIETHYLHEXYL PHTHALATE

***Hazardous Waste Code:*** U151
***Waste Code Description:*** MERCURY

***Hazardous Waste Code:*** U161
***Waste Code Description:*** 4-METHYL-2-PENTANONE (I) (OR) METHYL ISOBUTYL KETONE (I) (OR) PENTANOL, 4-METHYL-

***Hazardous Waste Code:*** U210
***Waste Code Description:*** ETHENE, TETRACHLORO- (OR) TETRACHLOROETHYLENE

***Hazardous Waste Code:*** U220
***Waste Code Description:*** BENZENE, METHYL- (OR) TOLUENE

***Hazardous Waste Code:*** U226
***Waste Code Description:*** ETHANE, 1,1,1-TRICHLORO- (OR) METHYL CHLOROFORM

***Hazardous Waste Code:*** U228
***Waste Code Description:*** ETHENE, TRICHLORO- (OR) TRICHLOROETHYLENE

***Hazardous Waste Code:*** U239
***Waste Code Description:*** BENZENE, DIMETHYL- (I,T) (OR) XYLENE (I)

***Hazardous Waste Code:*** X002
***Waste Code Description:*** DESCRIPTION

***Hazardous Waste Handler Details***

***Sequence No:*** 3
***Receive Date:*** 19940331
***Handler Name:*** GENERAL ELECTRIC CO. TRANSMISSION SYS
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 4
***Receive Date:*** 19960328
***Handler Name:*** GENERAL ELECTRIC COMPANY
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 5
***Receive Date:*** 19980225
***Handler Name:*** GENERAL ELECTRIC CO
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 6
***Receive Date:*** 20010101
***Handler Name:*** GENERAL ELECTRIC TD & IS
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 7
***Receive Date:*** 20020124
***Handler Name:*** GENERAL ELECTRIC CO.
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Hazardous Waste Handler Details***

***Sequence No:*** 8
***Receive Date:*** 20040211
***Handler Name:*** GENERAL ELECTRIC CO.
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Waste Code Details***

***Hazardous Waste Code:*** B002
***Waste Code Description:*** Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B007
***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D005
***Waste Code Description:*** BARIUM

***Hazardous Waste Code:*** D006
***Waste Code Description:*** CADMIUM

***Hazardous Waste Code:*** D007
***Waste Code Description:*** CHROMIUM

***Hazardous Waste Code:*** D008
***Waste Code Description:*** LEAD

***Hazardous Waste Code:*** D035
***Waste Code Description:*** METHYL ETHYL KETONE

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F005
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

***Sequence No:*** 2
***Receive Date:*** 20040212
***Handler Name:*** GENERAL ELECTRIC CO.
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Notification

***Waste Code Details***

***Hazardous Waste Code:*** B002
***Waste Code Description:*** Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B007
***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D005
***Waste Code Description:*** BARIUM

***Hazardous Waste Code:*** D006
***Waste Code Description:*** CADMIUM

***Hazardous Waste Code:*** D007
***Waste Code Description:*** CHROMIUM

***Hazardous Waste Code:*** D018
***Waste Code Description:*** BENZENE

***Hazardous Waste Code:*** D035
***Waste Code Description:*** METHYL ETHYL KETONE

***Hazardous Waste Code:*** D040
***Waste Code Description:*** TRICHLORETHYLENE

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F005
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

***Sequence No:*** 2
***Receive Date:*** 20060119
***Handler Name:*** GENERAL ELECTRIC CO. - CPQP
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 9
***Receive Date:*** 20060120
***Handler Name:*** GENERAL ELECTRIC CO. - CPQP
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Waste Code Details***

***Hazardous Waste Code:*** B002
***Waste Code Description:*** Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B007
***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D005
***Waste Code Description:*** BARIUM

***Hazardous Waste Code:*** D006
***Waste Code Description:*** CADMIUM

***Hazardous Waste Code:*** D007
***Waste Code Description:*** CHROMIUM

***Hazardous Waste Code:*** D008
***Waste Code Description:*** LEAD

***Hazardous Waste Code:*** D009
***Waste Code Description:*** MERCURY

***Hazardous Waste Code:*** D035
***Waste Code Description:*** METHYL ETHYL KETONE

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

***Sequence No:*** 3
***Receive Date:*** 20070101
***Handler Name:*** GENERAL ELECTRIC CO. - CPQP
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 10
***Receive Date:*** 20080218
***Handler Name:*** GENERAL ELECTRIC COMPANY
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report

***Waste Code Details***

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B007

***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D003
***Waste Code Description:*** REACTIVE WASTE

***Hazardous Waste Code:*** D005
***Waste Code Description:*** BARIUM

***Hazardous Waste Code:*** D006
***Waste Code Description:*** CADMIUM

***Hazardous Waste Code:*** D007
***Waste Code Description:*** CHROMIUM

***Hazardous Waste Code:*** D008
***Waste Code Description:*** LEAD

***Hazardous Waste Code:*** D009
***Waste Code Description:*** MERCURY

***Hazardous Waste Code:*** D022
***Waste Code Description:*** CHLOROFORM

***Hazardous Waste Code:*** D035
***Waste Code Description:*** METHYL ETHYL KETONE

***Hazardous Waste Code:*** D038
***Waste Code Description:*** PYRIDINE

***Hazardous Waste Code:*** D039
***Waste Code Description:*** TETRACHLOROETHYLENE

***Hazardous Waste Code:*** D040
***Waste Code Description:*** TRICHLORETHYLENE

***Hazardous Waste Code:*** F001
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS USED IN DEGREASING: TETRACHLOROETHYLENE, TRICHLORETHYLENE, METHYLENE CHLORIDE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE AND CHLORINATED FLUOROCARBONS; ALL SPENT SOLVENT MIXTURES/BLENDS USED IN DEGREASING CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F002
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS: TETRACHLOROETHYLENE, METHYLENE CHLORIDE, TRICHLOROETHYLENE, 1,1,1-TRICHLOROETHANE, CHLOROBENZENE, 1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE, ORTHO-DICHLOROBENZENE, TRICHLOROFLUOROMETHANE, AND 1,1,2, TRICHLOROETHANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F005
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON

DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 20100302
***Handler Name:*** GENERAL ELECTRIC COMPANY
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report update with Notification

***Waste Code Details***

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B007
***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D005
***Waste Code Description:*** BARIUM

***Hazardous Waste Code:*** D006
***Waste Code Description:*** CADMIUM

***Hazardous Waste Code:*** D007
***Waste Code Description:*** CHROMIUM

***Hazardous Waste Code:*** D008
***Waste Code Description:*** LEAD

***Hazardous Waste Code:*** D009
***Waste Code Description:*** MERCURY

***Hazardous Waste Code:*** D022
***Waste Code Description:*** CHLOROFORM

***Hazardous Waste Code:*** D035
***Waste Code Description:*** METHYL ETHYL KETONE

***Hazardous Waste Code:*** D038
***Waste Code Description:*** PYRIDINE

***Hazardous Waste Code:*** D039
***Waste Code Description:*** TETRACHLOROETHYLENE

***Hazardous Waste Code:*** D040
***Waste Code Description:*** TRICHLORETHYLENE

***Hazardous Waste Code:*** F001
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS USED IN DEGREASING: TETRACHLOROETHYLENE, TRICHLORETHYLENE, METHYLENE CHLORIDE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE AND CHLORINATED FLUOROCARBONS; ALL SPENT SOLVENT MIXTURES/BLENDS USED IN DEGREASING CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F002

**Waste Code Description:** THE FOLLOWING SPENT HALOGENATED SOLVENTS: TETRACHLOROETHYLENE, METHYLENE CHLORIDE, TRICHLOROETHYLENE, 1,1,1-TRICHLOROETHANE, CHLOROBENZENE, 1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE, ORTHO-DICHLOROBENZENE, TRICHLOROFLUOROMETHANE, AND 1,1,2, TRICHLOROETHANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

**Hazardous Waste Code:** F003
**Waste Code Description:** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

**Hazardous Waste Code:** F005
**Waste Code Description:** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

**Sequence No:** 2
**Receive Date:** 20120312
**Handler Name:** GENERAL ELECTRIC COMPANY
**Generator Status Universe:** Small Quantity Generator
**Source Type:** Annual/Biennial Report update with Notification

***Waste Code Details***

**Hazardous Waste Code:** B003
**Waste Code Description:** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

**Hazardous Waste Code:** B007
**Waste Code Description:** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

**Hazardous Waste Code:** D001
**Waste Code Description:** IGNITABLE WASTE

**Hazardous Waste Code:** D002
**Waste Code Description:** CORROSIVE WASTE

**Hazardous Waste Code:** D005
**Waste Code Description:** BARIUM

**Hazardous Waste Code:** D008
**Waste Code Description:** LEAD

**Hazardous Waste Code:** D009
**Waste Code Description:** MERCURY

**Hazardous Waste Code:** D022
**Waste Code Description:** CHLOROFORM

**Hazardous Waste Code:** D035
**Waste Code Description:** METHYL ETHYL KETONE

**Hazardous Waste Code:** D038
**Waste Code Description:** PYRIDINE

**Hazardous Waste Code:** D040

***Waste Code Description:*** TRICHLORETHYLENE

***Hazardous Waste Code:*** F001
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS USED IN DEGREASING: TETRACHLOROETHYLENE, TRICHLORETHYLENE, METHYLENE CHLORIDE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE AND CHLORINATED FLUOROCARBONS; ALL SPENT SOLVENT MIXTURES/BLENDS USED IN DEGREASING CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F002
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS: TETRACHLOROETHYLENE, METHYLENE CHLORIDE, TRICHLOROETHYLENE, 1,1,1-TRICHLOROETHANE, CHLOROBENZENE, 1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE, ORTHO-DICHLOROBENZENE, TRICHLOROFLUOROMETHANE, AND 1,1,2, TRICHLOROETHANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F005
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

***Sequence No:*** 3
***Receive Date:*** 20160225
***Handler Name:*** GENERAL ELECTRIC COMPANY
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report update with Notification

***Waste Code Details***

***Hazardous Waste Code:*** B002
***Waste Code Description:*** Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B007
***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D040
***Waste Code Description:*** TRICHLORETHYLENE

***Hazardous Waste Code:*** F001
***Waste Code Description:*** THE FOLLOWING SPENT HALOGENATED SOLVENTS USED IN DEGREASING: TETRACHLOROETHYLENE, TRICHLORETHYLENE, METHYLENE CHLORIDE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE AND CHLORINATED FLUOROCARBONS; ALL SPENT SOLVENT MIXTURES/BLENDS USED IN DEGREASING CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF

THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Handler Details***

***Sequence No:*** 4
***Receive Date:*** 20180302
***Handler Name:*** GENERAL ELECTRIC COMPANY
***Generator Status Universe:*** Small Quantity Generator
***Source Type:*** Annual/Biennial Report update with Notification

***Waste Code Details***

***Hazardous Waste Code:*** B002
***Waste Code Description:*** Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

***Hazardous Waste Code:*** B003
***Waste Code Description:*** Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

***Hazardous Waste Code:*** B004
***Waste Code Description:*** PCB articles containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs, excluding small capacitors. This includes oil-filled electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

***Hazardous Waste Code:*** B007
***Waste Code Description:*** Other PCB wastes, including contaminated soil, solids, sludges, clothing, rags and dredge material.

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D002
***Waste Code Description:*** CORROSIVE WASTE

***Hazardous Waste Code:*** D009
***Waste Code Description:*** MERCURY

***Hazardous Waste Code:*** D011
***Waste Code Description:*** SILVER

***Hazardous Waste Code:*** D035
***Waste Code Description:*** METHYL ETHYL KETONE

***Hazardous Waste Code:*** F003
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** F005
***Waste Code Description:*** THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY

VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

***Hazardous Waste Code:*** U107
***Waste Code Description:*** 1,2-BENZENEDICARBOXYLIC ACID, DIOCTYL ESTER (OR) DI-N-OCTYL PHTHALATE

***Hazardous Waste Code:*** U121
***Waste Code Description:*** METHANE, TRICHLOROFLUORO- (OR) TRICHLOROMONOFLUOROMETHANE

***Hazardous Waste Code:*** U122
***Waste Code Description:*** FORMALDEHYDE

***Hazardous Waste Code:*** U159
***Waste Code Description:*** 2-BUTANONE (I,T) (OR) METHYL ETHYL KETONE (MEK) (I,T)

***Hazardous Waste Code:*** U213
***Waste Code Description:*** FURAN, TETRAHYDRO-(I) (OR) TETRAHYDROFURAN (I)

***Hazardous Waste Code:*** U223
***Waste Code Description:*** BENZENE, 1,3-DIISOCYANATOMETHYL- (R,T) (OR) TOLUENE DIISOCYANATE (R,T)

***Owner/Operator Details***

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | |
| ***Name:*** | GENERAL ELECTRIC CO. -CPQP | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | |
| ***Date Ended Current:*** | | ***State:*** | |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report | ***Zip Code:*** | |
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | 381 UPPER BROADWAY |
| ***Name:*** | GENERAL ELECTRIC CO | ***Street 2:*** | |
| ***Date Became Current:*** | | ***City:*** | FORT EDWARD |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-746-5666 | ***Country:*** | |
| ***Source Type:*** | Notification | ***Zip Code:*** | 12828 |
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | 3135 EASTON TURNPIKE |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report | ***Zip Code:*** | 06828 |
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | |
| ***Date Ended Current:*** | | ***State:*** | |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report | ***Zip Code:*** | |
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | |
| ***Name:*** | GENERAL ELECTRIC CO.  CPQP | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | |
| ***Date Ended Current:*** | | ***State:*** | |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report | ***Zip Code:*** | |
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | 381 UPPER BROADWAY |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | | ***City:*** | FORT EDWARD |

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|---|---|---|---|
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | | ***Country:*** | |
| ***Source Type:*** | Part A | ***Zip Code:*** | 12828 |

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|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | 3135 |
| ***Type:*** | Private | ***Street 1:*** | EASTON TURNPIKE |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report update with Notification | ***Zip Code:*** | 06828 |

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|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | 3135 |
| ***Type:*** | Private | ***Street 1:*** | EASTON TNPK |
| ***Name:*** | GENERAL ELECTRIC CO | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | 212-555-1212 | ***Country:*** | US |
| ***Source Type:*** | Implementer | ***Zip Code:*** | 05828 |

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|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | 3135 |
| ***Type:*** | Private | ***Street 1:*** | EASTON TNPK |
| ***Name:*** | GENERAL ELECTRIC CO | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | 212-555-1212 | ***Country:*** | US |
| ***Source Type:*** | Notification | ***Zip Code:*** | 05828 |

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|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | |
| ***Date Ended Current:*** | | ***State:*** | |
| ***Phone:*** | | ***Country:*** | |
| ***Source Type:*** | Annual/Biennial Report update with Notification | ***Zip Code:*** | |

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|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | |
| ***Name:*** | NO NAME FOUND | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | |
| ***Date Ended Current:*** | | ***State:*** | |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Implementer | ***Zip Code:*** | |

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | 381 |
| ***Type:*** | Private | ***Street 1:*** | BROADWAY |
| ***Name:*** | GENERAL ELECTRIC CO | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FORT EDWARD |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-746-5560 | ***Country:*** | US |
| ***Source Type:*** | Notification | ***Zip Code:*** | 12828 |

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | 3135 |
| ***Type:*** | Private | ***Street 1:*** | EASTON TURNPIKE |
| ***Name:*** | GENERAL ELECTRIC CO, | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report | ***Zip Code:*** | 06828 |

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | 3135 |
| ***Type:*** | Private | ***Street 1:*** | EASTON TURNPIKE |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report update with Notification | ***Zip Code:*** | 06828 |

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | 381 |

| | | | |
|---|---|---|---|
| ***Type:*** | Private | ***Street 1:*** | BROADWAY |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FORT EDWARD |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-429-4505 | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report update with Notification | ***Zip Code:*** | 12828 |
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | |
| ***Type:*** | Private | ***Street 1:*** | 3135 EASTON TURNPIKE |
| ***Name:*** | GENERAL ELECTRIC CO. | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | FAIRFIELD |
| ***Date Ended Current:*** | | ***State:*** | CT |
| ***Phone:*** | | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report | ***Zip Code:*** | 06828 |
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | 25 |
| ***Type:*** | Private | ***Street 1:*** | ALLEN STREET |
| ***Name:*** | GENERAL ELECTRIC COMPANY | ***Street 2:*** | |
| ***Date Became Current:*** | 19460204 | ***City:*** | HUDSON FALLS |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-429-4505 | ***Country:*** | US |
| ***Source Type:*** | Annual/Biennial Report update with Notification | ***Zip Code:*** | 12839 |

***Historical Handler Details***

| | |
|---|---|
| ***Receive Dt:*** | 20160225 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC COMPANY |
| ***Receive Dt:*** | 20120312 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC COMPANY |
| ***Receive Dt:*** | 20100302 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC COMPANY |
| ***Receive Dt:*** | 20080218 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC COMPANY |
| ***Receive Dt:*** | 20070101 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC CO. - CPQP |
| ***Receive Dt:*** | 20060120 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC CO. - CPQP |
| ***Receive Dt:*** | 20060119 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC CO. - CPQP |
| ***Receive Dt:*** | 20040212 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC CO. |
| ***Receive Dt:*** | 20040211 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC CO. |
| ***Receive Dt:*** | 20020124 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC CO. |
| ***Receive Dt:*** | 20010101 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | GENERAL ELECTRIC TD & IS |

**Receive Dt:** 19980225
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC CO

**Receive Dt:** 19960328
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC COMPANY

**Receive Dt:** 19940331
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC CO. TRANSMISSION SYS

**Receive Dt:** 19931202
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC CO CPP FORT EDWARD

**Receive Dt:** 19920218
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC

**Receive Dt:** 19911007
**Generator Code Description:** Not a Generator, Verified
**Handler Name:** GENERAL ELECTRIC CO CPP FORT EDWARD

**Receive Dt:** 19911007
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC CO CPP FORT EDWARD

**Receive Dt:** 19900301
**Generator Code Description:** Large Quantity Generator
**Handler Name:** GENERAL ELECTRIC COMPANY

| | | | | | | |
|---|---|---|---|---|---|---|
| 15 | 1 of 1 | WSW | 0.77 / 4,080.08 | 138.35 / 2 | Irving Tissue Inc.<br>1 Eddy Street<br>Ft. Edward NY 12828 | SHWS |

| | | | |
|---|---|---|---|
| **Site Code:** | 436456 | **Latitude:** | 43.269801667 |
| **Site Code (GIS):** | 558041 | **Longitude:** | -73.595230000 |
| **HW Code:** | 558041 | **Latitude (GIS):** | 43.269800719062 |
| **SWIS:** | 5830 | **Longitude (GIS):** | -73.595230009285 |
| **Site Class:** | A | **X Coord (GIS):** | 613998.94044 |
| **Site Class (GIS):** | A | **Y Coord (GIS):** | 4791734.41399 |
| **Program:** | HW | **Method:** | 4.2 |
| **Acres:** | 1.010 | **Accuracy:** | Variable |
| **Town:** | Fort Edward | **Record Added:** | 2010-06-23 09:42:00 |
| **County:** | Washington | **Record Update:** | 2019-06-04 08:29:00 |
| **Region:** | 5 | **Updated by:** | RDHUYCK |
| **Town (GIS):** | Fort Edward | **Region (GIS):** | 5 |
| **County (GIS):** | Washington | | |

**Site Class Desc (GIS):** Active: The classification assigned to a non-registry site in any remedial program where work is underway and not yet complete (i. e., Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program and RCRA Corrective action Program sites). This may be used for Manufactured Gas Plant sites or those being remediated under an EPA Cooperative Agreement.

**Site Class Desc:** Active: The classification assigned to a non-registry site in any remedial program where work is underway and not yet complete (i. e., Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program and RCRA Corrective action Program sites). This may be used for Manufactured Gas Plant sites or those being remediated under an EPA Cooperative Agreement.

**Assess DOH:**
**Description:**

Location: The Irving Tissue "forebay" site is located in a suburban portion of Washington County, NY. The facility is at 1 Eddy Street immediately off State Route 4 in Fort Edward. Site Features: The main site features are several large buildings, both administrative and manufacturing, and support infrastructure for the tissue paper making process. The property is adjacent to the Hudson River. The site is bounded by the Hudson River on the south, a PCB remnant site on the west, a rail spur and line to the north and Route 4 and a mixed commercial/residential area to the east. Current Zoning and Land Use: The site is an active tissue manufacturing operation and the area has been in contiuous industrial use throughout the 1900's. Past Use of the Site: The area of concern, the forebay area, was the location of a historical diversion of Hudson River water into an embayment that funnelled the water through power generating turbines. During that time river sediments containing PCBs collected there until 1973 when the area was backfilled and the associated empoundment (dam) was removed. The area is currently a paved parking lot. As part of a major facility expansion, Irving Tissue initiated an

environmental assessment of media in the area of the planned expansion. During the investigation PCB contamination of subsurface soils was discovered. The studies continued through 2009 and early 2010. A Site Management Plan was submitted to the Department in August 2010.

***Assessment:***

Nature and Extent of Contamination: The primary contaminants of concern at the site are PCBs. Investigations indicate that the PCBs have impacted subsurface soil and groundwater. The main impact is in the forebay area where PCB contaminated sediments accumulated during the operation of the power plant turbines. Later debris from the decommissioned dam was used as fill in this area. Groundwater studies have shown that the impact to groundwater is limited to the source area. This area is "walled off" on at least two sides due to plant structures that are built to and into bedrock.

***Owner Information***

| | | | |
|---|---|---|---|
| ***Sub Type:*** | 03 | ***Owner Street:*** | 1 Eddy Street |
| ***Own Op:*** | 04 | ***Owner Street 2:*** | |
| ***Owner Name:*** | Thomas Nash | ***Owner City:*** | Fort Edward |
| ***Owner Company:*** | Irving Tissue, Inc. | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828-1711 |
| ***Sub Type:*** | NNN | ***Owner Street:*** | Province of New Brunswick |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | |
| ***Owner Name:*** | Robert Irving | ***Owner City:*** | County of West Morland |
| ***Owner Company:*** | Irving Tissue | ***Owner State:*** | ZZ |
| ***Country:*** | Canada | ***Owner Zip:*** | 00000 |

| | | | | | | |
|---|---|---|---|---|---|---|
| **16** | ***1 of 1*** | ***SW*** | ***0.78 / 4,115.93*** | ***136.95 / 1*** | ***Family Diner - Ft. Edward***<br>***70 Broadway***<br>***Fort Edward NY 12828-*** | ***SHWS*** |

| | | | |
|---|---|---|---|
| ***Site Code:*** | 57059 | ***Latitude:*** | 43.264950530 |
| ***Site Code (GIS):*** | 558031 | ***Longitude:*** | -73.582862750 |
| ***HW Code:*** | 558031 | ***Latitude (GIS):*** | 43.2649505278223 |
| ***SWIS:*** | 5830 | ***Longitude (GIS):*** | -73.582862750679 |
| ***Site Class:*** | N | ***X Coord (GIS):*** | 615011.70569 |
| ***Site Class (GIS):*** | N | ***Y Coord (GIS):*** | 4791212.71711 |
| ***Program:*** | HW | ***Method:*** | 4.3 |
| ***Acres:*** | 0.200 | ***Accuracy:*** | 0 to 10 meters |
| ***Town:*** | Fort Edward | ***Record Added:*** | 2001-09-27 10:49:00 |
| ***County:*** | Washington | ***Record Update:*** | 2015-05-05 09:47:00 |
| ***Region:*** | 5 | ***Updated by:*** | KXFARRAR |
| ***Town (GIS):*** | Fort Edward | ***Region (GIS):*** | 5 |
| ***County (GIS):*** | Washington | | |

***Site Class Desc (GIS):*** No Further Action at this Time: Sites are given a classification of "N" when:

a. the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant placing the site on the Registry or it is being addressed under a brownfield program;

b. a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;

c. a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or

d. an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

***Site Class Desc:*** No Further Action at this Time: Sites are given a classification of "N" when:

a. the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant placing the site on the Registry or it is being addressed under a brownfield program;

b. a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the

work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;

c. a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or

d. an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

***Assess DOH:***
***Description:***

The Fort Edward Family Diner is located at 70 Broadway in the Village of Fort Edward in Washington County. The property is occupied by the brick and wood framed structure comprising the diner and a large parking lot that is paved in areas and unimproved in others. The property is adjacent to several residential properties. Environmental sampling work done in 1998 in conjunction with the Department's 'July 2001 Dredge Spoils Investigation Report', confirmed that soil in the unimproved areas of the parking lot on the Fort Edward Family Diner property was contaminated with low level PCBs. Investigations revealed that sediments dredged from the upper Hudson River in the mid to late 1970s by the Waterways Maintenance Division of the New York State Department of Transportation (NYSDOT) during maintenance dredging operations of the Canal System, were used as fill material in the parking lot of this business and that these sediments were brought to the Diner property by others from the Special Area 13 Dredge Spoil Disposal Area in the Town of Moreau. Additional surface and subsurface soil sampling was completed under a State-funded Immediate Investigation Work Assignment in 2002. The results of this investigation confirmed that the soils on this property are contaminated with PCBs at very low concentrations. The volume of the contaminated dredge spoil material was estimated at 320 cubic yards over an area of 12,300 square feet. The site did not qualify for addition to the Registry of Inactive Hazardous Disposal Sites

***Assessment:***

PCB contamination was identified in 17 of 25 surface soils at the site at levels exceeding the 1 ppm soil cleanup objective. The highest level was 8.4 ppm. The highest subsurface soil PCB level detected was 7.4 ppm at a depth of 6 to 9 inches. These levels does not warrant further investigation or remediation. No further action is pursued at the location.

***Projects Information***

| | | | |
|---|---|---|---|
| ***Project Code:*** | 01 | ***Code Name:*** | Site Characterization |
| ***Project Desc:*** | Site Caracterization | ***Operable Unit ID:*** | 1708 |
| ***Project Refer Name:*** | 2002 Immediate Investigation Work Assignment | ***Operable Unit:*** | 01 |
| ***End Date:*** | 2006-03-12 00:00:00 | ***Operable Unit Desc:*** | Remedial Program |
| ***End Status:*** | ACT | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 17 | ***1 of 1*** | ***WSW*** | ***0.93 / 4,934.30*** | ***136.43 / 0*** | ***HUDSON RIVER PCBS<br>NO STREET APPLICABLE<br>HUDSON RIVER NY 12871*** | ***NPL*** |

| | | | |
|---|---|---|---|
| ***EPA ID:*** | NYD980763841 | ***Latitude:*** | 43.1102 |
| ***SITE ID:*** | 0202229 | ***Longitude:*** | -73.5765 |
| ***SEMS ID:*** | 202229 | | |

***NPL (SEMS FOIA 004)***

| | | | |
|---|---|---|---|
| ***Final Date:*** | 09/21/84 | ***Latitude:*** | +43.110200 |
| ***FF:*** | No | ***Longitude:*** | -073.576500 |
| ***County:*** | WASHINGTON | | |

***NPL Status Information (EPA's Where You Live Map)***

| | |
|---|---|
| ***SITS ID:*** | 196 |
| ***Status:*** | NPL Site |
| ***Construction Completion No:*** | 0 |
| ***Construction Completion:*** | |
| ***Proposed Date:*** | 09/08/1983 |
| ***Listing Date:*** | 09/21/1984 |
| ***NOID Date:*** | |
| ***Deletion Date:*** | |
| ***Notice of Data Availability:*** | |

| | |
|---|---|
| ***Site Listing Narrative:*** | NYD980763841 (PDF) https://semspub.epa.gov/src/document/02/363560 |
| ***Site Progress Profile:*** | Hudson River PCBs (https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0202229) |
| ***Proposed Fr Notice:*** | 09/08/1983 (PDF) (https://semspub.epa.gov/src/document/11/189640) |
| ***Listing Fr Notice:*** | 09/21/1984 (PDF) (https://semspub.epa.gov/src/document/11/189627) |
| ***NOID Fr Notice:*** | |
| ***Deletion Fr Notice:*** | |
| ***Restoration Fr Notice:*** | |
| ***Site Had a Partial Deletion:*** | No |

# Unplottable Summary

**Total: 18 Unplottable sites**

| DB | Company Name/Site Name | Address | City | Zip | ERIS ID |
|---|---|---|---|---|---|
| GEN MANIFEST | NYSDOT REGION 1 CONSTRUCTION | EAST ST OV CHAMPLAIN CANAL | FORT EDWARD NY | | 874662231 |
| LST | LOCK 8 ERIE CANAL | EAST STREET<br>***Site ID \| Close Date:*** 81161 \| 2004-09-21 00:00:00 | FORT EDWARD NY | | 813990333 |
| LST | GOWANDA CENTRAL SCHOOL | PROSPECT STREET<br>***Site ID \| Close Date:*** 60297 \| 1992-07-24 00:00:00 | GOWANDA NY | | 814001375 |
| NY SPILLS | PALLETTS INC | EAST STREET<br>***Site ID \| Close Date:*** 175327 \| 1996-06-15 00:00:00 | FORT EDWARD NY | | 813933412 |
| NY SPILLS | NYSEG SUBSTATION | EAST STREET<br>***Site ID \| Close Date:*** 175032 \| 1995-01-11 00:00:00 | CHAMPLAIN NY | | 813920685 |
| NY SPILLS | TRAFFIC ACCIDENT | EAST ROAD<br>***Site ID \| Close Date:*** 221474 \| 1998-09-10 00:00:00 | FORT EDWARD NY | | 813749342 |
| NY SPILLS | PCB DEWATERING PROJECT | EAST STREET<br>***Site ID \| Close Date:*** 403530 \| 2008-10-14 00:00:00 | FORT EDWARD NY | 12839 | 813636678 |
| NY SPILLS | CENTRO OF OSWEGO | TOWPATH TOWERS<br>***Site ID \| Close Date:*** 157834 \| 1989-05-22 00:00:00 | FULTON NY | | 813655224 |
| NY SPILLS | BARBER-N. AMERICAN RECYC. | EAST STREET<br>***Site ID \| Close Date:*** 81163 \| 1990-09-14 00:00:00 | FORT EDWARD NY | | 813655413 |
| NY SPILLS | LOCK 8 | EAST STREET<br>***Site ID \| Close Date:*** 81162 \| 1989-12-16 00:00:00 | FORT EDWARD NY | | 813738187 |
| NY SPILLS | CHAMPLAIN CANAL LOCK 8 | EAST STREET<br>***Site ID \| Close Date:*** 81164 \| 1991-01-25 00:00:00 | FORT EDWARD NY | | 813738188 |
| NY SPILLS | POLE 33 | EAST STREET | FORT EDWARD NY | | 813759517 |

| | | | | | |
|---|---|---|---|---|---|
| | | ***Site ID \| Close Date:*** 81159 \| 2009-02-25 00:00:00 | | | |
| NY SPILLS | NYS CANAL LOCK #8 | EAST STREET<br>***Site ID \| Close Date:*** 81160 \| 2002-07-18 00:00:00 | FORT EDWARD NY | | 813775114 |
| RCRA NON GEN | NYSDOT BIN 4418100 | EAST ST & CHAMPLAIN CANAL<br>***EPA Handler ID:*** NYR000079830 | FORT EDWARD NY | 12828 | 810407945 |
| RCRA NON GEN | NEW YORK STATE CANAL CORP | EAST ST LOCK 8C<br>***EPA Handler ID:*** NYD987026374 | FORT EDWARD NY | 12828 | 810388399 |
| SEMS | OLD FORT EDWARD LF | MCINTYRE ST<br>***EPA ID:*** NYD000512616 | FORT EDWARD NY | 12828 | 828836963 |
| SHWS | Site 518 | Champlain Canal Lock 7, East River Road | Fort Edward NY | 12828 | 810966479 |
| SWF/LF | Old (T) Fort Edward LF | Towpath Lane | Fort Edward NY | 12828 | 827720473 |

# Unplottable Report

**Site:** ***NYSDOT REGION 1 CONSTRUCTION***
***EAST ST OV CHAMPLAIN CANAL FORT EDWARD NY***

GEN MANIFEST

| | | | |
|---|---|---|---|
| ***RCRA ID:*** | NYR000079830 | ***Mailing State:*** | NY |
| ***District Name:*** | NYSDOT REGION 1 CONSTRUCTION | ***Mailing Zip:*** | 12855 |
| ***Contact Name:*** | KEVIN P DOWNS | ***Mailing Zip Extension:*** | |
| ***Business Phone No:*** | 5184944992 | ***Mailing Country:*** | USA |
| ***Mailing Street 1:*** | PO BOX 28 | ***Location Zip Ext:*** | |
| ***Mailing Street 2:*** | | ***Location Country:*** | USA |
| ***Mailing City:*** | NORTH HUDSON | ***Location County:*** | WASHINGTON |

***Manifest Information***

***Waste Code(s):***

D008: LEAD (Waste Code Description from EPA Hazardous Waste Identification)

***Waste Amounts By Year:***

2001: 200 Pounds

**Site:** ***LOCK 8 ERIE CANAL***
***EAST STREET FORT EDWARD NY***

LST

| | | | |
|---|---|---|---|
| ***Spill No:*** | 0406805 | ***Spill Date:*** | 2004-09-20 14:05:00 |
| ***Site ID:*** | 81161 | ***Rcvd Date:*** | 2004-09-20 14:05:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | |
| ***CID:*** | 444 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 2004-09-21 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 2004-09-20 00:00:00 |
| ***Contribute Factor:*** | Tank Overfill | ***Update Date:*** | 2004-09-21 00:00:00 |
| ***Water Body:*** | CHAMPLAIN CANAL | ***DEC Region:*** | 5 |
| ***Source:*** | Vessel | ***Lead DEC:*** | SXPASZKO |
| ***Class:*** | C3 | ***Reported by:*** | Other |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | BRUCE | ***Spiller Zip:*** | 08739- |
| ***Spiller Company:*** | BRUCE A. BERTHOLEN | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 101 7TH STREET | ***Contact Name:*** | DAVID OR RICHARD |
| ***Spiller City:*** | NORMANDY BEACH | ***Contact Phone:*** | (518) 747-5520 |
| ***Spiller State:*** | NJ | ***Contact Ext:*** | |
| ***Latitude:*** | | | |
| ***Longitude:*** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 890207 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med in Air:*** | False |
| ***Material ID:*** | 484553 | ***Med GW:*** | False |

| | | | |
|---|---|---|---|
| ***Material Code:*** | 0008 | ***Med SW:*** | True |
| ***Material Name:*** | diesel | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | L | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 890207 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med in Air:*** | False |
| ***Material ID:*** | 484552 | ***Med GW:*** | False |
| ***Material Code:*** | 0008 | ***Med SW:*** | True |
| ***Material Name:*** | diesel | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

---

***Site:*** ***GOWANDA CENTRAL SCHOOL***
***PROSPECT STREET GOWANDA NY***

LST

| | | | |
|---|---|---|---|
| ***Spill No:*** | 9204232 | ***Spill Date:*** | 1992-07-10 12:00:00 |
| ***Site ID:*** | 60297 | ***Rcvd Date:*** | 1992-07-10 12:30:00 |
| ***DER Facility ID:*** | 58882 | ***CAC Date:*** | 1992-07-24 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | 1992-07-14 00:00:00 |
| ***Program Type:*** | ER | ***Close Date:*** | 1992-07-24 00:00:00 |
| ***SWIS Code:*** | 0572 | ***Create Date:*** | 1992-07-13 00:00:00 |
| ***Contribute Factor:*** | Tank Test Failure | ***Update Date:*** | 2002-02-22 00:00:00 |
| ***Water Body:*** | | ***DEC Region:*** | 9 |
| ***Source:*** | Institutional, Educational, Gov., Other | ***Lead DEC:*** | MXFRANKS |
| ***Class:*** | D3 | ***Reported by:*** | Responsible Party |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Cattaraugus |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | False | | |
| ***DEC Remark:*** | | | |

***Caller Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | 14070 |
| ***Spiller Company:*** | GOWANDA CENTRAL SCHOOL | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | PROSPECT STREET | ***Contact Name:*** | |
| ***Spiller City:*** | GOWANDA | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 42.467745993 | | |
| ***Longitude:*** | -78.951030026 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 971623 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med in Air:*** | False |
| ***Material ID:*** | 411971 | ***Med GW:*** | True |
| ***Material Code:*** | 0002A | ***Med SW:*** | False |
| ***Material Name:*** | #4 fuel oil | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | 16.00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | 16.00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

***Tank Test Information***

| | | | |
|---|---|---|---|
| ***Spill Tank ID:*** | 1540226 | ***Source:*** | |
| ***Tank No:*** | | ***Leak Rate:*** | .00 |
| ***Tank SIze:*** | 0 | ***Gross Fail:*** | |
| ***Material:*** | 0002 | ***Modified by:*** | Spills |
| ***EPA UST:*** | | ***Last Modified:*** | 2004-10-01 04:00:45.140000000 |
| ***UST:*** | | ***Test Method:*** | 00 |
| ***Cause:*** | | ***Alt Test Method:*** | Unknown |

***Site:*** ***PALLETTS INC***
***EAST STREET FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 9603230 | ***Spill Date:*** | 1996-06-07 11:00:00 |
| ***Site ID:*** | 175327 | ***Rcvd Date:*** | 1996-06-07 14:46:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | |
| ***CID:*** | 312 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 1996-06-15 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 1996-06-07 00:00:00 |
| ***Contribute Factor:*** | Other | ***Update Date:*** | 2009-10-01 13:43:34.353000000 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Commercial/Industrial | ***Lead DEC:*** | OATMAN |
| ***Class:*** | B3 | ***Reported by:*** | Federal Government |
| ***Meets Std:*** | False | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | True | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | |
| ***Spiller Company:*** | PALLETTS INC. | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | EAST ST | ***Contact Name:*** | |
| ***Spiller City:*** | FORT EDWARD | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272370994 | | |
| ***Longitude:*** | -73.569608000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 1034508 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 349477 | ***Med GW:*** | False |
| ***Material Code:*** | 0009 | ***Med SW:*** | False |
| ***Material Name:*** | gasoline | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

***Site:*** ***NYSEG SUBSTATION***
***EAST STREET CHAMPLAIN NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 9212755 | ***Spill Date:*** | 1993-02-10 10:00:00 |
| ***Site ID:*** | 175032 | ***Rcvd Date:*** | 1993-02-10 10:00:00 |
| ***DER Facility ID:*** | 147161 | ***CAC Date:*** | 1995-01-11 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 1995-01-11 00:00:00 |
| ***SWIS Code:*** | 1028 | ***Create Date:*** | 1993-02-11 00:00:00 |
| ***Contribute Factor:*** | Unknown | ***Update Date:*** | 1995-12-14 00:00:00 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Commercial/Industrial | ***Lead DEC:*** | AWSTEMP |
| ***Class:*** | D5 | ***Reported by:*** | Citizen |

| | | | |
|---|---|---|---|
| ***Meets Std:*** | False | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Clinton |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | 12919 |
| ***Spiller Company:*** | NYSEG SUBSTATION | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | EAST STREET | ***Contact Name:*** | |
| ***Spiller City:*** | CHAMPLAIN | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 44.983413993 | | |
| ***Longitude:*** | -73.433525000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 979756 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 402587 | ***Med GW:*** | False |
| ***Material Code:*** | 0066A | ***Med SW:*** | False |
| ***Material Name:*** | unknown petroleum | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

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***Site:*** ***TRAFFIC ACCIDENT***
***EAST ROAD FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 9807080 | ***Spill Date:*** | 1998-09-09 21:34:00 |
| ***Site ID:*** | 221474 | ***Rcvd Date:*** | 1998-09-10 02:02:00 |
| ***DER Facility ID:*** | 183159 | ***CAC Date:*** | |
| ***CID:*** | 201 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 1998-09-10 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 1998-09-10 00:00:00 |
| ***Contribute Factor:*** | Traffic Accident | ***Update Date:*** | 1998-09-10 00:00:00 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Passenger Vehicle | ***Lead DEC:*** | ALKARWIE |
| ***Class:*** | C5 | ***Reported by:*** | Police Department |
| ***Meets Std:*** | False | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | True |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | |
| ***Spiller Company:*** | UNK | ***Spiller Country:*** | 999 |
| ***Spiller Address:*** | | ***Contact Name:*** | CALLER |
| ***Spiller City:*** | ***UPDATE*** | ***Contact Phone:*** | |
| ***Spiller State:*** | ZZ | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272179994 | | |
| ***Longitude:*** | -73.568765000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 1068142 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 318198 | ***Med GW:*** | False |
| ***Material Code:*** | 0021 | ***Med SW:*** | False |
| ***Material Name:*** | transmission fluid | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | 2.00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

---

***Site:*** ***PCB DEWATERING PROJECT***
***EAST STREET FORT EDWARD NY 12839***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 0806259 | ***Spill Date:*** | 2008-03-13 12:00:00 |
| ***Site ID:*** | 403530 | ***Rcvd Date:*** | 2008-03-13 12:00:00 |
| ***DER Facility ID:*** | 352758 | ***CAC Date:*** | 2008-04-29 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 2008-10-14 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 2008-09-04 10:04:00 |
| ***Contribute Factor:*** | Other | ***Update Date:*** | 2019-01-10 13:20:44.153000000 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Commercial/Industrial | ***Lead DEC:*** | MJDIPIET |
| ***Class:*** | B3 | ***Reported by:*** | Federal Government |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | | | |
| ***Caller Remark:*** | | | |

"During burning/disposal of buried TNT found at the project site, soil was contaminated with diesel fuel and organics. In process of cleaning up."

***DEC Remark:***

"06/27/08: Received closure report from the EPA. Soil sample results confirm that the contamination was successfully addressed. The area of the dynamite burn pit was overexcavated and the soils disposed of. RFC: Spill addressed. FILE IN D2."

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | |
| ***Spiller Company:*** | UNKNOWN | ***Spiller Country:*** | 999 |
| ***Spiller Address:*** | | ***Contact Name:*** | DAVE KING |
| ***Spiller City:*** | | ***Contact Phone:*** | (518) 747-4389 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | | | |
| ***Longitude:*** | | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 1160226 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 2151371 | ***Med GW:*** | True |
| ***Material Code:*** | 0008 | ***Med SW:*** | False |
| ***Material Name:*** | diesel | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

---

***Site:*** ***CENTRO OF OSWEGO***
***TOWPATH TOWERS FULTON NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 8901792 | ***Spill Date:*** | 1989-05-22 11:30:00 |
| ***Site ID:*** | 157834 | ***Rcvd Date:*** | 1989-05-22 14:30:00 |

| | | | |
|---|---|---|---|
| ***DER Facility ID:*** | 133430 | ***CAC Date:*** | 1989-05-22 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 1989-05-22 00:00:00 |
| ***SWIS Code:*** | 3804 | ***Create Date:*** | 1989-06-03 00:00:00 |
| ***Contribute Factor:*** | Equipment Failure | ***Update Date:*** | 1989-06-12 00:00:00 |
| ***Water Body:*** | | ***DEC Region:*** | 7 |
| ***Source:*** | Commercial Vehicle | ***Lead DEC:*** | VOLLMER |
| ***Class:*** | | ***Reported by:*** | Responsible Party |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Oswego |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | |
| ***Spiller Company:*** | CENTRO BUS CO | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | | ***Contact Name:*** | |
| ***Spiller City:*** | SYRACUSE | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.322714994 | | |
| ***Longitude:*** | -76.416309000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 929074 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 449525 | ***Med GW:*** | False |
| ***Material Code:*** | 0021 | ***Med SW:*** | False |
| ***Material Name:*** | transmission fluid | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | True |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 929074 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 449526 | ***Med GW:*** | False |
| ***Material Code:*** | 0066A | ***Med SW:*** | False |
| ***Material Name:*** | unknown petroleum | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | True |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | 5.00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

---

***Site:*** ***BARBER-N. AMERICAN RECYC.***
***EAST STREET FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 9006572 | ***Spill Date:*** | 1990-09-13 08:00:00 |
| ***Site ID:*** | 81163 | ***Rcvd Date:*** | 1990-09-13 15:20:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | 1990-09-14 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | 1990-09-14 00:00:00 |
| ***Program Type:*** | ER | ***Close Date:*** | 1990-09-14 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 1990-09-27 00:00:00 |
| ***Contribute Factor:*** | Housekeeping | ***Update Date:*** | 2000-03-22 00:00:00 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Unknown | ***Lead DEC:*** | OATMAN |
| ***Class:*** | | ***Reported by:*** | Citizen |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |

| | |
|---|---|
| ***UST Trust:*** | False |
| ***Caller Remark:*** | |
| ***DEC Remark:*** | |

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | 12828- |
| ***Spiller Company:*** | BARBER-N. AMERICAN RECYC. | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | EAST STREET | ***Contact Name:*** | |
| ***Spiller City:*** | FT. EDWARD | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272370994 | | |
| ***Longitude:*** | -73.569608000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 944084 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 434026 | ***Med GW:*** | False |
| ***Material Code:*** | 0064A | ***Med SW:*** | False |
| ***Material Name:*** | unknown material | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Other | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

---

***Site:*** ***LOCK 8***
***EAST STREET FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 8908008 | ***Spill Date:*** | 1989-11-10 15:45:00 |
| ***Site ID:*** | 81162 | ***Rcvd Date:*** | 1989-11-10 16:30:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | 1989-12-16 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 1989-12-16 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 1989-11-22 00:00:00 |
| ***Contribute Factor:*** | Unknown | ***Update Date:*** | 2000-03-16 00:00:00 |
| ***Water Body:*** | CHAMPLAIN CANAL | ***DEC Region:*** | 5 |
| ***Source:*** | Unknown | ***Lead DEC:*** | CATRICALLA |
| ***Class:*** | | ***Reported by:*** | Citizen |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |
| ***DEC Remark:*** | | | |

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | |
| ***Spiller Company:*** | UNKNOWN | ***Spiller Country:*** | 999 |
| ***Spiller Address:*** | | ***Contact Name:*** | |
| ***Spiller City:*** | | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272370994 | | |
| ***Longitude:*** | -73.569608000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 933064 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 444773 | ***Med GW:*** | False |

| | | | |
|---|---|---|---|
| ***Material Code:*** | 0066A | ***Med SW:*** | True |
| ***Material Name:*** | unknown petroleum | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

---

***Site:*** ***CHAMPLAIN CANAL LOCK 8***
***EAST STREET FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 9009692 | ***Spill Date:*** | 1990-12-06 10:00:00 |
| ***Site ID:*** | 81164 | ***Rcvd Date:*** | 1990-12-06 11:40:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | 1991-01-25 00:00:00 |
| ***CID:*** | | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 1991-01-25 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 1990-12-11 00:00:00 |
| ***Contribute Factor:*** | Unknown | ***Update Date:*** | 2000-03-23 00:00:00 |
| ***Water Body:*** | HUDSON RIVER | ***DEC Region:*** | 5 |
| ***Source:*** | Unknown | ***Lead DEC:*** | OATMAN |
| ***Class:*** | C3 | ***Reported by:*** | Affected Persons |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | False |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | | ***Spiller Zip:*** | |
| ***Spiller Company:*** | UNKNOWN | ***Spiller Country:*** | 999 |
| ***Spiller Address:*** | | ***Contact Name:*** | |
| ***Spiller City:*** | | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272370994 | | |
| ***Longitude:*** | -73.569608000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 946717 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 564866 | ***Med GW:*** | False |
| ***Material Code:*** | 0064A | ***Med SW:*** | True |
| ***Material Name:*** | unknown material | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Other | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

---

***Site:*** ***POLE 33***
***EAST STREET FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 0100267 | ***Spill Date:*** | 2001-04-08 17:32:00 |
| ***Site ID:*** | 81159 | ***Rcvd Date:*** | 2001-04-08 20:13:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | |
| ***CID:*** | 322 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 2009-02-25 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 2001-04-08 00:00:00 |
| ***Contribute Factor:*** | Equipment Failure | ***Update Date:*** | 2009-02-25 13:15:36.370000000 |
| ***Water Body:*** | | ***DEC Region:*** | 5 |
| ***Source:*** | Commercial/Industrial | ***Lead DEC:*** | AJFRANK |
| ***Class:*** | C3 | ***Reported by:*** | Responsible Party |

| | | | |
|---|---|---|---|
| ***Meets Std:*** | False | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | True |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | BARB SCHEURER | ***Spiller Zip:*** | - |
| ***Spiller Company:*** | NIAGARA MOHAWK | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 1125 BROADWAY | ***Contact Name:*** | |
| ***Spiller City:*** | ALBANY | ***Contact Phone:*** | |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272370994 | | |
| ***Longitude:*** | -73.569608000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 838828 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 539535 | ***Med GW:*** | False |
| ***Material Code:*** | 0020A | ***Med SW:*** | False |
| ***Material Name:*** | transformer oil | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | 1.00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | True | | |

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***Site:*** ***NYS CANAL LOCK #8***
***EAST STREET FORT EDWARD NY***

NY SPILLS

| | | | |
|---|---|---|---|
| ***Spill No:*** | 0203944 | ***Spill Date:*** | 2002-07-15 19:45:00 |
| ***Site ID:*** | 81160 | ***Rcvd Date:*** | 2002-07-15 20:00:00 |
| ***DER Facility ID:*** | 75118 | ***CAC Date:*** | |
| ***CID:*** | 281 | ***Insp Date:*** | |
| ***Program Type:*** | ER | ***Close Date:*** | 2002-07-18 00:00:00 |
| ***SWIS Code:*** | 5830 | ***Create Date:*** | 2002-07-15 00:00:00 |
| ***Contribute Factor:*** | Traffic Accident | ***Update Date:*** | 2019-02-12 09:57:24.563000000 |
| ***Water Body:*** | NYS CANAL | ***DEC Region:*** | 5 |
| ***Source:*** | Passenger Vehicle | ***Lead DEC:*** | MJDIPIET |
| ***Class:*** | C3 | ***Reported by:*** | Police Department |
| ***Meets Std:*** | True | ***Referred to:*** | |
| ***Penalty:*** | False | ***County:*** | Washington |
| ***REM Phase:*** | 0 | ***After Hours:*** | True |
| ***UST Trust:*** | False | | |
| ***Caller Remark:*** | | | |

***DEC Remark:***

***Spiller Information***

| | | | |
|---|---|---|---|
| ***Spiller Name:*** | SAME | ***Spiller Zip:*** | 12128- |
| ***Spiller Company:*** | WAYNE N. BURNHAM | ***Spiller Country:*** | 001 |
| ***Spiller Address:*** | 340 BROADWAY APT 1 | ***Contact Name:*** | FORT EDWARD POLICE DEPT |
| ***Spiller City:*** | FORT EDWARD | ***Contact Phone:*** | (518) 747-5851 |
| ***Spiller State:*** | NY | ***Contact Ext:*** | |
| ***Latitude:*** | 43.272370994 | | |
| ***Longitude:*** | -73.569608000 | | |

***Material Information***

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 855234 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 521753 | ***Med GW:*** | False |
| ***Material Code:*** | 0043A | ***Med SW:*** | True |
| ***Material Name:*** | antifreeze | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Other | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 855234 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 521751 | ***Med GW:*** | False |
| ***Material Code:*** | 0015 | ***Med SW:*** | True |
| ***Material Name:*** | motor oil | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 855234 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 521752 | ***Med GW:*** | False |
| ***Material Code:*** | 0021 | ***Med SW:*** | True |
| ***Material Name:*** | transmission fluid | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

| | | | |
|---|---|---|---|
| ***OP Unit ID:*** | 855234 | ***Med Air:*** | False |
| ***OU:*** | 01 | ***Med Ind Air:*** | False |
| ***Material ID:*** | 521750 | ***Med GW:*** | False |
| ***Material Code:*** | 0009 | ***Med SW:*** | True |
| ***Material Name:*** | gasoline | ***Med DW:*** | False |
| ***CAS No:*** | | ***Med Sewer:*** | False |
| ***Material Family:*** | Petroleum | ***Med Surf:*** | False |
| ***Quantity:*** | .00 | ***Med Subway:*** | False |
| ***Units:*** | G | ***Med Utility:*** | False |
| ***Recovered:*** | .00 | ***Oxygenate:*** | |
| ***Med Soil:*** | False | | |

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***Site:*** ***NYSDOT BIN 4418100***
***EAST ST & CHAMPLAIN CANAL FORT EDWARD NY 12828***

RCRA NON GEN

| | |
|---|---|
| ***EPA Handler ID:*** | NYR000079830 |
| ***Gen Status Universe:*** | No Report |
| ***Contact Name:*** | DAVID RICHARDS |
| ***Contact Address:*** | 328 , STATE ST , , SCHENECTADY , NY, 12305 , US |
| ***Contact Phone No and Ext:*** | 518-474-6562 |
| ***Contact Email:*** | |
| ***Contact Country:*** | US |
| ***County Name:*** | WASHINGTON |
| ***EPA Region:*** | 02 |
| ***Land Type:*** | State |
| ***Receive Date:*** | 20070101 |

***Violation/Evaluation Summary***

***Note:*** NO RECORDS: As of November 2019, there are no Compliance Monitoring and Enforcement (violation) records associated with this facility (EPA ID).

***Handler Summary***

| | |
|---|---|
| ***Importer Activity:*** | No |
| ***Mixed Waste Generator:*** | No |
| ***Transporter Activity:*** | No |
| ***Transfer Facility:*** | No |
| ***Onsite Burner Exemption:*** | No |
| ***Furnace Exemption:*** | No |
| ***Underground Injection Activity:*** | No |
| ***Commercial TSD:*** | No |
| ***Used Oil Transporter:*** | No |
| ***Used Oil Transfer Facility:*** | No |
| ***Used Oil Processor:*** | No |
| ***Used Oil Refiner:*** | No |
| ***Used Oil Burner:*** | No |
| ***Used Oil Market Burner:*** | No |
| ***Used Oil Spec Marketer:*** | No |

***Hazardous Waste Handler Details***

| | |
|---|---|
| ***Sequence No:*** | 1 |
| ***Receive Date:*** | 20000309 |
| ***Handler Name:*** | NYSDOT BIN 4418100 |
| ***Generator Status Universe:*** | No Report |
| ***Source Type:*** | Notification |

***Waste Code Details***

| | |
|---|---|
| ***Hazardous Waste Code:*** | D000 |
| ***Waste Code Description:*** | DESCRIPTION |
| ***Hazardous Waste Code:*** | D008 |
| ***Waste Code Description:*** | LEAD |

***Hazardous Waste Handler Details***

| | |
|---|---|
| ***Sequence No:*** | 1 |
| ***Receive Date:*** | 20060101 |
| ***Handler Name:*** | NYSDOT BIN 4418100 |
| ***Generator Status Universe:*** | No Report |
| ***Source Type:*** | Implementer |

***Hazardous Waste Handler Details***

| | |
|---|---|
| ***Sequence No:*** | 2 |
| ***Receive Date:*** | 20070101 |
| ***Handler Name:*** | NYSDOT BIN 4418100 |
| ***Generator Status Universe:*** | No Report |
| ***Source Type:*** | Implementer |

***Owner/Operator Details***

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | |
| ***Type:*** | State | ***Street 1:*** | 84 HOLLAND AVE |
| ***Name:*** | NYSDOT | ***Street 2:*** | |
| ***Date Became Current:*** | | ***City:*** | ALBANY |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-474-6562 | ***Country:*** | |
| ***Source Type:*** | Notification | ***Zip Code:*** | 12208 |

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Owner | ***Street No:*** | |
| ***Type:*** | State | ***Street 1:*** | 84 HOLLAND AVE |
| ***Name:*** | NYSDOT | ***Street 2:*** | |
| ***Date Became Current:*** | | ***City:*** | ALBANY |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-474-6562 | ***Country:*** | US |
| ***Source Type:*** | Implementer | ***Zip Code:*** | 12208 |

| | | | |
|---|---|---|---|
| ***Owner/Operator Ind:*** | Current Operator | ***Street No:*** | |
| ***Type:*** | State | ***Street 1:*** | 84 HOLLAND AVE |
| ***Name:*** | NYSDOT | ***Street 2:*** | |
| ***Date Became Current:*** | | ***City:*** | ALBANY |
| ***Date Ended Current:*** | | ***State:*** | NY |
| ***Phone:*** | 518-474-6562 | ***Country:*** | US |
| ***Source Type:*** | Implementer | ***Zip Code:*** | 12208 |

***Historical Handler Details***

| | |
|---|---|
| ***Receive Dt:*** | 20060101 |
| ***Generator Code Description:*** | Not a Generator, Verified |
| ***Handler Name:*** | NYSDOT BIN 4418100 |

| | |
|---|---|
| ***Receive Dt:*** | 20000309 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | NYSDOT BIN 4418100 |

---

***Site:*** ***NEW YORK STATE CANAL CORP***
***EAST ST LOCK 8C FORT EDWARD NY 12828***

RCRA NON GEN

| | |
|---|---|
| ***EPA Handler ID:*** | NYD987026374 |
| ***Gen Status Universe:*** | No Report |
| ***Contact Name:*** | |
| ***Contact Address:*** | 200 , SOUTHERN BLVD , , ALBANY , NY, 12209-0189 , US |
| ***Contact Phone No and Ext:*** | |
| ***Contact Email:*** | |
| ***Contact Country:*** | US |
| ***County Name:*** | WASHINGTON |
| ***EPA Region:*** | 02 |
| ***Land Type:*** | |
| ***Receive Date:*** | 20070101 |

***Violation/Evaluation Summary***

| | |
|---|---|
| ***Note:*** | NO RECORDS: As of November 2019, there are no Compliance Monitoring and Enforcement (violation) records associated with this facility (EPA ID). |

***Handler Summary***

| | |
|---|---|
| ***Importer Activity:*** | No |
| ***Mixed Waste Generator:*** | No |
| ***Transporter Activity:*** | No |
| ***Transfer Facility:*** | No |
| ***Onsite Burner Exemption:*** | No |
| ***Furnace Exemption:*** | No |
| ***Underground Injection Activity:*** | No |
| ***Commercial TSD:*** | No |
| ***Used Oil Transporter:*** | No |
| ***Used Oil Transfer Facility:*** | No |
| ***Used Oil Processor:*** | No |
| ***Used Oil Refiner:*** | No |
| ***Used Oil Burner:*** | No |
| ***Used Oil Market Burner:*** | No |
| ***Used Oil Spec Marketer:*** | No |

***Hazardous Waste Handler Details***

| | |
|---|---|
| ***Sequence No:*** | 1 |
| ***Receive Date:*** | 19930115 |
| ***Handler Name:*** | NEW YORK STATE CANAL CORP |
| ***Generator Status Universe:*** | No Report |
| ***Source Type:*** | Notification |

***Waste Code Details***

***Hazardous Waste Code:*** D001
***Waste Code Description:*** IGNITABLE WASTE

***Hazardous Waste Code:*** D008
***Waste Code Description:*** LEAD

***Hazardous Waste Handler Details***

***Sequence No:*** 1
***Receive Date:*** 19990708
***Handler Name:*** NEW YORK STATE CANAL CORP
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 2
***Receive Date:*** 20060101
***Handler Name:*** NEW YORK STATE CANAL CORP
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Hazardous Waste Handler Details***

***Sequence No:*** 3
***Receive Date:*** 20070101
***Handler Name:*** NEW YORK STATE CANAL CORP
***Generator Status Universe:*** No Report
***Source Type:*** Implementer

***Owner/Operator Details***

***Owner/Operator Ind:*** Current Operator
***Type:*** State
***Name:*** NEW YORK STATE CANAL CORP
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-436-2953
***Source Type:*** Implementer
***Street No:***
***Street 1:*** 200 SOUTHERN BLVD
***Street 2:***
***City:*** ALBANY
***State:*** NY
***Country:*** US
***Zip Code:*** 12209

***Owner/Operator Ind:*** Current Owner
***Type:*** State
***Name:*** NEW YORK STATE CANAL CORP
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-436-2953
***Source Type:*** Notification
***Street No:***
***Street 1:*** 200 SOUTHERN BLVD
***Street 2:***
***City:*** ALBANY
***State:*** NY
***Country:***
***Zip Code:*** 12209

***Owner/Operator Ind:*** Current Owner
***Type:*** State
***Name:*** NEW YORK STATE CANAL CORP
***Date Became Current:***
***Date Ended Current:***
***Phone:*** 518-436-2953
***Source Type:*** Implementer
***Street No:***
***Street 1:*** 200 SOUTHERN BLVD
***Street 2:***
***City:*** ALBANY
***State:*** NY
***Country:*** US
***Zip Code:*** 12209

***Historical Handler Details***

***Receive Dt:*** 20060101
***Generator Code Description:*** Not a Generator, Verified
***Handler Name:*** NEW YORK STATE CANAL CORP

***Receive Dt:*** 19990708
***Generator Code Description:*** Not a Generator, Verified
***Handler Name:*** NEW YORK STATE CANAL CORP

| | |
|---|---|
| ***Receive Dt:*** | 19930115 |
| ***Generator Code Description:*** | Large Quantity Generator |
| ***Handler Name:*** | NEW YORK STATE CANAL CORP |

***Site:*** ***OLD FORT EDWARD LF***
***MCINTYRE ST FORT EDWARD NY 12828***

SEMS

| | | | |
|---|---|---|---|
| ***Site ID:*** | 0201226 | ***Cong District:*** | 29 |
| ***EPA ID:*** | NYD000512616 | ***Region:*** | 02 |
| ***FIPS Code:*** | 36115 | ***County:*** | WASHINGTON |
| ***Federal Facility:*** | No | ***Latitude:*** | |
| ***NPL:*** | Not on the NPL | ***Longitude:*** | |
| ***Superfund Alt Agmt:*** | No | | |
| ***Non NPL Status:*** | NFRAP-Site does not qualify for the NPL based on existing information | | |
| ***Last Appeared on SEMS List:*** | 25-NOV-2019 | | |

***Action Information***

| | | | |
|---|---|---|---|
| ***Operable Units:*** | 00 | ***Start Actual:*** | 11/01/1978 |
| ***Action Code:*** | DS | ***Finish Actual:*** | 11/01/1978 |
| ***Action Name:*** | DISCVRY | ***Qual:*** | |
| ***SEQ:*** | 1 | ***Curr Action Lead:*** | EPA Perf |
| ***Operable Units:*** | 00 | ***Start Actual:*** | 06/01/1985 |
| ***Action Code:*** | SI | ***Finish Actual:*** | 06/01/1985 |
| ***Action Name:*** | SI | ***Qual:*** | L |
| ***SEQ:*** | 1 | ***Curr Action Lead:*** | St Perf |
| ***Operable Units:*** | 00 | ***Start Actual:*** | 09/02/2015 |
| ***Action Code:*** | OO | ***Finish Actual:*** | 09/02/2015 |
| ***Action Name:*** | SITE REASS | ***Qual:*** | N |
| ***SEQ:*** | 1 | ***Curr Action Lead:*** | EPA Perf |
| ***Operable Units:*** | 00 | ***Start Actual:*** | 01/01/1980 |
| ***Action Code:*** | PA | ***Finish Actual:*** | 01/01/1980 |
| ***Action Name:*** | PA | ***Qual:*** | L |
| ***SEQ:*** | 1 | ***Curr Action Lead:*** | EPA Perf |

***Site:*** ***Site 518***
***Champlain Canal Lock 7, East River Road Fort Edward NY 12828***

SHWS

| | | | |
|---|---|---|---|
| ***Site Code:*** | 57994 | ***Latitude:*** | 43.257161180 |
| ***Site Code (GIS):*** | 558028 | ***Longitude:*** | -73.582620930 |
| ***HW Code:*** | 558028 | ***Latitude (GIS):*** | 43.2599901657221 |
| ***SWIS:*** | 5830 | ***Longitude (GIS):*** | -73.5820256657803 |
| ***Site Class:*** | 02 | ***X Coord (GIS):*** | 615088.98785 |
| ***Site Class (GIS):*** | 02 | ***Y Coord (GIS):*** | 4790662.99368 |
| ***Program:*** | HW | ***Method:*** | 4.3 |
| ***Acres:*** | 10.500 | ***Accuracy:*** | 0 to 10 meters |
| ***Town:*** | Fort Edward | ***Record Added:*** | 1999-11-18 12:00:00 |
| ***County:*** | Washington | ***Record Update:*** | 2018-10-02 08:28:00 |
| ***Region:*** | 5 | ***Updated by:*** | SLEDWARD |
| ***Town (GIS):*** | Fort Edward | ***Region (GIS):*** | 5 |
| ***County (GIS):*** | Washington | | |

***Site Class Desc (GIS):*** This classification is assigned to a site at which:

a. the disposal of hazardous waste has been confirmed and the presence of such hazardous waste or its components or breakdown products represents a significant threat to public health or the environment: or
b. hazardous waste disposal has not been confirmed, but the site has been listed on the Federal National Priorities List (NPL).

***Site Class Desc:*** This classification is assigned to a site at which:

a. the disposal of hazardous waste has been confirmed and the presence of such hazardous waste or its components or breakdown products represents a significant threat to public health or the environment: or
b. hazardous waste disposal has not been confirmed, but the site has been listed on the Federal National Priorities List (NPL).

***Assess DOH:*** The site is used by the NYSCC. Access to the site by the general public is restricted. Dredge spoils containing PCBs and various metals are below clean gravel and topsoil, limiting the potential for those using the site to come in direct contact with the spoils. There are a few locations where PCBs are present in surface soil, but the

concentrations of PCBs are low and do not represent a significant potential for exposure. These areas will be covered with additional clean topsoil. Closer to Hudson River at the western perimeter of the site, soils contain elevated PCBs and could present the potential for exposure through direct contact; however, these soils are within a wooded area that is not used by NYSCC for site operations and are targeted for removal during the Hudson River PCBs dredging project. The site is connected to the public water supply and on-site groundwater is not used.

***Description:***

The Site 518 Dredge Spoil Disposal Area is located in the southern part of the village of Fort Edward, Washington County, New York (see Figure 1). The 10.5 acre site is currently occupied by a New York State Canal Corporation (Canal Corp.) maintenance garage and office building. A paved parking area and driveway occupy approximately 1 acre of the property. A strip of wooded land is present along the Hudson River. The Champlain Canal is immediately east and southeast of the site (Canal Lock 7 is approximately 1,000 feet south of the site) and the Fort Edward Terminal navigation channel of the Hudson River is located immediately west of the site. This section of river is part of the United States Environmental Protection Agency's Hudson River PCBs Superfund Site, a site listed on the National Priority List. The Washington County Sewer District No. 2 wastewater treatment facility is located immediately to the north of the site. U.S. Route 4 runs along the eastern edge of the site from the site's northern boundary to the bridge that carries Route 4 over the Champlain Canal. This U.S. Route 4 was realigned in 1989 and a remnant of the former bridge embankment lies between Site 518 and the canal. There are residential areas on both sides of Route 4 beginning immediately north of the site. The maintenance garage facility was constructed from 1976 to 1977. Based on 1972 Soil Conservation Service soil survey mapping and 1976 aerial photographs, it appears that the maintenance garage and office complex were built on fill, possibly including dredge spoils. The majority of the site is believed to generally consist of clays with some silts and sands overlying Middle Ordovician Snake Hill Shale bedrock. Previous investigations reported total overburden thickness ranges from 20 to 50 feet, with natural subsurface soils encountered consisting of brown to gray clays and brown sands. These previous studies also identified that black silt and sandy dredge fill materials have been placed throughout the site, with up to four disposal areas believed to contain PCB-contaminated dredge spoils from the Hudson River. These disposal areas were not lined and the dredge spoil materials were not covered except by topsoil in some areas.

***Assessment:***

The following environmental exposure pathways and ecological risks have been identified: - Based on food-chain modeling results, total PCBs in soil are likely to pose a risk to song birds, such as the American robin, and small mammals, such as the short-tailed shrew, that feed extensively on soil invertebrates. Risks to carnivorous birds and mammals are minimal. Overall, the current levels of environmental contamination at the site pose little or no risk to communities of terrestrial plants and soil invertebrates, but may pose a risk to some wildlife species due to potential for exposures to shallow/surficial soils.

***Materials Information***

| | | | |
|---|---|---|---|
| ***Waste Name:*** | PCB CONTAMINATED DREDGE SPOILS (B007 WASTE) | ***Waste Quantity:*** | 1600 LBS OF PCBS |
| ***Waste Code:*** | | | |

***Owner Information***

| | | | |
|---|---|---|---|
| ***Sub Type:*** | NNN | ***Owner Street:*** | 625 BROADWAY |
| ***Own Op:*** | 19 | ***Owner Street 2:*** | |
| ***Owner Name:*** | DAVID TROMP | ***Owner City:*** | ALBANY |
| ***Owner Company:*** | NYSDEC | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12233-7016 |
| ***Sub Type:*** | D | ***Owner Street:*** | 421 LOWER MAIN STREET |
| ***Own Op:*** | 19 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | HUDSON FALLS |
| ***Owner Company:*** | USEPA FIELD OFFICE | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12839 |
| ***Sub Type:*** | B99 | ***Owner Street:*** | CHAMPLAIN CANAL LOCK 7, E. RIVER RD. |
| ***Own Op:*** | 04 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | FORT EDWARD |
| ***Owner Company:*** | NYS THRUWAY AUTHORITY / CANAL CORP. | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |
| ***Sub Type:*** | NNN | ***Owner Street:*** | Champlain Canal Lock 7 / East River |
| ***Own Op:*** | 04 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | Fort Edward |
| ***Owner Company:*** | NYS Department of Transportation | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |
| ***Sub Type:*** | NNN | ***Owner Street:*** | Champlain Canal Lock 7 / East River Road |
| ***Own Op:*** | 04 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | Fort Edward |
| ***Owner Company:*** | NYS Department of Transportation | ***Owner State:*** | NY |

| | | | |
|---|---|---|---|
| ***Country:*** | United States of America | ***Owner Zip:*** | 12828 |

| | | | |
|---|---|---|---|
| ***Sub Type:*** | B99 | ***Owner Street:*** | 200 SOUTHERN BOULEVARD, P.O.B. 189 |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | |
| ***Owner Name:*** | JOHN PLATT EX. DIR. | ***Owner City:*** | ALBANY |
| ***Owner Company:*** | NYS THRUWAY AUTHORITY / CANAL CORP. | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 122090189 |

| | | | |
|---|---|---|---|
| ***Sub Type:*** | NNN | ***Owner Street:*** | 232 GOLF COURSE ROAD |
| ***Own Op:*** | 19 | ***Owner Street 2:*** | P.O. BOX 220 |
| ***Owner Name:*** | WARRENSBURG OFFICE | ***Owner City:*** | WARRENSBURG |
| ***Owner Company:*** | NYSDEC REGION 5 SUB-OFFICE | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12885 |

| | | | |
|---|---|---|---|
| ***Sub Type:*** | NNN | ***Owner Street:*** | |
| ***Own Op:*** | 03 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | |
| ***Owner Company:*** | NYS THRUWAY AUTHORITY / CANAL CORP. | ***Owner State:*** | ZZ |
| ***Country:*** | United States of America | ***Owner Zip:*** | |

| | | | |
|---|---|---|---|
| ***Sub Type:*** | NNN | ***Owner Street:*** | 200 Southern Boulevard |
| ***Own Op:*** | 01 | ***Owner Street 2:*** | |
| ***Owner Name:*** | | ***Owner City:*** | Albany |
| ***Owner Company:*** | Thruway Authority/Canal Corporation | ***Owner State:*** | NY |
| ***Country:*** | United States of America | ***Owner Zip:*** | 12209 |

***HW Extra Information***

| | | | |
|---|---|---|---|
| ***Dump:*** | False | ***Dell:*** | False |
| ***Structure:*** | False | ***Updated By:*** | wxshaw |
| ***Lagoon:*** | False | ***Record Added:*** | 1999-11-18 12:00:00 |
| ***Landfill:*** | False | ***Record Updated:*** | 2008-04-17 12:26:00 |
| ***Pond:*** | False | ***Latitude:*** | 43:15:32:0 |
| ***Disposal Start:*** | 1973 | ***Longitude:*** | 73:34:58:0 |
| ***Disposal Terminate:*** | present | | |

***Projects Information***

| | | | |
|---|---|---|---|
| ***Project Code:*** | 02 | ***Code Name:*** | Remedial Investigation |
| ***Project Desc:*** | Remedial Investigation | ***Operable Unit ID:*** | 1706 |
| ***Project Refer Name:*** | | ***Operable Unit:*** | 01 |
| ***End Date:*** | 2009-03-31 00:00:00 | ***Operable Unit Desc:*** | Remedial Program |
| ***End Status:*** | ACT | | |

---

***Site:*** ***Old (T) Fort Edward LF***
***Towpath Lane Fort Edward NY 12828***

SWF/LF

| | | | |
|---|---|---|---|
| ***Active:*** | No | ***Owner Address:*** | |
| ***Activity No:*** | [58S70] | ***Owner Addr2:*** | |
| ***Regltry Status:*** | None | ***Owner City:*** | |
| ***Accuracy Code:*** | | ***Owner State:*** | |
| ***Auth No:*** | 0 | ***Owner ZIP:*** | |
| ***Auth Issue Dt:*** | | ***Owner Email:*** | |
| ***Operator Name:*** | | ***Owner Phone:*** | |
| ***Operator Type:*** | | ***Contact Name:*** | |
| ***Expiration Date:*** | | ***Contact Addr:*** | |
| ***Region:*** | 5 | ***Contact Addr2:*** | |
| ***County:*** | Washington | ***Contact City:*** | |
| ***East Coord:*** | 0 | ***Contact State:*** | |
| ***North Coord:*** | 0 | ***Contact ZIP:*** | |
| ***Phone No:*** | | ***Contact Email:*** | |
| ***Owner Name:*** | | ***Contact Phone:*** | |
| ***Owner Type:*** | | | |
| ***Date of Last Inspection:*** | | | |
| ***Activity Desc:*** | Landfill - MSW - permit | | |
| ***Waste Types:*** | | | |

# Appendix: Database Descriptions

*Environmental Risk Information Services (ERIS) can search the following databases. The extent of historical information varies with each database and current information is determined by what is publicly available to ERIS at the time of update. ERIS updates databases as set out in ASTM Standard E1527-13, Section 8.1.8 Sources of Standard Source Information:*

*"Government information from nongovernmental sources may be considered current if the source updates the information at least every 90 days, or, for information that is updated less frequently than quarterly by the government agency, within 90 days of the date the government agency makes the information available to the public."*

## *Standard Environmental Record Sources*

### *Federal*

***National Priority List:*** NPL

National Priorities List (Superfund)-NPL: EPA's (United States Environmental Protection Agency) list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Superfund program. The NPL, which EPA is required to update at least once a year, is based primarily on the score a site receives from EPA's Hazard Ranking System. A site must be on the NPL to receive money from the Superfund Trust Fund for remedial action.

***Government Publication Date: Nov 25, 2019***

***National Priority List - Proposed:*** PROPOSED NPL

Includes sites proposed (by the EPA, the state, or concerned citizens) for addition to the NPL due to contamination by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.

***Government Publication Date: Nov 25, 2019***

***Deleted NPL:*** DELETED NPL

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

***Government Publication Date: Nov 25, 2019***

***SEMS List 8R Active Site Inventory:*** SEMS

The Superfund Program has deployed the Superfund Enterprise Management System (SEMS), which integrates multiple legacy systems into a comprehensive tracking and reporting tool. This inventory contains active sites evaluated by the Superfund program that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The Active Site Inventory Report displays site and location information at active SEMS sites. An active site is one at which site assessment, removal, remedial, enforcement, cost recovery, or oversight activities are being planned or conducted.

***Government Publication Date: Nov 25, 2019***

***Inventory of Open Dumps, June 1985:*** ODI

The Resource Conservation and Recovery Act (RCRA) provides for publication of an inventory of open dumps. The Act defines "open dumps" as facilities which do not comply with EPA's "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR 257).

***Government Publication Date: Jun 1985***

***SEMS List 8R Archive Sites:*** SEMS ARCHIVE

The Superfund Enterprise Management System (SEMS) Archived Site Inventory displays site and location information at sites archived from SEMS. An archived site is one at which EPA has determined that assessment has been completed and no further remedial action is planned under the Superfund program at this time.

***Government Publication Date: Nov 25, 2019***

***Comprehensive Environmental Response, Compensation and Liability Information System - CERCLIS:*** CERCLIS

Superfund is a program administered by the United States Environmental Protection Agency (EPA) to locate, investigate, and clean up the worst hazardous waste sites throughout the United States. CERCLIS is a database of potential and confirmed hazardous waste sites at which the EPA Superfund program has some involvement. It contains sites that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The EPA administers the Superfund program in cooperation with individual states and tribal governments; this database is made available by the EPA.

***Government Publication Date: Oct 25, 2013***

***EPA Report on the Status of Open Dumps on Indian Lands:*** IODI

Public Law 103-399, The Indian Lands Open Dump Cleanup Act of 1994, enacted October 22, 1994, identified congressional concerns that solid waste open dump sites located on American Indian or Alaska Native (AI/AN) lands threaten the health and safety of residents of those lands and contiguous areas. The purpose of the Act is to identify the location of open dumps on Indian lands, assess the relative health and environment hazards posed by those sites, and provide financial and technical assistance to Indian tribal governments to close such dumps in compliance with Federal standards and regulations or standards promulgated by Indian Tribal governments or Alaska Native entities.

***Government Publication Date: Dec 31, 1998***

***CERCLIS - No Further Remedial Action Planned:*** CERCLIS NFRAP

An archived site is one at which EPA has determined that assessment has been completed and no further remedial action is planned under the Superfund program at this time. The Archive designation means that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

***Government Publication Date: Oct 25, 2013***

***CERCLIS Liens:*** CERCLIS LIENS

A Federal Superfund lien exists at any property where EPA has incurred Superfund costs to address contamination ("Superfund site") and has provided notice of liability to the property owner. A Federal CERCLA ("Superfund") lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. This database is made available by the United States Environmental Protection Agency (EPA).

***Government Publication Date: Jan 30, 2014***

***RCRA CORRACTS-Corrective Action:*** RCRA CORRACTS

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. At these sites, the Corrective Action Program ensures that cleanups occur. EPA and state regulators work with facilities and communities to design remedies based on the contamination, geology, and anticipated use unique to each site.

***Government Publication Date: Nov 18, 2019***

***RCRA non-CORRACTS TSD Facilities:*** RCRA TSD

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. This database includes Non-Corrective Action sites listed as treatment, storage and/or disposal facilities of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).

***Government Publication Date: Nov 18, 2019***

***RCRA Generator List:*** RCRA LQG

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Large Quantity Generators (LQGs) generate 1,000 kilograms per month or more of hazardous waste or more than one kilogram per month of acutely hazardous waste.

***Government Publication Date: Nov 18, 2019***

***RCRA Small Quantity Generators List:*** RCRA SQG

RCRA Info is the EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Small Quantity Generators (SQGs) generate more than 100 kilograms, but less than 1,000 kilograms, of hazardous waste per month.

***Government Publication Date: Nov 18, 2019***

***RCRA Conditionally Exempt and Very Small Quantity Generators List:*** RCRA CESQG

RCRA Info is the EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Conditionally Exempt and Very Small Quantity Generators (VSQG and CESQG) generate 100 kilograms or less per month of hazardous waste, or one kilogram or less per month of acutely hazardous waste. Additionally, VSQG and CESQG may not accumulate more than 1,000 kilograms of hazardous waste at any time.

***Government Publication Date: Nov 18, 2019***

***RCRA Non-Generators:*** RCRA NON GEN

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Non-Generators do not presently generate hazardous waste.

***Government Publication Date: Nov 18, 2019***

***Federal Engineering Controls-ECs:*** FED ENG

Engineering controls (ECs) encompass a variety of engineered and constructed physical barriers (e.g., soil capping, sub-surface venting systems, mitigation barriers, fences) to contain and/or prevent exposure to contamination on a property. This database is made available by the United States Environmental Protection Agency (EPA).

***Government Publication Date: Jun 11, 2019***

***Federal Institutional Controls- ICs:*** FED INST

Institutional controls are non-engineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. Although it is EPA's (United States Environmental Protection Agency ) expectation that treatment or engineering controls will be used to address principal threat wastes and that groundwater will be returned to its beneficial use whenever practicable, ICs play an important role in site remedies because they reduce exposure to contamination by limiting land or resource use and guide human behavior at a site.

***Government Publication Date: Jun 11, 2019***

***Emergency Response Notification System:*** ERNS 1982 TO 1986

Database of oil and hazardous substances spill reports controlled by the National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.

***Government Publication Date: 1982-1986***

***Emergency Response Notification System:*** ERNS 1987 TO 1989

Database of oil and hazardous substances spill reports controlled by the National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.

***Government Publication Date: 1987-1989***

***Emergency Response Notification System:*** ERNS

Database of oil and hazardous substances spill reports controlled by the National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. This database is made available by the United States Environmental Protection Agency (EPA).

***Government Publication Date: Mar 21, 2019***

***The Assessment, Cleanup and Redevelopment Exchange System (ACRES) Brownfield Database:*** FED BROWNFIELDS

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands. This database is made available by the United States Environmental Protection Agency (EPA).

***Government Publication Date: Sep 3, 2019***

***FEMA Underground Storage Tank Listing:*** FEMA UST

The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security maintains a list of FEMA owned underground storage tanks.

***Government Publication Date: Dec 31, 2017***

***Petroleum Refineries:*** REFN

List of petroleum refineries from the U.S. Energy Information Administration (EIA) Refinery Capacity Report. Includes operating and idle petroleum refineries (including new refineries under construction) and refineries shut down during the previous year located in the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and other U.S. possessions. Survey locations adjusted using public data.

***Government Publication Date: Oct 8, 2019***

***Petroleum Product and Crude Oil Rail Terminals:*** BULK TERMINAL

List of petroleum product and crude oil rail terminals made available by the U.S. Energy Information Administration (EIA). Includes operable bulk petroleum product terminals located in the 50 States and the District of Columbia with a total bulk shell storage capacity of 50,000 barrels or more, and/or the ability to receive volumes from tanker, barge, or pipeline; also rail terminals handling the loading and unloading of crude oil that were active between 2017 and 2018. Petroleum product terminals comes from the EIA-815 Bulk Terminal and Blender Report, which includes working, shell in operation, and shell idle for several major product groupings. Survey locations adjusted using public data.

***Government Publication Date: Jan 18, 2019***

***LIEN on Property:*** SEMS LIEN

The EPA Superfund Enterprise Management System (SEMS) provides LIEN information on properties under the EPA Superfund Program.

***Government Publication Date: Nov 25, 2019***

***Superfund Decision Documents:*** SUPERFUND ROD

This database contains a listing of decision documents for Superfund sites. Decision documents serve to provide the reasoning for the choice of (or) changes to a Superfund Site cleanup plan. The decision documents include Records of Decision (ROD), ROD Amendments, Explanations of Significant Differences (ESD), along with other associated memos and files. This information is maintained and made available by the US EPA (Environmental Protection Agency).

***Government Publication Date: Oct 25, 2019***

## ***State***

***Hazardous Substance Waste Disposal Sites:*** HSWDS

A list of sites included in Hazardous Substance Waste Disposal Site Study reports made available by the New York Department of Environmental Conservation Division of Hazardous Waste Remediation. Provides information regarding the evolving status of hazardous substance waste disposal sites in New York.

***Government Publication Date: Oct 24, 2003***

***Registry of Inactive Hazardous Waste Disposal Sites in New York State:*** SHWS

State-and tribal- equivalent CERCLIS. State Superfund Program (Inactive Hazardous Waste Disposal Site Remedial Program) (IHWDS) - Oversees the identification, investigation and cleanup of sites where consequential amounts of hazardous waste exist. These sites go through a process of investigation, evaluation, cleanup and monitoring that has several distinct stages. This list is made available by New York State Department of Environmental Conservation's State Superfund Program.

***Government Publication Date: Nov 25, 2019***

***Delisted Registry of Inactive Hazardous Waste Disposal Sites in New York:*** DSHW

This database contains a Registry of Inactive Hazardous Waste Disposal sites which have been removed from New York Department of Environmental Conservation's Environmental Site Remediation database.

***Government Publication Date: Nov 25, 2019***

***Vapor Intrusion Legacy Site List:*** VAPOR

New York is currently re-evaluating previous assumptions and decisions regarding the potential for soil vapor intrusion exposures at sites. As a result, all past, current, and future contaminated sites will be evaluated to determine whether these sites have the potential for exposures related to soil vapor intrusion. This list is made available by Department of Environmental Conservation's Vapor Intrusion Legacy Site List. This database is state equivalent CERCLIS.

***Government Publication Date: Dec 31, 2018***

***Solid Waste Facilities and Landfills:*** SWF/LF

Solid Waste Information Management System (SWIMS) is an inventory containing active and inactive facilities throughout the state. This list is made available by Department of Environmental Conservation's Solid Waste Information Management System (SWIMS).

***Government Publication Date: Oct 9, 2019***

***Leaking Storage Tanks:*** LST

This database contains records of chemical and petroleum spill incidents. They include leaking aboveground storage tanks or leaking underground storage tanks, with incidents of tank test failures, tank failures and tank overfill. This list is made available by New York State Department of Environmental Conservation's Spill Response Program.

***Government Publication Date: Dec 12, 2019***

***Delisted County Records:*** DELISTED COUNTY

Records removed from county databases. Records may be removed from the county lists made available by the respective county departments because they are inactive, or because they have been deemed to be below reportable thresholds.

***Government Publication Date: Dec 1, 2019***

***Delisted Leaking Storage Tanks:*** DELISTED LST

List of Leaking Storage Tank sites which has been removed from New York Department of Environmental Conservation's Spill Response Program

***Government Publication Date: Dec 12, 2019***

***Underground Storage Tanks- UST-Petroleum Bulk Storage (PBS):*** UST

Facilities within the Petroleum Bulk Storage (PBS) that have underground storage tanks. Underground petroleum storage facilities with a combined storage capacity over eleven hundred (1,100) gallons. This list is made available by NewYork Department of Environmental Conservation's Environmental Site Database Search.

***Government Publication Date: Dec 19, 2019***

***The Bulk Storage Program Database - AST:*** AST

Facilities within the Petroleum Bulk Storage (PBS) that have aboveground storage tanks. Aboveground petroleum storage facilities with a combined storage capacity over eleven hundred (1,100) gallons. This list is made available by New York State Department of Environmental conservation's Petroleum Bulk Storage (PBS) program.

***Government Publication Date: Dec 19, 2019***

***Delisted Storage Tanks:*** DELISTED TANKS

List of Storage Tank sites which has been removed from New York Department of Environmental Conservation's Environmental Site Database.

***Government Publication Date: Dec 19, 2019***

***Petroleum Bulk Storage:*** TANKS

The Bulk Storage Program Database maintains the registrations of active and inactive bulk storage sites statewide. This database includes Petroleum Bulk Storage (PBS) tanks where no information is available on whether they are ASTs or USTs. This list is made available by Department of Environmental Conservation's Petroleum Bulk Storage (PBS) program.

***Government Publication Date: Dec 19, 2019***

***Chemical Bulk Storage (CBS):*** CBS

Facilities that store regulated hazardous substances in underground tanks . "Hazardous substance" means any substance listed as hazardous or acutely hazardous in 6 NYCRR Part 597 or a mixture thereof. This list is made available by Department of Environmental Conservation's Chemical Bulk Storage (CBS) Program.

***Government Publication Date: Dec 19, 2019***

***Major Oil Storage Facilities (MOSF):*** MOSF

In 1977, the New York State Legislature passed the "Oil Spill Prevention, Control and Compensation Act" (Article 12 of the Navigation Law). This law regulates all oil terminals and transport vessels operating in the waters of the State which have a storage capacity of 400,000 gallons or more. (Terminals and vessels with a capacity of 400,000 gallons or more are commonly referred to as major oil storage facilities or MOSFs). This list is made available by Department of Environmental Conservation's Major Oil Storage Facility (MOSF) Program.

***Government Publication Date: Dec 19, 2019***

***Registry of Engineering Controls in New York State:*** ENG

Registry of Engineering Controls in New York State taken from the Environmental Site Remediation Database.

***Government Publication Date: Nov 25, 2019***

***Registry of Institutional Controls in New York State:*** INST

Registry of Institutional Controls in New York State taken from the Environmental Site Remediation Database.

***Government Publication Date: Nov 25, 2019***

***Voluntary Cleanup Agreements:*** VCP

New York established its Voluntary Cleanup Program (VCP) to address the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated properties. The Voluntary Cleanup Program was developed to enhance private sector cleanup of brownfields by enabling parties to remediate sites using private rather than public funds and to reduce the development pressures on "greenfield" sites. This list is made available by Department of Environmental Conservation's Voluntary Cleanup Program.

***Government Publication Date: Nov 25, 2019***

***Environmental Restoration Program Listing:*** ERP

Environmental Restoration Program - Provides municipalities with financial assistance for site investigation and remediation at eligible brownfield sites. In an effort to spur the cleanup and redevelopment of brownfields, New Yorkers approved a $200 million Environmental Restoration Fund as part of the $1.75 billion Clean Water/Clean Air Bond Act of 1996 (Bond Act). Under the Environmental Restoration Program, the State provides grants to municipalities to reimburse up to 90 percent of on-site eligible costs and 100% of off-site eligible costs for site investigation and remediation activities. This list is made available by Department of Environmental Conservation's Environmental Restoration Program.

***Government Publication Date: Nov 25, 2019***

***Brownfields Site List (Subset of Site Remediation):*** BROWNFIELDS

Brownfield Cleanup Program was developed to enhance private-sector cleanups of brownfields and to reduce development pressure on "Greenfields". A Brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. Contaminants include hazardous waste and/or petroleum. This list is made available by Department of Environmental Conservation's Brownfield Cleanup Program.

***Government Publication Date: Nov 25, 2019***

### *Tribal*

***Leaking Underground Storage Tanks (LUSTs) on Tribal/Indian Lands:*** INDIAN LUST

LUSTs on Tribal/Indian Lands in Region 2, which includes New York and New Jersey. There are no LUST records in New York at this time.

***Government Publication Date: Jan 28, 2016***

***Underground Storage Tanks (USTs) on Indian Lands:*** INDIAN UST

USTs on Tribal/Indian Lands in Region 2, which includes New York and New Jersey.

***Government Publication Date: Apr 04, 2016***

***Delisted Tribal Leaking Storage Tanks:*** DELISTED ILST

Leaking Underground Storage Tank facilities which have been removed from the Regional Tribal LUST lists made available by the EPA.

***Government Publication Date: May 2, 2019***

***Delisted Tribal Underground Storage Tanks:*** DELISTED IUST

Underground Storage Tank facilities which have been removed from the Regional Tribal UST lists made available by the EPA.

***Government Publication Date: May 2, 2019***

### *County*

***No County databases were selected to be included in the search.***

## *Additional Environmental Record Sources*

### *Federal*

***PFOA/PFOS Contaminated Sites:*** PFAS NPL

List of sites where PFOA or PFOS contaminants have been found in drinking water or soil. Made available by the Federal Environmental Protection Agency (EPA).

***Government Publication Date: Nov 15, 2019***

***Facility Registry Service/Facility Index:*** FINDS/FRS

The US Environmental Protection Agency (EPA)'s Facility Registry System (FRS) is a centrally managed database that identifies facilities, sites or places subject to environmental regulations or of environmental interest. FRS creates high-quality, accurate, and authoritative facility identification records through rigorous verification and management procedures that incorporate information from program national systems, state master facility records, data collected from EPA's Central Data Exchange registrations and data management personnel.

***Government Publication Date: Nov 6, 2019***

***Toxics Release Inventory (TRI) Program:*** TRIS

The EPA's Toxics Release Inventory (TRI) is a database containing data on disposal or other releases of over 650 toxic chemicals from thousands of U. S. facilities and information about how facilities manage those chemicals through recycling, energy recovery, and treatment. One of TRI's primary purposes is to inform communities about toxic chemical releases to the environment.

***Government Publication Date: Dec 31, 2017***

***Perfluorinated Alkyl Substances (PFAS) Releases:*** PFAS TRI

List of Toxics Release Inventory (TRI) facilities at which the reported chemical is a Per- or polyfluorinated alkyl substance (PFAS) included in the Environmental Protection Agency (EPA)'s consolidated PFAS Master List of PFAS Substances. The EPA's Toxics Release Inventory (TRI) is a database containing data on disposal or other releases of over 650 toxic chemicals from thousands of U.S. facilities and information about how facilities manage those chemicals through recycling, energy recovery, and treatment.

***Government Publication Date: Dec 31, 2017***

***Perfluorinated Alkyl Substances (PFAS) Water Contamination:*** PFAS WATER CONTAM

The Water Quality Portal (WQP) is a cooperative service sponsored by the United States Geological Survey (USGS), the Environmental Protection Agency (EPA), and the National Water Quality Monitoring Council (NWQMC). This listing includes records from the Water Quality Portal where the characteristic (environmental measurement) is in the Environmental Protection Agency (EPA)'s consolidated PFAS Master List of PFAS Substances.

***Government Publication Date: Dec 20, 2019***

***Hazardous Materials Information Reporting System:*** HMIRS

US DOT - Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Incidents Reports Database taken from Hazmat Intelligence Portal, U.S. Department of Transportation.

***Government Publication Date: Jan 8, 2019***

***National Clandestine Drug Labs:*** NCDL

The U.S. Department of Justice ("the Department") provides this data as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy.

***Government Publication Date: Sep 26, 2019***

***Toxic Substances Control Act:*** TSCA

The Environmental Protection Agency (EPA) is amending the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule.

The CDR enables EPA to collect and publish information on the manufacturing, processing, and use of commercial chemical substances and mixtures (referred to hereafter as chemical substances) on the TSCA Chemical Substance Inventory (TSCA Inventory). This includes current information on chemical substance production volumes, manufacturing sites, and how the chemical substances are used. This information helps the Agency determine whether people or the environment are potentially exposed to reported chemical substances. EPA publishes submitted CDR data that is not Confidential Business Information (CBI).

***Government Publication Date: Jun 30, 2017***

***Hist TSCA:*** HIST TSCA

The Environmental Protection Agency (EPA) is amending the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule.

The 2006 IUR data summary report includes information about chemicals manufactured or imported in quantities of 25,000 pounds or more at a single site during calendar year 2005. In addition to the basic manufacturing information collected in previous reporting cycles, the 2006 cycle is the first time EPA collected information to characterize exposure during manufacturing, processing and use of organic chemicals. The 2006 cycle also is the first time manufacturers of inorganic chemicals were required to report basic manufacturing information.

***Government Publication Date: Dec 31, 2006***

***FTTS Administrative Case Listing:*** FTTS ADMIN

An administrative case listing from the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA), together known as FTTS. This database was obtained from the Environmental Protection Agency's (EPA) National Compliance Database (NCDB). The FTTS and NCDB was shut down in 2006.

***Government Publication Date: Jan 19, 2007***

***FTTS Inspection Case Listing:*** FTTS INSP

An inspection case listing from the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA), together known as FTTS. This database was obtained from the Environmental Protection Agency's (EPA) National Compliance Database (NCDB). The FTTS and NCDB was shut down in 2006.

***Government Publication Date: Jan 19, 2007***

***Potentially Responsible Parties List:*** PRP

Early in the cleanup process, the Environmental Protection Agency (EPA) conducts a search to find the potentially responsible parties (PRPs). EPA looks for evidence to determine liability by matching wastes found at the site with parties that may have contributed wastes to the site.

***Government Publication Date: Oct 25, 2019***

***State Coalition for Remediation of Drycleaners Listing:*** SCRD DRYCLEANER

The State Coalition for Remediation of Drycleaners (SCRD) was established in 1998, with support from the U.S. Environmental Protection Agency (EPA) Office of Superfund Remediation and Technology Innovation. Coalition members are states with mandated programs and funding for drycleaner site remediation. Current members are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

***Government Publication Date: Nov 08, 2017***

***Integrated Compliance Information System (ICIS):*** ICIS

The Integrated Compliance Information System (ICIS) is a system that provides information for the Federal Enforcement and Compliance (FE&C) and the National Pollutant Discharge Elimination System (NPDES) programs. The FE&C component supports the Environmental Protection Agency's (EPA) Civil Enforcement and Compliance program activities. These activities include Compliance Assistance, Compliance Monitoring and Enforcement. The NPDES program supports tracking of NPDES permits, limits, discharge monitoring data and other program reports.

***Government Publication Date: Nov 18, 2016***

***Drycleaner Facilities:*** FED DRYCLEANERS

A list of drycleaner facilities from the Integrated Compliance Information System (ICIS). The Environmental Protection Agency (EPA) tracks facilities that possess NAIC and SIC codes that classify businesses as drycleaner establishments.

***Government Publication Date: May 29, 2018***

***Delisted Drycleaner Facilities:*** DELISTED FED DRY

List of sites removed from the list of Drycleaner Facilities (sites in the EPA's Integrated Compliance Information System (ICIS) with NAIC or SIC codes identifying the business as a drycleaner establishment).

***Government Publication Date: May 29, 2018***

***Formerly Used Defense Sites:*** FUDS

Formerly Used Defense Sites (FUDS) are properties that were formerly owned by, leased to, or otherwise possessed by and under the jurisdiction of the Secretary of Defense prior to October 1986, where the Department of Defense (DoD) is responsible for an environmental restoration. This list is published by the U.S. Army Corps of Engineers.

***Government Publication Date: Oct 23, 2018***

***Material Licensing Tracking System (MLTS):*** MLTS

A list of sites that store radioactive material subject to the Nuclear Regulatory Commission (NRC) licensing requirements. This list is maintained by the NRC. As of September 2016, the NRC no longer releases location information for sites. Site locations were last received in July 2016.

***Government Publication Date: Nov 1, 2018***

***Historic Material Licensing Tracking System (MLTS) sites:*** HIST MLTS

A historic list of sites that have inactive licenses and/or removed from the Material Licensing Tracking System (MLTS). In some cases, a site is removed from the MLTS when the state becomes an "Agreement State". An Agreement State is a State that has signed an agreement with the Nuclear Regulatory Commission (NRC) authorizing the State to regulate certain uses of radioactive materials within the State.

***Government Publication Date: Jan 31, 2010***

***Mines Master Index File:*** MINES

The Master Index File (MIF) contains mine identification numbers issued by the Department of Labor Mine Safety and Health Administration (MSHA) for mines active or opened since 1971. Note that addresses may or may not correspond with the physical location of the mine itself.

***Government Publication Date: May 3, 2019***

***Alternative Fueling Stations:*** ALT FUELS

List of alternative fueling stations made available by the US Department of Energy's Office of Energy Efficiency & Renewable Energy. Includes Biodiesel stations, Ethanol (E85) stations, Liquefied Petroleum Gas (Propane) stations, Ethanol (E85) stations, Natural Gas stations, Hydrogen stations, and Electric Vehicle Supply Equipment (EVSE). The National Renewable Energy Laboratory (NREL) obtains information about new stations from trade media, Clean Cities coordinators, a Submit New Station form on the Station Locator website, and through collaborating with infrastructure equipment and fuel providers, original equipment manufacturers (OEMs), and industry groups.

***Government Publication Date: Jan 8, 2020***

***Registered Pesticide Establishments:*** SSTS

List of active EPA-registered foreign and domestic pesticide-producing and device-producing establishments based on data from the Section Seven Tracking System (SSTS). The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 7 requires that facilities producing pesticides, active ingredients, or devices be registered. The list of establishments is made available by the EPA.

***Government Publication Date: May 31, 2019***

***Polychlorinated Biphenyl (PCB) Notifiers:*** PCB

Facilities included in the national list of facilities that have notified the United States Environmental Protection Agency (EPA) of Polychlorinated Biphenyl (PCB) activities. Any company or person storing, transporting or disposing of PCBs or conducting PCB research and development must notify the EPA and receive an identification number.

***Government Publication Date: Oct 9, 2019***

## ***State***

***Manufactured Gas Plants:*** MGP

A list of former Manufactured Gas Plants (MGP) made available by the New York Department of Environmental Conservation (NYSDEC). From the late 1800's to the mid 1900's, hundreds of manufactured gas plants across New York State supplied homes and industry with fuel. Former MGP structures such as gas holders, tar separators, wells, and tanks were often susceptible to spills and leaks. As a result, these structures were a significant source of contamination from the release of tar and other toxic by-products.

***Government Publication Date: Oct 16, 2019***

***Spill Incidents Database:*** NY SPILLS

Spill Incidents Database has records dating back to 1978. This database contains records of chemical and petroleum spill incidents. The DEC Spill Response program receives and compiles reports of hazardous material spills occurring anywhere in New York State. These reports are submitted through the Spill Hotline and other mechanisms, and entered by DEC spill response staff into the state's official data base of Spill Incidents Reports. This list is made available by New York State Department of Environmental Conservation's Spill Response Program.

***Government Publication Date: Dec 12, 2019***

***PFAS Remedial Sites:*** PFAS CONTAM

List of sites being addressed under one of the New York Department of Environmental Conservation (DEC) Division of Environmental Remediation (DER)'s remedial programs, where the waste or contaminant of concern is a Per- or polyfluorinated alkyl substance (PFAS) included in the Environmental Protection Agency (EPA)'s consolidated PFAS Master List of PFAS Substances.

***Government Publication Date: Nov 25, 2019***

***Per- and Polyfluoroalkyl Substances (PFAS):*** PFAS

A list of sites surveyed by the New York Department of Environmental Conservation to determine locations that manufacture, use, store, or release into the environment materials containing Per- and Polyfluoroalkyl Substances (PFAS). Per- and Polyfluoroalkyl Substances (PFAS) are a group of chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water. Some PFAS are difficult to break down and persist in the environment that may cause harm to the public. This list is made available by the Department of Environmental Conservation of New York State.

***Government Publication Date: Jan 16, 2019***

***Registed Dry Cleaner Facilities:*** DRYCLEANERS

The Division of Air Resources of the Department of Environmental Conservation (DEC) tracks all registered dry cleaner facilities.

***Government Publication Date: Oct 28, 2019***

***Delisted Dry Cleaner Facilities:*** DELISTED DRYCLEANERS

Sites removed from the list of dry cleaner facilities registered with the Department of Environmental Conservation (DEC)'s Division of Air Resources.

***Government Publication Date: Oct 28, 2019***

***Hazardous Waste Manifest - Facilities:*** NY MANIFEST

List of facilities located in New York that are included in the Hazardous Waste Manifest Data Downloads Location Address data file made available by the New York Department of Environmental Conservation (DEC), with which no manifests are associated. The Hazardous Waste Manifest Data made available by the NY DEC is compiled from hazardous waste manifest shipments to, from, or within New York State. The Bureau of Program Management, in the Division of Environmental Remediation, is responsible for maintaining hazardous waste manifest records.

***Government Publication Date: Nov 18, 2019***

***Receivers from Hazardous Waste Manifests:*** REC MANIFEST

List of receiver facilities located in New York that are included in the Hazardous Waste Manifest Data Downloads Location Address data file made available by the New York Department of Environmental Conservation (DEC), which are identified as a receiver in associated manifests. The Hazardous Waste Manifest Data made available by the NY DEC is compiled from hazardous waste manifest shipments to, from, or within New York State. The Bureau of Program Management, in the Division of Environmental Remediation, is responsible for maintaining hazardous waste manifest records. Hazardous Waste Code Descriptions are from NY Part 371.4 (6 CRR-NY 371.4) Identification and Listings of Hazardous Waste, unless otherwise noted.

***Government Publication Date: Nov 18, 2019***

***New York City E-Designated Sites:*** E DESIGNATION

List of sites with an E-Designation - a NYC zoning map designation that indicates the presence of an environmental requirement pertaining to potential hazardous materials contamination, window/wall noise attenuation, or air quality impacts on a particular tax lot. The New York City Office of Environmental Remediation administers the E-Designation Environmental Review Program to avoid significant adverse impacts to human health or the environment through exposure to these hazards.

***Government Publication Date: Mar 27, 2019***

***Generators from Hazardous Waste Manifests:*** GEN MANIFEST

List of generator facilities located in New York that are included in the Hazardous Waste Manifest Data Downloads Location Address data file made available by the New York Department of Environmental Conservation (DEC), which are identified as a generator in associated manifests. The Hazardous Waste Manifest Data made available by the NY DEC is compiled from hazardous waste manifest shipments to, from, or within New York State. The Bureau of Program Management, in the Division of Environmental Remediation, is responsible for maintaining hazardous waste manifest records. Hazardous Waste Code Descriptions are from NY Part 371.4 (6 CRR-NY 371.4) Identification and Listings of Hazardous Waste, unless otherwise noted.

***Government Publication Date: Nov 18, 2019***

***NY DEC Projects of Interest:*** PROJECTS

A list of permits for notable projects - permit applications that have received a lot of public attention - made available by the New York Department of Environmental Conservation (DEC).

***Government Publication Date: Sep 23, 2019***

***Tier 2 Report:*** TIER 2

A list of Tier 2 facilities in the state of New York. This is a list of facilities which have reported hazardous substances provided by Homeland Security and Emergency Services.

***Government Publication Date: Jan 28, 2019***

## *Tribal*

***No Tribal additional environmental record sources available for this State.***

## *County*

***No County additional environmental record sources available for this State.***

# Definitions

***Database Descriptions:*** This section provides a detailed explanation for each database including: source, information available, time coverage, and acronyms used. They are listed in alphabetic order.

***Detail Report***: This is the section of the report which provides the most detail for each individual record. Records are summarized by location, starting with the project property followed by records in closest proximity.

***Distance:*** The distance value is the distance between plotted points, not necessarily the distance between the sites' boundaries. All values are an approximation.

***Direction:*** The direction value is the compass direction of the site in respect to the project property and/or center point of the report.

***Elevation:*** The elevation value is taken from the location at which the records for the site address have been plotted. All values are an approximation. Source: Google Elevation API.

***Executive Summary:*** This portion of the report is divided into 3 sections:

'Report Summary'- Displays a chart indicating how many records fall on the project property and, within the report search radii.

'Site Report Summary'-Project Property'- This section lists all the records which fall on the project property. For more details, see the 'Detail Report' section.

'Site Report Summary-Surrounding Properties'- This section summarizes all records on adjacent properties, listing them in order of proximity from the project property. For more details, see the 'Detail Report' section.

***Map Key:*** The map key number is assigned according to closest proximity from the project property. Map Key numbers always start at #1. The project property will always have a map key of '1' if records are available. If there is a number in brackets beside the main number, this will indicate the number of records on that specific property. If there is no number in brackets, there is only one record for that property.

The symbol and colour used indicates 'elevation': the red inverted triangle will dictate 'ERIS Sites with Lower Elevation', the yellow triangle will dictate 'ERIS Sites with Higher Elevation' and the orange square will dictate 'ERIS Sites with Same Elevation.'

***Unplottables:*** These are records that could not be mapped due to various reasons, including limited geographic information. These records may or may not be in your study area, and are included as reference.

Hudson River PCBs SUPERFUND SITE

Region 2: NJ, NY, PR, VI • 290 Broadway, New York, NY 10007

# Hudson River PCBs Superfund Site Fact Sheet

- **Second Five-Year Review**
- **Certification of Completion of the Remedial Action**

April 11, 2019

## EPA Releases Final Five-Year Review Report for Hudson River PCBs Superfund Site and Certifies that Dredging and Related Construction Work was Properly Completed

EPA is announcing two actions today:

1. The issuance of the five-year review, which includes EPA's decision to **defer** a determination of the protectiveness of the remedy in the Upper Hudson River **until more years** of Hudson River fish tissue data are gathered.
2. In a separate action from the issuance of the five-year review, EPA also issued a "Certification of Completion of the Remedial Action" today to GE for activities it conducted that were components of the remedy selected for the cleanup of the Upper Hudson River. This is the second certificate in a series of three: the first was issued in 2012, the second today, and the third **is not expected to be available to GE for more than five decades.** Consequently, the third certificate, the "Certification of Completion of Work" is **not** being contemplated and is not a part of today's announcement.

EPA's important work to address contamination along the Upper Hudson River continues. Under a separate agreement with the Agency, GE is conducting a detailed investigation of the polychlorinated biphenyl (PCB) contamination that may be present in sediment carried onto land during flooding.

EPA is also working closely with the New York State Department of Environmental Conservation (NYSDEC) to determine what additional supplemental studies should be conducted in the lower portions of the Hudson River from the Troy Dam downstream to New York City. Those supplemental studies will inform EPA on the need for a remedial investigation and if a potential cleanup is necessary in this portion of the river.

### What is a Five-Year Review?

The purpose of the five-year review at a Superfund site is to determine whether a cleanup remedy remains protective of human health and the environment. All cleanup decisions under the federal Superfund program must be protective of human health and the environment. However, many cleanup remedies achieve protectiveness without complete removal of contaminants.

As required, EPA issued its first five-year review for the Hudson River PCBs Superfund site in 2012, while the dredging was still underway. EPA concluded that the remedy was proceeding as planned, and that it was expected to be protective of human health and the environment upon completion of all components of the remedy.

In June 2017, EPA took the very unusual step of releasing for public comment a draft of the second five-year review report. The 2017 draft report evaluated the large amount of data on fish, sediment and water quality collected up to December 31, 2016; however, because dredging ended in late 2015, this included only one year of post-dredging data. The 1000-page draft report found that the remedy is not yet protective of human health and the environment; but that it was expected to be so after the natural attenuation element of the remedy occurs over a period of more than five decades, as projected in the EPA's 2002 decision document, called a Record of Decision (ROD). During the 90-day public comment period, EPA held three public meetings, and received over two thousand comments, which were carefully reviewed.

A number of commenters urged EPA to also consider a large number of additional sediment samples being collected during 2017 by NYSDEC. In January 2018, EPA received from NYSDEC the data from those samples, and over the past year EPA has carried out an intensive, in-depth review of those data, in collaboration with NYSDEC.

The results of EPA's collaborative review of these data were considered by the Agency before it finalized the final second five-year review report, which was issued on April 11, 2019 (www.epa.gov/hudson). In the final version of the report, **EPA has deferred making a determination of protectiveness until sufficient additional years of post-dredging sediment and fish tissue data are collected** to support a scientifically reliable evaluation of the improvement in PCB concentrations in fish.

## Second Five-Year Review

### *EPA's Protectiveness Determination: Second Five-Year Review Report*

- **EPA has decided to defer conclusions about whether the remedy is or will be protective of human health and the environment because there is not enough fish data yet to draw a scientifically reliable conclusion.**
- Lowering PCB levels in fish tissue over an extended period of time (decades) is the key objective of the remedy selected in 2002 by EPA and agreed to by New York State; recognizing that concentrations in the fish offer an important indicator in gauging the health of the river ecosystem.
- Because dredging ended just two years before the five-year review, only limited post-dredging data were available for the review. The post-dredging data show PCBs continue to decline in the water and sediment as a result of the cleanup.
- Declines in fish tissue are expected to occur over time as the remedy anticipated. As also expected, fish tissue levels have not yet reached protective levels.
- Most experts agree that it will take as many as eight years or more of post-dredging fish data to reliably establish a pattern in the levels of PCBs in fish. The next five-year review will include at least six years of post-dredging sediment data.
- EPA is committed to continuing to collect and evaluate water, sediment, fish and habitat data necessary to track the recovery of the river.

### Goal: Reducing PCB Levels in Fish

The primary purpose of the Hudson River PCB site remedy is to reduce PCB levels in fish, in order to protect humans and other species (e.g., mink, otter, osprey, eagle, heron, etc.) that consume the fish. The 2002 ROD set a remediation goal of 0.05 mg/kg of PCBs in the fish (a level that would allow people to eat fish from the river once a week) and projected that meeting that goal will require more than five decades of natural recovery after the completion of the dredging. The ROD projected that fish would more quickly reach two interim targets – the first when fish would be clean enough for people to eat one fish meal every two months; and the second when fish would be clean enough for people to eat one fish meal every month.

In the 2002 ROD, EPA was clear that even with the massive amount of dredging, it would still take five decades or more for the goal of 0.05 mg/kg PCBs in fish to be reached. This slow process of improvement is called "natural attenuation," and is explicitly an element of the selected remedy, along with the dredging.

In advance of the 2002 ROD, EPA had also evaluated a considerably more extensive cleanup alternative, involving much more dredging. That alternative would have accelerated achievement of the fish recovery goal by only a few years, which EPA found did not justify the extra years of disruption to the river and river communities as well as the significant extra cost required.

## *Collaborative Review and Comprehensive Analysis*

EPA took additional time to finalize the five-year review in order to allow the Agency to consider the extensive public input offered in response to the June 2017 proposed five-year review report and engage in a comprehensive consultation with NYSDEC officials and its consultants. Over the course of 2018, EPA worked collaboratively with NYSDEC in exhaustively reviewing the data from approximately 1200 sediment samples taken by the state in 2017 in the Upper Hudson River, along with the results from some 215 sediment samples taken by General Electric (GE) in 2016 under EPA direction. Available fish tissue samples were also analyzed in combination with sediment samples in an effort to review the effectiveness of the remedy (which includes dredging and natural attenuation) in the Upper Hudson in advancing the river's recovery. Both sediment and fish data were reviewed by river reach (pools in the Upper Hudson separated by dams), as well as by river section (as defined by the 2002 ROD). The analysis by river reach was preferred by NYSDEC and provided the ability to look at fish populations within each reach to determine if they were showing improvement after dredging, or if populations in certain reaches (pools) were lagging behind what was projected in the remedy. Additionally, the individual sediment data points were plotted and analyzed by reach and river section to determine if areas of higher concentrations ("hot spots") remained in the Upper Hudson after dredging.

Data was analyzed by both total PCB concentration as well as by "Tri Plus" PCB concentration. "Tri Plus" concentrations represent an important subset of total PCBs known to bioaccumulate in fish (and any person or animal eating the fish), thus serving as an important metric for assessing the "protectiveness" of the remedy in promoting recovery of the Upper Hudson.

### Key Findings from Analysis of EPA/NYSDEC Data

- The dredging was very effective in removing the contaminated sediments that exceeded the thresholds EPA set for dredging in the Upper Hudson. **Collective analysis of both the GE and NYSDEC data show that over 99% of the sampled locations are below the surface sediment criteria set in the ROD, in both dredged and non-dredged areas.**
- **There are no areas that would be characterized as "hot spots" in the Upper Hudson. Instead, only three very localized "areas of interest" were identified with slightly elevated levels of PCBs.** EPA will specifically track these areas with NYSDEC as it continues its broader, ongoing monitoring to evaluate the "protectiveness" of the dredging and natural recovery in the Upper Hudson in the years ahead. This ongoing monitoring will assist EPA in determining whether additional active remediation should be required of GE in the Upper Hudson over time.
- **There has not been substantial recontamination of dredged areas in the Upper Hudson.** While some movement of sediment between dredged and non-dredged areas was always expected, it is not viewed as an obstacle to achieving protectiveness and will be monitored over time, along with other conditions.
- **Post-dredging fish, water, and sediment data results are inconclusive indicators of remedy "protectiveness" at this time. More time and monitoring are needed.** EPA will continue to review fish data collected through semi-annual sampling for a number of years before it can make reliable conclusions on the effectiveness of the remedy (the combination of dredging and natural attenuation) in the Upper Hudson.

***EPA developed a Technical Memorandum summarizing the results of the collaborative data evaluation, which can be found on EPA's project webpage: www.epa.gov/hudson.*

## Certification of Completion of the Remedial Action

### *Certification is Not a Release from Liability*

- EPA is not letting GE walk away or, as others would say, "off the hook," and GE's legal obligations for cleanup of the Hudson River remain and will continue for many decades to come.
- The certification is an acknowledgement that the dredging and associated construction work specifically required of GE under the Consent Decree was properly carried out. GE has continuing obligations under the Consent Decree to carry out an extensive Operation, Maintenance and Monitoring program. This requires, among other things, that regular sampling of water quality, sediment and fish tissue continue and that the protective caps installed in a few parts of the Upper Hudson River are properly maintained.
- The issuance of the certification is not based on the findings of the five-year review, including the protectiveness of the remedy; rather it is an acknowledgement that certain activities were carried out by GE, as required under the Consent Decree.
- The 2006 Consent Decree includes "reopener" provisions under which EPA can require GE to perform additional remedial work, if specified conditions are met. The reopener can be triggered if EPA receives new information which, along with any other relevant information (including prior sampling results, etc.), causes EPA to determine that the remedy will not be protective of human health or the environment, and that specific, additional work will address or respond to that lack of protectiveness.

### What is the Certification of Completion of the Remedial Action?

In late 2005, GE entered into a legally binding agreement with EPA to carry out the work called for in the 2002 ROD. This lengthy, detailed agreement, called a judicial Consent Decree, was finalized by a federal judge in 2006. The Consent Decree provides, among other things, that once GE has performed the dredging and associated construction work that it was required to do under that agreement (which included dredging, capping, habitat restoration, and deconstruction/decontamination of the sediment processing facility), the company is entitled to request and receive from EPA a certification that it properly completed these activities. This is called the "Certification of Completion of the Remedial Action," and it is one of three such certifications provided for in the Consent Decree. The others are the "Certification of Completion of Phase 1 Field Activities," which was provided to GE in 2012; and the "Certification of Completion of the Work," which is the final certification confirming that all work required under the Consent Decree has been completed. This latter certification is not expected to be available to GE for more than five decades.

Importantly, the term "Remedial Action" is explicitly defined in the 2006 Consent Decree as not including the Operation, Maintenance and Monitoring (OM&M) phase that follows the dredging. Rather, the term only refers to the dredging, capping, habitat restoration, and deconstruction/decontamination of the sediment processing facility that GE conducted with EPA oversight between 2009 and 2016. The OM&M period is when much of the natural attenuation is expected to occur.

As authorized by the Consent Decree, in January 2017 GE requested that EPA issue the certification that the remedial action construction work was properly completed. Under the Consent Decree, EPA was to have responded to that request within one year (January 2018). EPA delayed its response to GE's request for the certification until EPA completed the collaborative assessment of sediment and fish data with NYSDEC and finalized the second five-year review report.

## Covenant Not To Sue

Some community members have expressed concern over the granting of a "Covenant Not to Sue" to GE as part of EPA's issuance of the Certification of Completion of the Remedial Action.

A "covenant not to sue" is a promise by one party to the settlement of a lawsuit that it will not sue the other party for certain specified claims, provided the other party fulfills its end of the agreement.

Under the 2006 Consent Decree, GE is entitled to receipt of a "Covenant Not to Sue" in concert with the issuance of the "Certification of Completion of the Remedial Action", acknowledging it has fulfilled specific obligations under the Consent Decree. EPA's covenant not to sue GE again for cleanup of the PCB contamination in sediments of the Upper Hudson River does not mean that GE is relieved of all further responsibilities in the Upper Hudson River, or elsewhere in the Hudson, under the Superfund law or the Consent Decree. The "Covenant Not to Sue" does not extend to the Upper Hudson River Floodplain or the Lower Hudson River, nor does it protect GE from the obligation to perform additional work in the Upper Hudson, including potentially more dredging, if EPA deems the remedy is not protective of human health or the environment and a "reopener" is triggered.

## Important Work to Restore the Hudson Continues

- Dredging the river is not the only work that EPA is advancing to clean up the Upper Hudson. Comprehensive investigations to assess and mitigate PCB contamination that may be present in sediment carried onto local floodplains and landlocked segments of the Old Champlain Canal are actively underway.
- GE remains responsible for PCBs that have contaminated certain parts of the Hudson floodplain between Fort Edward and Troy. Under EPA oversight, GE is currently carrying out an extensive study of PCBs in the Upper Hudson River floodplain, involving many thousands of samples.
- If at any time PCBs are detected in the Upper Hudson River floodplain at elevated levels that are a potential health concern, a short-term response action is taken promptly. GE, under EPA oversight, has already conducted over 60 such short-term response actions.
- As part of the process, EPA is talking to local leaders and others who have asked for help in fast-forwarding floodplain remediation in support of economic development and quality of life projects. EPA is reviewing these requests with an understanding of the benefits of such an approach for strengthening the fabric of local communities along the river.
- GE also remains legally responsible for its PCBs that reached the Lower Hudson River, from Troy south to New York City harbor. EPA has begun supplemental studies in the Lower Hudson to determine whether additional, more detailed study and/or cleanup is necessary in this portion of the river. EPA is consulting with NYSDEC on this work, and regular monitoring of fish and water in the Lower Hudson continues.

## Site History

Over a 30-year period ending in the 1970s, GE discharged an estimated 1.3 million pounds of PCBs into the Hudson River from two factory sites in Fort Edward and Hudson Falls, about 40 miles north of Albany. In 1984, EPA added 200 miles of the Hudson River to the Superfund National Priorities List, covering the entire stretch from Hudson Falls to the southern tip of Manhattan in New York City.

In 2002, after many years of study and public debate, EPA selected the dredging remedy for the 40-mile stretch of the Upper Hudson River between Fort Edward and Troy. The dredging remedy was memorialized in a detailed document called a Record of Decision (ROD), which was developed in partnership with the NYSDEC. The remedy was designed to address the most highly contaminated areas in the Upper Hudson River through active remediation – dredging and, where necessary, capping -- followed by allowing the river to recover naturally through "monitored natural attenuation" (MNA) which is expected to continue to reduce PCB levels in surface sediment throughout the river. EPA was clear in the 2002 ROD that the MNA process would take at least five decades before the remediation goal would be reached, and even longer in some parts of the Upper Hudson.

In 2006, a federal judge finalized the legally binding agreement between EPA and GE, called the judicial Consent Decree, which required GE to carry out the work called for in the 2002 ROD. Following this agreement, and under close supervision from EPA and NYSDEC, GE performed the dredging between 2009 and 2015. The project is one of the largest environmental dredging projects in the U.S. to date. A total of 2.75 million cubic yards of contaminated sediment was dredged from the 40-mile stretch of the Upper Hudson River. Over 310,000 pounds of PCBs were removed – twice as much as originally anticipated, and 72% of the overall total mass estimated in the sediment of the Upper Hudson River (exceeding the 65% reduction assumed in the ROD). Millions of aquatic plants were reestablished in areas that were disturbed by dredging. The dredging project cost GE an estimated $1.7 billion. It generated 500 jobs while ongoing and created significant infrastructure along the river in Fort Edward.

## Staying Informed: Hudson River PCBs Site Webpage

EPA's Hudson River site webpage now features an in-depth collection of frequently asked questions and provides links to the second five-year review report, a technical summary presenting the data collected and collaboratively reviewed by EPA and NYSDEC, as well as important historical documents such as the ROD, Consent Decree and more. The EPA website offers a number of ways for the public to gain greater insight into the decision-making process and stay informed. EPA will continue to involve the public in the process of cleaning up the Hudson River, including through supporting regular Community Advisory Group meetings, issuing fact sheets and press releases, as well as maintaining information through its website and social media. For more information about the EPA's work to clean up the Hudson River, visit www.epa.gov/hudson.

## For More Information

For more information, visit,* call toll-free, or write to the EPA Region 2 Hudson River Office at the address below. More information about the Hudson River PCBs Superfund site is also available online: www.epa.gov/hudson.

## EPA Contacts:


- **Gary Klawinski, *Project Director***
  EPA Region 2 Hudson River Office
  187 Wolf Road, Suite 303, Albany, NY 12205
  (518) 407-0400 or (866) 615-6490 Toll-Free
  klawinski.gary@epa.gov

- **Larisa Romanowski, *Public Affairs Specialist***
  EPA Region 2 Hudson River Office
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  romanowski.larisa@epa.gov


**The Hudson River Office hours are Monday - Friday 8:00 am - 4:30 pm, with evening hours by appointment.*

# APPENDIX F

## Qualifications

# C. T. Male Associates

**Aimee Smith**
*Managing Environmental Scientist, Real Estate Transactions*

**Education:**
Bachelor of Arts, Math, College of St. Rose, Albany, NY

Associates in Science, Adirondack Community College, Glens Falls, NY

**Professional Affiliations:**
Board Member, Town of Northumberland Zoning Board of Appeals, 2014-Present

**Specialized Training:**
OSHA 40-Hour Health & Safety Training and Annual 8 Hour Refresher

OSHA Supervisors Hazard Communication Training Course

OSHA 10-Hour Construction Safety Training

**Continuing Education:**
Saratoga County Planning and Zoning Conference

Quality Management in Design

Technical and Professional Course on Phase I Environmental Site Assessment for Commercial Real Estate

Integrated Fixed Film and Activated Sludge Process

Grantsmanship Training Program

Professional Liability Workshop

Management of Hazardous Wastes

Ms. Smith joined the firm in 1993 and specializes in managing Phase I and Phase II Environmental Site Assessments and other environmental services related to real estate transactions such as National Environmental Policy Act (NEPA) reviews, HUD Statutory Checklists and Transaction Screen Assessments. Ms. Smith also manages underground storage tank closures and other remedial activities that may be required before ownership of a property can be transferred or used as collateral.

Ms. Smith also manages and assists with projects in NYSDEC's Brownfield Cleanup Program, Brownfield Opportunity Area projects and industrial waste investigations. Ms. Smith has current certification in OSHA Hazardous Waste Operations Health and Safety Training (29 CFR 1910.120).

**Notable Project Experience:**

**Phase I Environmental Site Assessments**

- Luther Forest Technology Campus, Malta & Stillwater, NY
- TD Bank, Adirondack Trust Company and Trustco Bank - Various Locations in NYS
- Albany County Land Bank Corporation, Various locations in the City and County of Albany

**Phase II Environmental Site Assessments**

- Former Gasoline Station, Cobleskill, NY
- Automotive Repair Facility, Saratoga Springs, NY
- Former Fuel Oil Bulk Storage Facility, Saratoga Springs, NY
- Former Automobile Dealership, Troy, NY
- Freight House and Former Truck Repair facilities, Fort Edward, NY

**NYSDEC ERP & BCP and Other Remedial Projects**

- PCB Remediation Project and Underground Storage Tank Closure, Queensbury, NY
- PCB Remediation Project at Fiberglass Industries, Amsterdam, NY
- Former Hoe Bowl Underground Storage Tank Closure, Hyde Park, NY
- Empire Generating, Rensselaer, NY

**Department of State Brownfield Opportunity Area Projects**

- Town & Village of Malone, NY - Step 1
- Town of Fort Edward, NY – Step 2
- City of Amsterdam – Step 1

**SEQR/NEPA**

- Land Reutilization Corporation of the Capital Region (Schenectady Land Bank)
- Albany County Land Bank Corporation

# C. T. Male Associates

**Brittany Winslow**
*Environmental Scientist*

**Education:**
Bachelor of Science,
Environmental Geosciences,
Boston College, Chestnut Hill, MA

**Continuing Education:**
Understanding Phase I Environmental Site Assessments, Lorman Online Learning

ASTM E1527 Phase I Environmental Site Assessment for Commercial Real Estate

**Specialized Training:**
Method 9 Certification, Eastern Technical Associates

OSHA 40-Hour Health & Safety Training

OSHA 10-Hour Construction Safety Training

Ms. Winslow joined the firm in 2015 and performs Phase I & II Environmental Site Assessments for commercial, industrial and financial institutions and participation in other various environmental projects. Her work includes field reviews, database searches, FOIL correspondence, field sampling and report preparation.

**Notable Project Experience:**

**Phase I Environmental Site Assessments (ESAs)**

- Multiple Gasoline Stations throughout New York State
- Barton Mines, Johnsburg, NY
- Sacandaga Campground, Day, NY
- Five Commercial Sites in Troy, NY
- Various sites in the City and County of Albany for Albany County Land Bank Corporation
- 92 Acre Tract of Vacant Land, Wilton, NY
- Hamilton Hill (Hillside Project), Schenectady, NY
- Multiple Solar Sites throughout New York State
- Former Quaker Fabrics, Fall River, MA
- Walgreen's Pharmacy, Pawtucket, RI
- Pennybridge Marina, Stony Point, NY
- Cottage Place Gardens, Yonkers, NY
- DePaula Chevrolet, Albany, NY

**Phase II ESAs**

- Steve's Auto Repair, Crawford, NY
- Stark's Muffler Shop, Saratoga Springs, NY
- Southern Portion of the Juncta Historic Site, Cohoes, NY

**Transaction Screen Assessments (TSAs)**

- Broad Street Apartments, 112 Broad Street, Waterford, NY
- City Lofts of Cohoes, Cohoes, NY
- Cameron Landscaping & Contracting, Bethlehem, NY

**Other**

- Confidential Client- Hazardous media sampling involving Perflourinated Compounds following explicit sampling work plans
- Method 9 Opacity Testing, Townsend Leather, Gloversville, NY
- Method 9 Opacity Testing, Saint-Gobain Performance Plastics, Hoosick Falls, NY