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VIA ELECTRONIC MAIL

October 30, 2015

Paul Patel, P.E.
New York State Department of Environmental Conservation
Division and Solid and Hazardous Materials
625 Broadway, 11th Floor
Albany, New York 12233

Re: Harriman Inactive Waste Disposal Site #336006
Supplemental Remedial Investigation
Additional Sediments Sampling Work Plan

Dear Mr. Patel:

On behalf of the Corporate Defendants, Nepera, Inc. and Warner-Lambert Company, this letter presents a work plan for additional sediments sampling within the West Branch of the Ramapo River downstream of the above-referenced site. This work plan is being submitted voluntarily by the Corporate Defendants, subject to the following reservation of rights: The Corporate Defendants' submission of this work plan and agreement to perform the sediments sampling and testing shall not be cited or construed to suggest that the Corporate Defendants are responsible for such investigation, for any additional sampling or for any additional remediation related or unrelated to the results of such sampling, including without limitation under the 1997 Record of Decision, the 1998 Consent Decree in the matter of *State of New York v. Estate of W. Lasdon*, 98-cv-03165, or the Stipulation and Order entered in that matter on January 24, 2014 (the "Stipulation and Order").

Background

The Corporate Defendants submitted to the New York State Department of Environmental Conservation (NYSDEC), on November 3, 2014, a *Supplemental Remedial Investigation Report* (SRIR) and a *Parking Lot Area Feasibility Study* (FS) for the Former Nepera Harriman Site, in accordance with the Stipulation and Order. Following its review, the NYSDEC issued comments, primarily related to the SRIR, in a letter dated April 6, 2015. The Corporate Defendants then requested a meeting with the NYSDEC to discuss the comments, and a meeting was held on May 20, 2015.

In the April 6 comment letter and at the May 20 meeting, the NYSDEC requested additional sampling downstream of the last sampling transect from the Supplemental RI. NYSDEC agreed

at the May 20 meeting that the requested work was beyond the scope of the Stipulation and Order and the Corporate Defendants were being asked to perform such sampling on a voluntary basis. Further agreements at the May 20 meeting clarified that sediment sampling locations would be limited to the West Branch of the Ramapo River locations as discussed and to the stream channel within property owned by ELT Harriman so that there would not be property access issues, as ELT Harriman agreed at the May 20 meeting to allow the Corporate Defendants access to its downstream property for additional sediment sampling. In addition, the Corporate Defendants and the NYSDEC agreed to a site reconnaissance of the stream channel from the location of the last downstream transect from the Supplemental RI to the downstream limit on the ELT Harriman property, located just upstream of the railroad crossing adjacent to the New York State Thruway. The purpose of the site reconnaissance was to identify potential sediment sampling locations thereby clarifying the scope of the additional sediments sampling and providing a basis for the Corporate Defendants to decide if they would undertake the sampling and testing.

The stream channel reconnaissance was performed by representatives of the NYSDEC and Cornerstone Engineering and Land Surveying, PLLC (Cornerstone) on June 30, 2015. During the site reconnaissance, access along and within the stream channel was limited by dense vegetation, steep stream banks, and elevated flow/deep water. As illustrated on Figure 1 attached to this work plan, four potential sediment sampling locations were identified during the June 30 site reconnaissance. Based on the results of the stream reconnaissance and correspondence with the NYSDEC, via electronic mail on July 24, 2015, the Corporate Defendants generally agreed to collect and analyze sediment samples at the four locations identified during the stream reconnaissance, subject to a reservation of rights by the Corporate Defendants that agreeing to perform the sampling does not mean the Corporate Defendants are responsible for additional remediation, or additional sediment sampling not yet identified.

Subsequent to the July 24 correspondence to the NYSDEC, Corporate Defendants requested a meeting or conference call with the NYSDEC to discuss several logistical items for implementing the additional sediments sampling, and a conference call among the parties was held on September 2, 2015. The agreements reached between the NYSDEC and the Corporate Defendants during the September 2 conference call are as follows:

- The work plan for the additional sediments sampling and analysis may be an abbreviated letter work plan, which references applicable sections of the *Supplemental Remedial Investigation and Feasibility Study Work Plan* (Supplemental RI/FS Work Plan) previously approved by the NYSDEC.
- The letter work plan would be submitted to the NYSDEC by November 2, 2015.
- Because of the limitations on stream channel access, the date to complete the additional sediments sampling was set at the end of February 2016 (exact date to be confirmed with the NYSDEC in advance of the sampling), subject to a mutually agreed upon extension.

- Because the Corporate Defendants agreed to voluntarily perform the additional sediments sampling and analysis, there would be no need for a legal mechanism to perform the work, including no need for NYSDEC to establish a separate operable unit for the stream channel.

Based on the Corporate Defendants' reliance on all of the foregoing, the work plan to perform the sediments sampling is described in the sections that follow.

Sampling Locations

As noted above, four sediment sampling locations were identified during the June 30, 2015 stream reconnaissance. The locations are shown on Figure 1, attached. Samples will be collected at these four locations, as further described below.

Also shown on Figure 1 are the stream reaches that were inaccessible during the reconnaissance, and from which there is the possibility of identifying potential additional sediment sampling locations. Prior to the sampling event in February 2016, a reconnaissance will again be performed at the stream reaches that were previously inaccessible, to the extent these reaches are accessible in winter weather conditions with an expectation of more limited interference from vegetation and stream flow/water depth. The NYSDEC will be notified of the reconnaissance visit five working days in advance so that the NYSDEC may have a representative(s) present. The criteria for identifying potential additional sediment sampling locations will be the same as that used during the June 30 reconnaissance; an area of fine-grained sediments sufficiently large to be representative of sediment quality in that area.

If additional sediment sampling locations are identified in the previously inaccessible reaches of the stream channel, Corporate Defendants will, within five days of defining the locations and number of samples, advise the NYSDEC of whether they are willing to voluntarily perform the additionally-identified sediment sampling.

Sampling Procedures

Consistent with the previously approved Supplemental RI/FS Work Plan, sediment samples will be collected at 0-6 inches, 6-12 inches and 12-24 inches below the riverbed, or to the maximum depth to which the sampler can be driven into sediments or the maximum depth of river deposited sediment, whichever is less, if sediment is present at each depth interval. The sediment samples will be taken from locations of fine-grained materials. The suitability of sediment for sampling, which is not intended to include semi-consolidated sand and gravel (i.e., kame and esker deposits), glacial till or other glacially derived materials, will be assessed in the field, in consultation with a representative of the NYSDEC, if present. Sampling locations may be adjusted in the field, as close to the originally designated location as possible, to collect an appropriately fine-grained sediment sample.

Sediment samples will be collected using a core sampler equipped with disposable acetate sleeves. The collected samples will be placed in laboratory provided containers and stored on ice pending delivery to the analytical laboratory.

Chemical Analysis

The results of sediment sampling and analyses reported in the SRIR indicated the general absence of volatile and semi-volatile organic compounds, with only limited, low level detections, below Class A sediment guidance values (*Screening and Assessment of Contaminated Sediments*, NYSDEC, 2013). Based on these results, analysis of the additional sediment samples for these parameters is not proposed.

The results reported in the SRIR for metals indicate the presence of several metals (lead, nickel, zinc) above the Class C sediment guidance values which are not associated with the former Nepera site, and mercury concentrations above the Class B sediment guidance value. As a result, analytical testing of the sediments samples will be for the TAL metals, consistent with the previously approved Supplemental RI/FS Work Plan.

Quality Assurance and Quality Control

A Quality Assurance and Quality Control Plan was previously approved by the NYSDEC in the Supplemental RI/FS Work Plan, as Section 4. The sample nomenclature, data quality objectives, analytical procedures, and reporting for the additional sediments sampling and metals analysis will be consistent with the previously approved Quality Assurance and Quality Control Plan.

Health and Safety

A Site-Specific Health and Safety Plan (SSHASP) was previously approved by the NYSDEC in the Supplemental RI/FS Work Plan as Appendix C. The portions of the SSHASP relevant to sediment sampling will be used for the additional sampling proposed in this work plan.

Schedule

As previously noted, based on discussions and agreement with the NYSDEC, the additional sediments sampling is anticipated to be performed in late February 2016. Specific schedule considerations are as follows:

- Timely agreement by NYSDEC with this proposed Work Plan.
- The NYSDEC will be advised five business days in advance of the date selected to perform a follow-up stream reconnaissance of previously inaccessible stream reaches.
- Following the identification of potential sediment sampling locations not currently identified in this work plan, if any, the Corporate Defendants will advise the NYSDEC,

within five days of confirmation of the locations, if they are generally willing to perform sediment sampling not currently defined in this work plan.

- The NYSDEC will be advised five business days in advance of the start of sampling.
- Laboratory analyses are assumed to be on a standard laboratory turnaround time of three to four weeks for initial reporting of data.
- Weather conditions not conducive to reconnaissance or sampling, such as high stream flows, or any unsafe conditions for sampling, may delay the schedule. The NYSDEC will be apprised of conditions that may affect the schedule.
- The results of the additional sediment sampling and analysis will be reported to the NYSDEC within four weeks of receipt of final laboratory reports.

As agreed by the NYSDEC in previous meetings and documented in prior correspondence, the schedule requirements in the NYSDEC's April 6, 2015 comment letter have been superseded by the schedule described in this work plan.

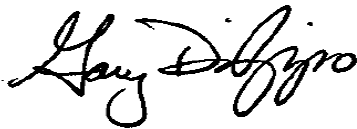
Project Organization

The project organization presented in Section 7 of the Supplemental RI/FS Work Plan remains unchanged for the additional sediment sampling and analysis.

Please contact us if you have questions or comments on this work plan.

Sincerely,

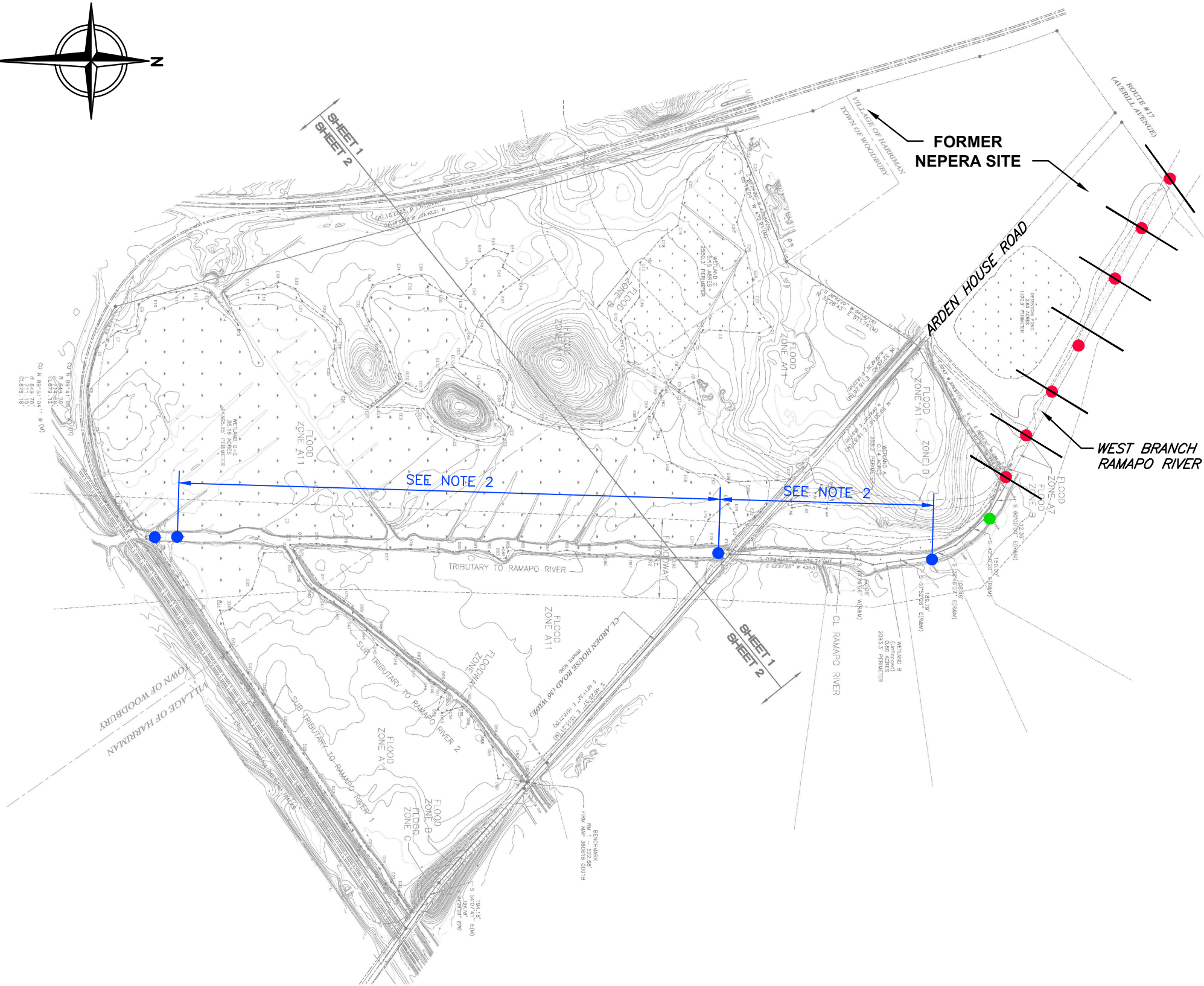
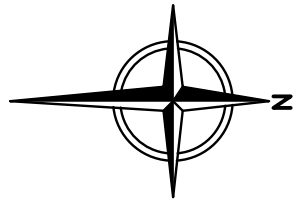
CORNERSTONE ENGINEERING AND LAND SURVEYING, PLLC



Gary J. DiPippo, P.E.
Region Vice President

Enclosure

cc: D. Crosby
A. Guglielmi
G. Heitzman
Corporate Defendants



LEGEND:

- SUPPLEMENTAL RI TRANSECT
- SUPPLEMENTAL RI SEDIMENT SAMPLE LOCATION
- 1995 RI SEDIMENT SAMPLE LOCATION
- SEDIMENT SAMPLE LOCATION IDENTIFIED AT 6/30/15 STREAM RECONNAISSANCE

NOTES:

1. LOCATIONS ARE APPROXIMATE AND WILL VARY BASED ON ACTUAL LOCATION OF FINE-GRAINED SEDIMENTS.
2. STREAM REACH INACCESSIBLE DURING 6/30/15 RECONNAISSANCE. SEE WORK PLAN FOR DISCUSSION OF POTENTIAL ADDITIONAL SEDIMENT SAMPLE LOCATIONS.
3. BASE MAP PREPARED BY GENZEL LAND SURVEYING, P.C., DRAWINGS ENTITLED "RECORD OF SURVEY, RUTHERFORD CHEMICAL, LLC, NEPERA CHEMICAL LANDS," 11/20/08, SHEETS 1 & 2.
4. SEDIMENT SAMPLE LOCATIONS LIMITED TO PROPERTY OWNED BY ELT HARRIMAN.

0 400 800
SCALE IN FEET



PREPARED BY:
CORNERSTONE ENGINEERING AND LAND SURVEYING, PLLC
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FORMER NEPERA HARRIMAN FACILITY
HARRIMAN, NEW YORK
ADDITIONAL SEDIMENT SAMPLING WORK PLAN

SEDIMENT SAMPLE LOCATION PLAN

FIGURE NO.
1
PROJECT NO.
140607