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June 28, 2017

David A. Crosby, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation, Remedial Bureau C
625 Broadway, 11th Floor
Albany, New York 12233-7014

146327.201.103

Subject: Lagoon Area Feasibility Study
Former Nepera Plant Site
Harriman, New York
Site No. 3-36-006
EPA ID# NYD002014595

Dear Mr. Crosby:

As stated in the June 15, 2017 e-mail transmission from Thomas West, ELT Harriman, LLC (ELT) will be taking the lead regarding the preparation of the Feasibility Study (FS) for the Lagoon Area at the subject site with review and input from the Corporate Defendants. We define the Lagoon Area as the area north of Arden House Road, bounded on the west by the area that is the subject matter of the FS that is being prepared by the Corporate Defendants, which is generally referred to as the Parking Lot Area, on the east by the boundary of the site, and on the north by the West Branch of the Ramapo River.

The proposed Scope of Work and Schedule for the Lagoon Area FS are provided herein for the Department's review and approval.

Scope of Work

The FS will identify and evaluate remedial alternatives to manage the soil/material located within, beneath, and adjacent to the lagoon up to the site property line to the east, including along the stream bank in the portion of the site that is the subject of the FS. An FS report will be prepared to document the development and evaluation of the alternatives and to support the selection of an alternative.

A range of alternatives will be assembled that include restoration to pre-release conditions; remediation to the commercial soil cleanup objective for mercury salts (47 mg/kg) with management of excavated material on-site in a consolidation cell or off-site; remediation to the industrial soil cleanup objective for mercury salts (220 mg/kg) with management of excavated material on-site in a consolidation cell or off-site; surface cover with institutional controls; and no action. In developing the various alternatives, the potential for the lagoon to be used as a consolidation area for soil/material excavated from other areas will be considered. Alternatives also will be assembled for the scenario in which the lagoon is not used as a consolidation area.

Stream bank restoration along the Lagoon Area will include an alternative for remediation to the ecological soil cleanup objectives or background (whichever is higher) and natural stream bank restoration techniques, to the extent practicable and consistent with the goal of a surface resistant to erosion. Vapor intrusion will be addressed based on the anticipated future use of the Lagoon Area. No feasibility study for groundwater remediation is anticipated.

The FS process, including development of remedial action objectives, identification of general response actions, technology identification and screening, development and screening of alternatives, detailed evaluation of alternatives, comparative analysis of alternatives, and preparation of an FS report will be performed in accordance with Sections 4.1 through 4.4 of DER-10. Information developed and presented in the feasibility studies for the other areas at the site will be utilized, as appropriate.

Schedule

ELT proposes to submit the FS Report for the Lagoon Area within 60 days from receipt of the Department's approval of this Scope of Work.

Reservation of Rights

The preparation and submission of the FS Report for the Lagoon Area is subject to a full reservation of rights by all the private parties, including ELT and the Corporate Defendants. Nothing in the FS or the discussions and submissions related thereto will be cited or construed in support of or against any position regarding which parties are responsible for any environmental liabilities or remediation at the Harriman Site, including without limitation the Lagoon Area and any of the costs associated with investigation and the potential remediation of the Lagoon Area.

Please do not hesitate to contact us with any questions or comments regarding this submittal.

Sincerely,
Brown and Caldwell Associates

A handwritten signature in black ink, appearing to read "Jeffrey R. Caputi". The signature is stylized with a large, looped "J" and "C".

Jeffrey R. Caputi, P.E.
Vice President

cc: M. Murphy
A. Guglielmi
G. Heitzman
T. Lahr
B. Boyd
E. Moore
M. Robinson
T. Pike
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