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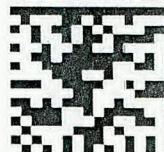
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

GENERAL SWITCH CORPORATION,

Defendant.

PROPOSED DRAFT
SUBJECT TO FURTHER GOVERN-
MENTAL REVIEW

87 Civ. 8789 (RJW)

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CONSENT DECREE

WHEREAS, the United States of America (the "United States"), on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), filed a Complaint in this matter on December 11, 1987, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) ("CERCLA"), for the recovery of past response costs incurred by the United States and a declaration of liability with regard to future costs of response action in connection with the release or threatened release of hazardous substances into the soil and groundwater at or near the industrial plant owned and/or operated by the General Switch Corporation located at 20 Industrial Place, in Middletown, Orange County, New York (the "Site");

WHEREAS, the Site constitutes a "facility", as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9);

WHEREAS, the General Switch Corporation ("General Switch") is a corporation organized and existing under the laws of the State of New York;

WHEREAS, General Switch has owned and/or operated and continues to own and/or operate a plant located at 20 Industrial Place, Middletown, Orange County, New York (the "plant"), since at least 1978;

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WHEREAS, General Switch manufactured and manufactures electrical switches, circuit breakers and panel boards at the plant;

WHEREAS, General Switch used and uses, inter alia, tetra- or perchloroethylene ("PCE") in its manufacturing processes at the plant and generated and generates a spent form of a solution containing PCE through its operations at the plant;

WHEREAS, PCE is a hazardous substance, as that term is defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14);

WHEREAS, pursuant to the authority vested in the President of the United States by Section 104(a) of CERCLA, 42 U.S.C. § 9604(a), delegated to the Administrator of EPA by Executive Order 12316, 46 Fed. Reg. 42237 (August 20, 1981), and duly redelegated to the Regional Administrator, EPA Region II on March 17, 1983, in response to a release, as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), or substantial threat of release of hazardous substances into the environment at the Site, and in response to a request from the New York State Department of Environmental Conservation ("NYSDEC"), the United States initiated a response action, as that term is defined in Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), on or about November 16, 1983 to respond to groundwater contamination at the Site, including but not limited to providing for an alternative source of water supply to persons who had been drawing contaminated drinking water from the Site (the "Removal Action");

WHEREAS, during the course of hydrogeologic investigation conducted pursuant to the Removal Action, EPA determined that hazardous substances, including but not limited to PCE, were being released from the General Switch plant into the groundwater at the Site;

WHEREAS, pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, EPA determined that General Switch is a potentially responsible party ("PRP") and so notified it on _____;

WHEREAS, pursuant to a May 1st 1984 Administrative Order on Consent, Index No. II-CERCLA-40205, issued by EPA pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), General Switch provided alternative water to homes overlying the plume of groundwater contamination at the Site by construction of an underground water main;

WHEREAS, EPA incurred oversight costs in supervising General Switch's installation of the underground water main;

WHEREAS, EPA demanded reimbursement of oversight costs on _____;

WHEREAS, the response actions taken and/or funded by the United States in connection with the Site were not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300 ("NCP"), promulgated by EPA pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605;

WHEREAS, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), General Switch is strictly liable to the United States

for the response costs incurred by the United States and to be incurred by the United States in connection with the Site;

WHEREAS, pursuant to Section 122 of CERCLA, 42 U.S.C. § 9622, the United States and General Switch have agreed that General Switch shall pay to EPA, in accordance with the procedures set forth in Section XX hereof, \$55,000 in settlement of EPA's past response costs incurred through the date of lodging of this Consent Decree;

WHEREAS, pursuant to Section 122 of CERCLA, 42 U.S.C. § 9622, EPA has determined that further actions are necessary to respond, as that term is defined in Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), to the soil and groundwater contamination at the Site;

WHEREAS, the parties agree that General Switch's implementation of the work set forth in Sections VI-X of this Consent Decree ("the Work"), including treatment of the contaminated soil and groundwater in accordance with the requirements of this Consent Decree, will significantly reduce any present or foreseeable future risk to public health, welfare or the environment;

WHEREAS, the parties believe that the Work required in Sections VI-X hereof is consistent with the NCP;

WHEREAS, General Switch agrees to perform the Work, and EPA has determined that performance of the Work will be done properly by General Switch if done in compliance with this Consent Decree, and that General Switch is qualified to perform the Work

if it provides adequate financial assurances to EPA pursuant to Section XXVII of this Consent Decree;

WHEREAS, NYSDEC was notified of negotiations between the United States and General Switch concerning General Switch's performance of the Work at the Site and has not sought to participate in these negotiations or to be a party to this settlement;

WHEREAS, the United States and General Switch agree that settlement of this matter without further litigation is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving this matter;

NOW THEREFORE, it is ORDERED, ADJUDGED, AND DECREED as follows:

I. JURISDICTION

The Court has jurisdiction over the subject matter of this action and the parties to this Consent Decree pursuant to Sections 106, 107, and 113 of CERCLA, 42 U.S.C. §§ 9606, 9607, and 9613, and 28 U.S.C. §§ 1331 and 1345. The complaint in this action states a claim upon which relief may be granted against General Switch pursuant to CERCLA, 42 U.S.C. §§ 9601 et seq. General Switch waives all objections to this Court's jurisdiction to enter and enforce this Consent Decree. Venue is proper in this district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391.

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II. PARTIES BOUND

This Consent Decree applies to and is binding upon the United States and General Switch, including each of its officers, directors, employees, agents, contractors, successors and assigns. Each undersigned representative of a party to this Consent Decree certifies that he or she is authorized by the entity which he or she represents to enter into the terms and conditions of the Consent Decree and to execute and bind that entity to it. General Switch shall be responsible to the United States for ensuring that its contractors and subcontractors perform the Work set forth in Sections VI-X hereof in accordance with the terms and requirements of this Consent Decree. General Switch shall give written notice of this Consent Decree, and a copy thereof, to any successor in interest prior to any transfer of the Middletown plant and shall, at least 30 days prior to any such transfer, give written notice to the United States of the intended transfer in accordance with Section XXVIII hereof.

III. DEFINITIONS

Whenever the following terms are used in this Consent Decree and any Appendices hereto, the following definitions shall apply:

- A. "Engineer" means the company or companies retained by General Switch to accomplish the Work described in Sections VI-X.
- B. "Groundwater Remedy" means the groundwater pumping and

treatment system constructed and/or installed and operated and maintained pursuant to this Consent Decree.

C. "Optimal Pumping Rate" means the maximum rate at which pumping can continue without loss of suction.

D. "Parella Well" means the private supply well located at 320 Highland Avenue.

E. "Requirement(s)" means any provision, standard, notice, schedule, criterion, performance, specification, goal, compliance or approval required by this Consent Decree and/or the Work Plan.

F. "Soil Remedy" means the construction and/or installation and operation and maintenance of the system used for aeration of the excavated soil pursuant to this Consent Decree.

G. "Work" means all activities required by Sections VI-X of this Consent Decree as may be modified pursuant to the provisions of this Consent Decree, including but not limited to submission and implementation of any schedules, plans or reports required to be submitted pursuant thereto.

H. "Work Plan" means the plan or plans submitted pursuant to Sections VI-X of this Consent Decree and approved by EPA, and includes the EPA-approved Remedial Design Report (submitted in accordance with Section IX hereof) and the Operation and Maintenance Plan (submitted in accordance with Section X hereof). The Work Plan shall contain descriptions and schedules for implementation of the Work required by this Consent Decree. Upon approval by EPA, each approved plan, including the final approved

Work Plan, shall be filed with the court and incorporated as an Appendix hereto. Each such Appendix shall, when filed with the Court, be deemed incorporated into and made an enforceable part of this Consent Decree.

I. All terms not otherwise defined herein shall have their ordinary meanings except that those terms defined in Section 101 of CERCLA, 42 U.S.C. § 9601, shall have the meanings set forth therein.

IV. PURPOSE

The purpose of this Consent Decree is to serve the public interest by protecting the public health, welfare and the environment from releases and/or threatened releases of PCE at or near the Site by treatment of contaminated soil and groundwater, and to settle the claims for past response costs asserted by the United States against General Switch in the complaint.

V. GENERAL PROVISIONS

A. Commitment of General Switch

General Switch shall finance and perform the Work in accordance with all Requirements of this Consent Decree, including the time periods set forth in Sections VI-X.

B. Permits and Approvals:

1. All activities undertaken by General Switch pursuant to this Consent Decree shall be undertaken in accordance with the

requirements of all applicable laws and regulations. In the event that there is a conflict in the application of any law or regulation, the more stringent law or regulation shall apply. Notwithstanding any other provision in this Consent Decree, no federal, state or local permits are required for any response action conducted entirely on-site pursuant to this Consent Decree. General Switch shall obtain all permits and approvals necessary for the off-site work under all applicable laws and shall submit timely applications and requests for all such permits and approvals.

2. General Switch is responsible for the timely application for and procurement of all such authorizations, if any, to ensure expeditious compliance with the Requirements of this Consent Decree and all EPA-approved plans. General Switch shall provide EPA with a copy of each such application upon preparation and submission thereof, and of each such authorization upon receipt.

3. This Consent Decree is not, nor shall it act as, nor is it intended by the parties to be, a permit issued pursuant to any federal or state statute or regulation.

C. Contractors and Subcontractors:

1. General Switch shall provide a copy of this Consent Decree to each contractor and subcontractor retained to perform the Work required by this Consent Decree and shall condition all contracts and subcontracts entered into for the performance of such Work upon compliance with all relevant terms and conditions of

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this Consent Decree and all applicable laws and regulations.

D. National Contingency Plan:

General Switch shall design, implement, and complete the Work and Requirements of this Consent Decree in accordance with the NCP, 40 C.F.R. Part 300, and any amendments thereto, and with all standards, specifications, and schedules of completion set forth in or approved by EPA pursuant to Sections VI-X.

E. Disposal of Hazardous Substances

General Switch shall designate in the Work Plan any facilities it proposes to use for off-site transfer, storage, treatment, or disposal of hazardous substances. General Switch shall conduct off-site disposal activities in conformance with the NCP and any amendments thereto, and Revised Procedures for Planning and Implementing Off-site Response Actions, U.S. EPA Office of Solid Waste and Emergency Response, OSWER Dir. No. 9834.11, November 13, 1987 and Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3).

VI. SUMMARY OF WORK TO BE PERFORMED

A. As described in greater detail in Sections VI-X, General Switch shall finance and perform the Work at the Site. The Work shall include, without limitation, the following elements:

1. Soil Excavation and Treatment

a. Excavation of soils on the General Switch property containing greater than 50 parts per million ("ppm") of PCE (the "hot spots") to the extent approved by EPA in accordance

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with Section VIII.A.1. hereof;

b. Treatment by aeration of the excavated soil until PCE is reduced to 95 - 99.99% of its initial concentration;

c. Operation of the system used for aeration (the "Soil Remedy") in accordance with all laws and regulations applicable to air emissions;

d. Disposition of the treated excavated soil on the General Switch property;

2. Groundwater Restoration

a. Restoration of the aquifer underlying the Site to a stabilized concentration of less than 5 parts per billion ("ppb") of PCE by pumping groundwater from an interceptor well(s) at its/their Optimal Pumping Rate;

b. Treatment, utilizing an air stripper with an initial efficiency of 99.9% or greater (the "Groundwater Treatment System"), of the groundwater pumped from the interceptor well(s) until the treated water (the "effluent") contains less than 5 ppb of PCE;

c. Operation of the groundwater pumping and treatment system (the "Groundwater Remedy") in accordance with all laws and regulations applicable to air emissions;

d. Discharge of the effluent into the aquifer via one or more of the holes created by the soil excavations;

e. Operation of the the Groundwater Remedy until the influent into the Groundwater Treatment System (the "influent"),

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as a measure of the quality of the aquifer, meets the Requirements set forth in Section X.F.7.; and

3. Connection of Private Wells to Alternative Water Supply

a. Investigation, in accordance with a plan subject to EPA approval, of all private wells which may be affected by the groundwater contaminant plume underlying or near the Site, to determine the levels of PCE in the well water;

b. Connection to the alternative water supply of all such private wells with well water containing 5 ppb or more of PCE.

B. General Switch shall finance and perform the Work in accordance with the Requirements of this Consent Decree, including, without limitation, all tasks set forth in Sections VI - X and all terms, conditions, schedules and requirements set forth therein or developed thereunder.

C. All Work to be performed by General Switch pursuant to this Consent Decree shall be under the direction and supervision of a qualified professional engineer. At least fourteen (14) days prior to the initiation of any Work at the Site, General Switch shall notify EPA, in accordance with the procedures set forth in Section XVIII, of the name, title and qualifications of any engineer proposed to be used in carrying out the Work to be performed pursuant to this Consent Decree. EPA shall have the right to disapprove the use of any such Engineer.

D. All documents required to be submitted pursuant to Sections VI-X, as approved by EPA or revised pursuant to Section XV,

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shall collectively constitute the Work Plan, pursuant to which all Work shall be implemented. General Switch shall proceed to implement each portion and any subportion of the Work Plan if and when the Work Plan and/or any portion or subportion thereof is approved.

E. Each document, or portion thereof, required to be submitted pursuant to Sections VI-X, once approved or revised by EPA, shall be filed with the Court as an Appendix hereto. Each such Appendix shall, when filed with the Court, be deemed incorporated into and made an enforceable part of this Consent Decree.

F. Approval by EPA of the Work Plan and/or any portion or subportion thereof does not constitute a warranty or representation of any kind by the United States that the Work Plan will achieve any Requirements set forth in Sections VI-X and shall not foreclose the United States from requiring General Switch to perform all terms and conditions of this Consent Decree.

VII. PUMP TEST

A. Within _____ () days of the effective date of this Consent Decree, General Switch shall submit to EPA for review and approval a plan for performance of a Pump Test on the Parella Well. The Pump Test shall be performed for the purpose of demonstrating that the Parella Well is satisfactory for interception (through pumping/capture) of the contaminant plume underlying or near the Site. The Pump Test shall be designed to provide the

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following information:

1. Identification of the Parella Well's Optimal Pumping Rate;
2. Provisions for maintaining the Optimal Pumping Rate;
3. Definition of the Parella Well's cone of influence and its hydrologic connection to other wells; and
4. Schedules for performance of all of the above-described tasks.

B. If General Switch proposes to submit results of earlier pump tests it or its contractors have already performed as a basis for the information required by EPA pursuant to this Section, General Switch shall submit a proposal, for EPA review and approval, for performance of additional pump tests which will confirm the earlier findings.

C. EPA will either approve the plan for performance of the Pump Test, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.

D. The approved plan for performance of the Pump Test, and any approved portion thereof, shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

E. Within twenty-one (21) days of General Switch's receipt of EPA approval of the plan for performance of the Pump Test, or any portion thereof, General Switch shall initiate performance of such Pump Test or portion thereof in accordance with the EPA-approved plan. General Switch shall implement and complete

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performance of the Pump Test in accordance with the Requirements and schedules in the plan.

F. Within twenty-one (21) days of completion of the Pump Test, General Switch shall submit a Pump Test Report to EPA for review and approval. The Pump Test Report shall include, without limitation, the following:

1. the results of the Pump Test and any other appropriate information relating to use of the Parella Well as the interceptor well; and

2. an identification of the present ownership of the Parella Well and provisions made by General Switch to secure use of the Well and any nearby land necessary for the operation of the Groundwater Remedy until such time as EPA determines, in accordance with Section X.E.7., that groundwater treatment may terminate.

G. EPA will either approve the Pump Test Report, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.

H. The approved Pump Test Report shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

I. If on the basis of the Pump Test Report EPA determines that the Parella Well will not satisfactorily serve as an interceptor well, General Switch shall, within 60 days of receipt of notification of such determination, submit to EPA for review and

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approval a plan for development and/or use of alternative interceptor well(s).

VIII. SAMPLING, ANALYSIS AND MONITORING PLAN AND INVESTIGATION

Within twenty-eight (28) days of the effective date of this Consent Decree, General Switch shall submit to EPA for review and approval a Sampling, Analysis and Monitoring Plan ("SAMP"). The SAMP shall include, without limitation:

A. Maps depicting locations for sampling, and plans for sampling and investigation, as set forth below:

1. Contaminated Soils

a. Identification. General Switch shall submit to EPA for review and approval a plan for identifying the locations and vertical and horizontal extent of contamination in all hot spots on its property. If General Switch proposes to submit Figure 9 ("Location of Test Borings and Areas for Soil Treatment") of the Shakti Report as a basis for that information, General Switch shall submit to EPA for review and approval a plan for supplementing the information contained therein so as to more accurately define the locations and vertical and horizontal extent of the hot spots.

b. Extent of excavation. General Switch shall submit to EPA for review and approval a plan specifying the vertical and horizontal extent of soil to be excavated for all hot spots on its property. With respect to the hot spots in

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Figure 9 of the Shakti Report, General Switch's proposal shall include a plan for excavating at least the top seven feet of the hot spots depicted underlying the loading docks area on Figure 9, and at least the top four feet of the other two hot spots depicted on Figure 9.

c. General Switch shall submit to EPA for review and approval a plan for sampling of the excavated and treated soil to demonstrate, to EPA's satisfaction, that PCE levels in the excavated soil have been reduced to 95 - 99.99% of the initial concentration. The plan shall include, without limitation, proposals as to the number of samples to be taken, the methods of sampling and analysis and the schedule for performance of such sampling and analysis. If General Switch proposes, for EPA approval, use of a Photovac for on-site soils analysis for PCE, the soil sampling plan shall also provide for confirmation of 10% of on-site soil analysis by an independent, mutually acceptable laboratory.

2. Contaminated Groundwater

a. Private Wells. General Switch shall submit to EPA for review and approval a plan for identifying all private wells that were not connected to the alternative water supply system during the 1983 - '84 Removal Action, may be affected by the PCE-contaminant plume underlying or near the Site, and are drawing water containing 5 ppb or more of PCE. The plan shall include, without limitation, proposals as to the area of sampling,

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the numbers of samples to be taken, the methods of sampling and analysis and the schedule for performance of such sampling and analysis.

b. Groundwater

i. Aquifer. General Switch shall propose for EPA approval a location from which it shall sample the aquifer for levels of PCE contamination. General Switch may propose to sample the influent at the interceptor well head.

ii. Treated Water. General Switch shall propose for EPA approval a location to be sampled, after construction of the groundwater treatment system pursuant to this Consent Decree, for the purpose of demonstrating to EPA's satisfaction that the groundwater treatment system reduces concentrations of PCE in the treated water to less than 5 ppb of PCE. General Switch may propose to sample the effluent at the point at which it emerges from the Groundwater Treatment System.

iii. General Switch shall propose to EPA for review and approval a plan for performance of sampling and analysis of influent and effluent, which plan shall include, without limitation, the following:

a. Proposed methods for sampling at the locations approved by EPA in accordance with Sections VIII.A.2.b.i. and ii.,

b. Proposed schedule for conduct of monthly sampling events on at least a monthly basis, each sampling event

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to consist of at least 10 samples of the aquifer ("influent") and 10 of the treated water ("effluent");

c. Provision for analyzing influent samples for levels of PCE;

d. Provision for sampling effluent samples in order to demonstrate that the Groundwater Remedy reduces PCE in the effluent to less than 5 ppb of PCE, less than 5 ppb of trichloroethylene ("TCE"), less than 5 ppb of dichloroethylene, and less than 2 ppb of vinyl chloride;

e. Provision for analyzing at least 10% of all samples per sampling event for both influent and effluent for all volatile organic compounds ("VOCs") and for confirmation of such samples by an independent, mutually acceptable laboratory;

f. Proposed methods for both on- and off-site analysis for PCE and all VOCs. General Switch may propose, for EPA approval, use of a Photovac with a gas chromatograph/mass spectral ("GC/MS") system for on-site sampling, provided that the detection limit of the Photovac with GC/MS is less than 2 ppb for PCE, TCE, dichloroethylene and vinyl chloride.

3. Air Emissions. General Switch shall submit to EPA for review and approval a proposal for performance of air monitoring, which shall include a proposal for locations of sampling, the numbers of samples to be taken, the methods for sampling and analysis and the schedule for performance of such sampling and analysis. The proposed air monitoring plan shall provide a detailed

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method for ensuring that General Switch's operation of the Soil and Groundwater Remedies will be in compliance with applicable air emissions laws and regulations.

B. The SAMP shall also include, without limitation:

1. An over-all Site Management Plan, which shall include identification of contractors and subcontractors and their respective responsibilities for performance of sampling, analysis and monitoring and investigation activities and the curriculum vitae of each Engineer expected to participate in the on-site monitoring activities. If performance of any subsequent phase of the Work required herein requires alteration of the Site Management Plan, or if General Switch retains different Engineers for performance of later phases of the Work, General Switch shall submit to EPA, for review and approval, proposed amendments to the Site Management Plan, which, upon approval by EPA, shall be forwarded to the court and incorporated as an Appendix hereto.

2. A Quality Assurance/Quality Control ("QA/QC") Plan. The QA/QC Plan shall address sampling at the Site and analyses at both on-site and off-site laboratories and:

a. shall include provisions for completing and submitting to EPA, within two weeks of completion of each laboratory analysis of each sample, the results of each such analysis, as well as QA/QC evaluation of the laboratory data and sampling and analytical procedures used for each sample obtained;

b. shall be completed in accordance with Section 10 of the publication "Test Methods for Evaluating Solid Wastes (SW-846)", July, 1982, or as updated), and guidance entitled "Guidance for Preparation of Combined Work/Quality Assurance Project Plans for Environmental Monitoring" (USEPA, Office of Water Regulations and Standards, May, 1984);

c. shall provide for use of QA/QC procedures in accordance with the QA/QC plans submitted and approved by EPA pursuant to this Consent Decree, and shall utilize standard EPA Chain of Custody procedures, as set forth in the National Enforcement Investigations Center Policies and Procedures Manual, as revised in November, 1984, the National Enforcement Investigations Center Manual for the Evidence Audit, published in September, 1981, and Section 1.3 of SW-846, for all sample collection and analysis activities. In order to provide quality assurance and maintain quality control regarding all samples collected pursuant to this Consent Decree, General Switch shall:

i. ensure that all contracts with all laboratories utilized by General Switch for analysis of samples taken pursuant to this Consent Decree provide for access to such laboratories and laboratory data related to the Site by EPA personnel and its authorized representatives and contractors;

ii. ensure that all laboratories utilized by General Switch for analysis of samples taken pursuant to this Consent Decree perform all analyses according to accepted EPA

methods, or methods approved in writing by EPA. Accepted EPA methods consist of those methods which are documented in the "Contract Lab Program Statement of Work for Inorganic Analysis" and the "Contract Lab Program Statement of Work for Organic Analysis," dated July, 1985, and any amendments made thereto during the course of this Consent Decree.

iii. ensure that all laboratories utilized by General Switch for analysis of samples taken pursuant to this Consent Decree participate in an EPA or EPA equivalent QA/QC program.

iv. If performance of any subsequent phase of the Work required herein requires alteration of the QA/QC Plan, General Switch shall submit to EPA, for review and approval, proposed amendments to the QA/QC Plan. Upon approval by EPA, any such amendments shall be forwarded to the court and incorporated as an Appendix hereto.

3. a Health and Safety Plan, which shall satisfy the requirements of the Occupational Safety and Health Guidance for Hazardous Waste Site Activities (October 1985 (DHH 5 NIOSH) Publication No. 85-115) and EPA's Standard Operating Safety Guides. If performance of any subsequent phase of the Work required herein requires alteration of the Health and Safety Plan, General Switch shall submit to EPA, for review and approval, proposed amendments to the Health and Safety Plan. Upon approval by EPA any such amendments shall be forwarded to the court and

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incorporated as an Appendix hereto.

C. EPA will either approve the SAMP, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.

D. The approved SAMP, and any approved portion thereof, shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

E. Within twenty-one (21) days of General Switch's receipt of EPA approval of the SAMP or any portion thereof, General Switch shall initiate sampling, analysis and monitoring and investigatory activities that have been approved by EPA. General Switch shall implement these activities in accordance with the schedule and procedures set forth in the approved SAMP or any approved portion thereof.

IX. REMEDIAL DESIGN

A. Within one hundred and twenty (120) days of the effective date of this Consent Decree, and according to the schedule set forth below, General Switch shall submit to EPA for review and approval a detailed Remedial Design Plan (hereinafter, "RD Plan") for:

1. Excavation of Contaminated Soils. General Switch shall submit a design plan for excavation of soil "hot spots", in accordance with Sections VIII.A.1. and VI.A.1.a., and maintenance of the holes created by the excavation.

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- a. This portion of the RD Plan shall include:
- i. A plan for construction and/or installation of the excavating mechanism;
 - ii. A plan for placement of the treated soils on-site. Such placement must meet all applicable laws and regulations;
 - iii. A plan for maintaining the area(s) created by excavation in a manner that is suitable for receipt of treated water to recharge the aquifer and flush the contaminated soils beneath the excavation area(s);
 - iv. A schedule for excavating the "hot spots" and maintaining the area(s) created by the excavation;
- b. EPA will either approve the plan for excavation and maintenance of the holes created by the excavation, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.
- c. The approved plan for excavation and maintenance of the holes created by the excavation, and any approved portion thereof, shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.
- d. Within twenty-one (21) days of General Switch's receipt of EPA approval of the plan for excavation and maintenance of the holes created by the excavation, or any portion thereof, General Switch shall initiate excavation activities in accordance with the EPA-approved plan. General Switch shall implement and complete excavation, and shall maintain the holes created by excavation,

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in accordance with the EPA-approved plan.

2. Treatment of the Excavated Soils. General Switch shall submit a design plan for treatment of the soils excavated and deposited on-site in accordance with Section IX.A.1.a.ii., above. The portion of the RD Plan describing treatment and disposal of the excavated soils shall include:

a. A plan for construction and/or installation of the aeration mechanism. General Switch may propose, for EPA approval, use of a rototiller as the soil aeration mechanism, provided that the rototiller instrument reduces concentrations of PCE in the soils to 95 - 99.99% of their initial concentration and satisfies any applicable air emission standards.

b. A plan for disposition of the treated excavated soils. General Switch may propose, for EPA approval, a disposal plan which consists of replacement of the treated excavated soils into the excavation areas.

3. Connection of Private Wells to Alternative Water Supply. A plan and schedule for connection to an alternative water supply of all private wells identified in accordance with Sections VI.A.3. and VIII.A.2.a.

4. Treatment of Contaminated Groundwater.

a. A plan for construction and/or installation of a Groundwater Treatment System at or in the vicinity of the intercept well(s). General Switch may propose, for EPA approval, use of an air stripper with an efficiency of 99.9% or greater, which will

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achieve reduction of PCE and other volatiles in the treated water to the levels set forth in Section VIII.A.2.b.iii.d. General Switch may construct and utilize a "merry go round" stripper, provided that use of such a stripper does not impede pumping at the interceptor well's Optimal Pumping Rate and is consistent with all Requirements of the operation of the Groundwater Remedy set forth in Sections VI-X. The plan for construction of the air stripper shall also include provisions for ensuring that air emissions meet all applicable laws and regulations, including, 6 NYCRR Series 200.

b. A plan for construction of the pumping equipment and transmission pipes. "Transmission Pipes" shall refer to the conduit(s) for conveying the influent to the groundwater treatment system and for conveying the effluent to the recharge area(s). This plan shall include a description of the location of the conduits and the materials with which they are to be constructed;

c. A plan for construction of mechanisms for flushing with treated water the contaminated soils beneath the holes created by excavation. This plan shall include a description of the location of the mechanisms for flushing the deeper soils and the materials with which the flushing mechanisms are to be constructed.

5. Dismantling of Equipment Installed for Operation of Soil and Groundwater Remedy.

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General Switch shall submit to EPA for review and approval a plan for dismantling of the Groundwater Remedy (including the air stripper, pumping equipment, transmission pipes and recharge mechanisms) and the Soil Remedy (including any structures constructed for purposes of receiving the recharge water) and disposal thereof in accordance with all applicable laws and regulations;

6. A Preliminary Operation and Maintenance Plan.

The Preliminary Operation and Maintenance Plan ("Preliminary O & M Plan") shall describe how the equipment necessary for the Soil and Groundwater Remedies shall be operated and maintained in order to ensure that the treatment systems are operating at their levels of peak efficiency. As provided in Section X.C., General Switch shall revise the Preliminary O&M Plan after submission to EPA of laboratory data obtained during the Initial Testing Program conducted in accordance with Section X.B.

7. Proposed time schedules for design, construction and/or installation of each of the tasks planned in Section IX.A.

B. EPA will either approve the RD Plan, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.

C. The approved RD Plan and any approved portion thereof shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

D. Design Plans and Specifications.

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1. Within twenty-one (21) days of General Switch's receipt of EPA approval of the RD Plan, or any portion thereof, General Switch shall submit to EPA Design Plans and Specifications detailing implementation of the remedial action or any approved portion thereof and shall include engineering drawings of the soil and groundwater treatment systems, alternative water supply connections and construction cost estimates.

2. EPA will either approve the Design Plans and Specifications or will require or make modifications to them, in accordance with the procedures set forth in Section XV.

3. The approved Design Plans and Specifications, and any approved portion thereof, shall, upon approval by EPA, be forwarded to the Court and incorporated as an Appendix hereto.

E. RD Report.

1. Within forty-two (42) days of General Switch's receipt of approval by EPA of the Design Plans and Specifications, General Switch shall submit a Remedial Design Report ("RD Report") to EPA for review and approval by EPA. The RD Report shall consist of the approved RD Plan, with time schedules; the approved Design Plans and Specifications; the final construction cost estimate; the approved Preliminary O&M Plan; and the final QA/QC Plan, Site Health and Safety Plan, and Site Management Plan.

2. EPA will either approve the RD Report, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.

3. The approved RD Report shall, upon approval by EPA,

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be forwarded to the court and incorporated as an Appendix hereto.

X. REMEDIAL ACTION

A. Construction. Within twenty-eight (28) days of General Switch's receipt of EPA's approval of the RD Report, or any portion thereof, General Switch shall commence construction and/or installation or connection of the approved portion(s) of the remedy in accordance therewith. General Switch shall complete such construction and/or installation or connection in accordance with the relevant portion of the RD Report and the schedules contained within such relevant portion.

B. Initial Testing Program

1. Within twenty-one (21) days following completion of construction of the Soil and Groundwater Remedies, General Switch shall submit to EPA for review and approval a draft program, including time schedule, for initial testing of the Soil and Groundwater Remedies (the "Initial Testing Program") to determine their conformance with the RD Report. Testing of the treatment system shall be performed to determine conformance with the Requirements of Sections VI-X regarding (a) reducing VOC concentrations in the soils and treated groundwater and (b) compliance with applicable air emission standards.

2. EPA will either approve the Initial Testing Program, or will require or make modifications to it, in accordance with the procedures set forth in Section XV.

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3. The approved Initial Testing Program, or any portion thereof, shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

4. Within seven (7) days of General Switch's receipt of approval of the Initial Testing Program, General Switch shall commence implementation of the approved Program.

5. Within seven (7) days following conclusion of the Initial Testing Program, General Switch shall submit to EPA for review and approval an Initial Testing Program Report ("ITP Report"). The ITP Report shall include, without limitation: (a) the results of the Initial Testing Program laboratory data; (b) all QA/QC documentation and (c) the certification of a Professional Engineer that the Soil and Groundwater Remedies and connection to the alternative water supply conform to the RD Report. Such certification shall include, without limitation, a certification that the Remedies achieve the requirements set forth in Sections VI-X for (a) reduction of VOCs in soils and treated groundwater and (b) compliance with applicable air emission standards.

6. EPA will either approve the ITP Report, or will require or make modifications to it, in accordance with Section XV.

7. The approved ITP Report or any approved portion thereof, shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

8. If the Soil and Groundwater Remedies and connection to alternative water supply, when implemented, do not achieve the

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Requirements contained in the RD Report, General Switch shall submit to EPA all testing results and QA/QC documentation, accompanied by a detailed analysis of nonconforming elements, and a proposal and schedule for bringing those elements into conformance. EPA will review these submissions and General Switch shall proceed as further directed by EPA. Notwithstanding any such actions that General Switch may take to achieve compliance, General Switch's failure to achieve compliance with the Requirements of the RD Report within the time periods set forth therein shall constitute a violation of this Consent Decree.

C. O&M Plan

1. Within seven (7) days of General Switch's receipt of EPA approval of the ITP Report, General Switch shall revise the Preliminary O&M Plan in order to incorporate the results of the Initial Testing Program and any other relevant information and submit it to EPA. The revised Preliminary O&M Plan shall constitute the O&M Plan.

2. EPA will either approve the O&M Plan, or will require or make modifications to it, in accordance with Section XV.

3. The approved O&M Plan or any approved portion thereof, shall, upon approval by EPA, be forwarded to the court and incorporated as an Appendix hereto.

D. Final Inspection. Within fourteen (14) days following approval by EPA of the Initial Testing Program Report, General

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Switch and its contractor shall be available for a Final Inspection in conjunction with EPA and/or its designated representatives and contractors. The Final Inspection shall include a walk-through of the entire project to determine project completeness and consistency with the RD Report and EPA-approved O&M Plan. During the Final Inspection, all equipment shall be operationally tested.

E. Start-Up and Operation

1. Following the Final Inspection, EPA shall determine whether the Soil and Groundwater Remedies meet the treatment and operational requirements set forth in Sections VI-X of this Consent Decree. After such determination, EPA will either give Start-Up approval, or will require modifications to the Remedies in accordance with the procedures set forth in Section XV. Within seven (7) days of receipt of Start-up Approval, General Switch shall (a) commence treatment and on-site disposal of the soils required to be excavated and treated pursuant to Sections VI and VIII.A.I. of this Consent Decree and (b) commence pumping and treatment of groundwater from the interceptor well(s).

2. General Switch shall operate and maintain the equipment necessary to implement the Requirements contained in this Consent Decree and the approved RD Report in accordance with the approved Operations Plan.

3. General Switch shall continue sampling of excavated and treated soils and operation of the Soil Remedy until all soils required to be excavated pursuant to Sections VI and VIII.A.1

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have been excavated, treated, and disposed of in conformance with this Consent Decree.

4. General Switch shall treat the pumped groundwater by air stripping until the effluent contains less than 5 ppb of PCE, 5 ppb of TCE, 5 ppb of dichloroethylene and 2 ppb of vinyl chloride before reinjection into the aquifer via the hole(s) created by excavated soils.

F. Cessation of Groundwater Treatment.

General Switch shall continue to operate the Groundwater Remedy and to sample, analyze and monitor pursuant to the EPA-approved SAMP, until authorized by EPA in writing to cease such activities upon satisfaction of the provisions below. General Switch may request such authorization after demonstrating to EPA that the following provisions have been satisfied:

1. Upon EPA's receipt of results from 3 or more consecutive monthly groundwater influent sampling events demonstrating that the aquifer contains less than 5 ppb of PCE, General Switch may request, and EPA may authorize, temporary cessation of operation of the Groundwater Remedy;

2. General Switch shall continue to sample and analyze influent on at least a quarterly basis during such a temporary cessation of pumping. If during such monitoring a level of 5 ppb or more of PCE is measured, General Switch shall recommence operation of the Groundwater Remedy until receipt of 3 or more consecutive monthly groundwater influent sampling events indicate that the aquifer contains less than 5 ppb of PCE, at which time

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provisions for sampling, analysis, and recommencement in this subsection.

3. If monitoring during such a temporary cessation indicates that the aquifer remains at a level of less than 5 ppb of PCE for eight consecutive quarters without pumping and treating operations, General Switch may terminate groundwater pumping and treating. Thereafter, General Switch may petition EPA for issuance of Certification of Completion of the Work in accordance with the procedures set forth in Section XXXIV.

XI. PROJECT COORDINATORS

A. Within ten (10) days of the effective date of this Consent Decree, EPA and General Switch shall each designate Project Coordinators to monitor the progress of the Work and to facilitate communication between the parties. The EPA Project Coordinator shall have the authority vested in the On-Scene Coordinator by the NCP as well as the authority to ensure that the Work is performed in accordance with all applicable statutes, regulations and requirements of this Consent Decree. The EPA Project Coordinator shall also have the authority to require a cessation of Work or any other activity at the Site that, in the opinion of the EPA Project Coordinator, may present or contribute to an endangerment to public health, welfare, or the environment or cause or threaten

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to cause the release of hazardous substances from the Site. In the event that the EPA Project Coordinator suspends the Work or any other activity at the Site, EPA may extend the compliance schedule of this Consent Decree as appropriate for a period of time equal to the time of the suspension of Work or other activities. EPA shall notify General Switch, in writing, of any such extension in accordance with Section XXVI.

B. The EPA Project Coordinator may assign other representatives, including other EPA employees or contractors, to serve as Site representatives for oversight of performance of operations during remedial activities.

C. The parties shall have the right to change their respective Project Coordinators by notifying the other party in writing at least seven calendar days prior to the change. General Switch's selection of a Project Coordinator shall be subject to EPA approval, which approval shall not be unreasonably withheld.

D. General Switch's Project Coordinator may assign other representatives, including other contractors, to serve as Site representatives for oversight of performance of daily operations during remedial activities.

XII. ACCESS, SAMPLING, DOCUMENT AVAILABILITY

A. During the effective period of this Consent Decree, the United States, EPA and their representatives, including contractors,

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shall have access at all times to the Site and any other property to which access is required for the implementation of this Consent Decree, to the extent access to the property is controlled by or available to General Switch. Such access shall be for the purposes of conducting any activity authorized by this Consent Decree, including but not limited to:

1. Monitoring the progress of the Work;
2. Verifying any data or information submitted by General Switch to EPA;
3. Conducting investigations relating to contamination at or near the Site;
4. Obtaining samples at the Site; and
5. Inspecting and copying records, operating logs, contracts, or other documents required to assess General Switch's compliance with the Consent Decree.

B. To the extent that the Site or other areas where Work is to be performed pursuant to the Requirements of this Consent Decree are presently owned by parties other than General Switch, General Switch shall use its best efforts to obtain access agreements from the present owners within thirty (30) calendar days of entry of this Consent Decree for purposes of implementing the Requirements of this Consent Decree. Such agreements shall provide access not only for General Switch and its authorized representatives, but also for the United States, EPA and their representatives, including contractors. If General Switch, using its best efforts,

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fails to secure access to the Site or other areas where work is to be performed hereunder, General Switch shall immediately notify EPA. Best efforts may involve the expenditure of money. EPA may, as it deems appropriate, assist General Switch in obtaining such access. If EPA assistance involves the expenditure of money, General Switch shall reimburse EPA in accordance with Section XX.

C. Within seven (7) days of a request by EPA, General Switch shall make available to EPA the results of all sampling and/or tests or other data generated by or on behalf of General Switch with respect to the implementation of any Requirement of this Consent Decree.

D. General Switch shall notify EPA not less than ten (10) days in advance of any sample collection activity. At the request of EPA, General Switch shall provide split or duplicate samples to EPA or allow split or duplicate samples to be taken by EPA and its authorized representatives, including contractors, of any samples collected by General Switch pursuant to the implementation of any Requirement of this Consent Decree. In addition, EPA shall have the right to take any additional samples or direct General Switch to take any additional samples that EPA deems necessary.

E. In addition to any other Requirement specified in this Consent Decree, within fourteen (14) days of any request by EPA, General Switch shall provide to EPA any analytical, hydrogeological, scientific, chemical engineering or design data within its possession and/or control, or that of its contractors or agents, relating to

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the Site.

F. Notwithstanding any other provision of this Consent Decree, EPA hereby retains all of its information gathering, access and inspection authorities and rights under CERCLA, RCRA and any other applicable statutes or regulations.

XIII. PUBLIC INSPECTION

All data, including all monitoring, hydrogeologic, scientific, chemical or engineering data and documents, submitted by General Switch to EPA pursuant to this Consent Decree shall be available for public inspection, unless General Switch makes a satisfactory showing that the information is entitled to protection in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7).

XIV. REPORTING REQUIREMENTS

A. In addition to any other requirement of this Consent Decree, General Switch shall require its contractor to prepare and provide to EPA written monthly progress reports which: (1) describe the actions which have been taken toward achieving compliance with this Consent Decree during the previous month; (2) include all results of sampling and tests and all other data received by General Switch during the previous month; (3) describe all actions and plans which are scheduled for the next month and provide other information relating to the progress of construction

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as is customary in the industry; (4) include information regarding status of completion, all delays encountered or anticipated that may affect the future schedule for completion of the Work, and a description of all efforts made to mitigate those delays or anticipated delays; and (5) include any analytical or design data generated by General Switch that are related to the Site. These progress reports are to be submitted to EPA by the tenth day of every month following the effective date of this Consent Decree.

B. If the date for submission of any item or notification required by this Consent Decree falls upon a weekend or state or federal holiday, the time period for submission of that item or notification is extended to the next working day following the weekend or holiday.

C. Upon the occurrence of any event during performance of the Work which, pursuant to Section 103 of CERCLA, 42 U.S.C. §9603, requires General Switch to report to the National Response Center, in addition to the reporting required by Section 103 General Switch shall promptly orally notify the EPA Project Coordinator, or, in the event of the unavailability of the EPA Project Coordinator, the Response and Prevention Branch, Region II, United States Environmental Protection Agency. Within 20 days of the onset of such an event, General Switch shall furnish to EPA a written report setting forth the events which occurred and the measures taken or to be taken in response thereto.

D. Once each year, within fifteen (15) days of the anniversary

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of the entry of this Consent Decree, General Switch shall submit to the United States and EPA for approval an annual report describing the progress of the Work and other activities required by this Consent Decree and the status of General Switch's compliance with this Consent Decree. General Switch shall make modifications to the annual report as are required by EPA. Upon approval of the annual report by EPA, each annual report shall be submitted by the United States to the Court.

XV. PLANS, REPORTS AND ITEMS REQUIRING AGENCY APPROVAL

A. If EPA disapproves any plan, report (other than a progress report covered by Section XIV), or other item required to be submitted to EPA for approval pursuant to this Consent Decree, General Switch shall have fourteen (14) days from the receipt of notice of such disapproval to correct any deficiencies and resubmit the plan, report or item for approval, unless a shorter or longer period is specified in the notice. Any notice of disapproval shall include an explanation of why the plan, report or item is being disapproved. General Switch must address each of the comments and resubmit the previously disapproved plan, report or item with the required changes within the deadline set forth above. Notwithstanding any notice of disapproval, General Switch shall proceed to take any action required by any approved portion or subportion of the plan, report or item.

B. If any plan, report or item cannot be approved by EPA after resubmission, General Switch shall be deemed to be out of

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compliance with this Consent Decree. In the event that a resubmitted plan or portion thereof is disapproved, EPA retains the right to amend or develop the plan or portion thereof. Subject only to its right to invoke the dispute resolution procedures of Section XIX, General Switch shall implement any such plan as amended or developed by EPA.

XVI. RETENTION OF RECORDS

A. General Switch shall preserve and retain all records and documents now in its possession or control or which may come into its possession or control that relate in any manner to the Site, regardless of any corporate document retention policy to the contrary, for six (6) years after Certification of Completion of the Work.

B. Until termination of this Consent Decree, General Switch shall preserve, and shall instruct its Contractor, the Contractor's subcontractors, and any other entity or person acting on General Switch's behalf at the Site to preserve (in the form of originals or exact copies, or upon EPA approval, microfiche of all originals) all records, documents, and information of whatever kind, nature, or description relating to the performance of the Work at the Site. Upon termination of this Consent Decree, copies of all such records, documents, and information shall be delivered to the EPA Project Coordinator.

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XVII. RESPONSE AUTHORITY

Nothing in this Consent Decree shall be deemed to limit the response authority of EPA under Section 104 of CERCLA, 42 U.S.C. § 9604, and the United States retains all authority and reserves all rights to take any and all response actions authorized by law. Nothing in this Consent Decree shall be deemed to limit the United States' enforcement authority under Section 106 of CERCLA, 42 U.S.C § 9606, or any other federal enforcement authority, except as specifically provided in Section XXII.

XVIII. FORCE MAJEURE

A. Except as otherwise provided in this Consent Decree, General Switch's obligations to comply with the Requirements of this Consent Decree may be excused only to the extent and for the duration that such failure to comply is caused by a "Force Majeure" event.

B. "Force Majeure" for purposes of this Consent Decree is defined as any event arising from causes beyond the control of General Switch and of any entity controlled by General Switch, including its contractors and subcontractors, which delays or prevents the performance of any obligation under this Consent Decree. Force Majeure shall not include increased costs or expenses or nonattainment of the goals and standards set forth in this Consent Decree, including, without limitation, the Work Plan.

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C. If circumstances occur which may delay the completion of any phase of the Work, or delay access to the Site or to any property on which any part of the Work is to be performed, whether or not caused by a Force Majeure event, General Switch shall, when it knows or should have known of such circumstances, immediately notify the EPA Project Coordinator by telephone, or in the event of his or her unavailability, the Director of the Emergency and Remedial Response Division of EPA, Region II. Within five (5) business days of the date General Switch becomes aware of the event which it contends is responsible for the delay, General Switch shall supply to EPA in writing the reason(s) for and anticipated duration of such delay, General Switch's rationale for interpreting such circumstances as being grounds for invoking this Section, the measures taken and to be taken by General Switch to prevent or minimize the delay, and the timetable for implementation of such measures. Such notice shall be accompanied by all available pertinent documentation, including but not limited to third party correspondence. Failure to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of any claim of Force Majeure.

C. If General Switch claims and EPA agrees that a delay is or was attributable to Force Majeure, the parties, in accordance with Section XXX, shall modify this Consent Decree, or affected plans or schedules incorporated in this Consent Decree, to provide such additional time as may be necessary to allow the completion

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of the specific phase of the Work and/or any succeeding phase(s) of the Work affected by such delay. Such additional time shall not exceed the duration of the delay caused by Force Majeure.

D. If EPA does not agree that the reason for the delay was Force Majeure, or that the duration of the delay is or was warranted under the circumstances, General Switch may seek to resolve the dispute pursuant to Section XIX. General Switch shall have the burden of proving (1) that the delay is or was caused by a Force Majeure event and (2) that the amount of additional time requested is necessary to compensate for such event.

XIX. DISPUTE RESOLUTION

A. Any dispute between the parties arising under this Consent Decree shall be subject to the procedures set forth in this Section, which shall be the exclusive mechanism to resolve disputes arising under this Consent Decree. If General Switch does not invoke these dispute resolution procedures with regard to any written notice or demand from EPA within thirty (30) days of receipt of such notice or demand, General Switch waives its rights to invoke the dispute resolution procedures set forth in this Section with respect to the subject of such notice or demand.

B. All disputes shall in the first instance be the subject of informal negotiations between the parties to the dispute. Any dispute arising between the parties' Site representatives or their contractors which cannot be resolved shall be referred to the EPA Project Coordinator. The informal negotiation period

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shall not exceed thirty (30) days from the time written notice of the existence of the dispute is given to EPA in accordance with Section XXVIII. The 30-day period for informal negotiations may be extended by written agreement between the parties.

C. In the event that the parties cannot resolve a dispute by informal negotiations under the preceding paragraph, EPA's position shall be considered binding unless, within ten (10) business days after the end of the informal negotiations period, General Switch files a petition with this Court setting forth the 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.

D. The filing of a petition asking the Court to resolve a dispute shall not extend, postpone or affect in any way any obligation of General Switch under this Consent Decree, except that payment of stipulated penalties with respect to the disputed matter shall be paid into an interest-bearing escrow account until resolution of the dispute. Notwithstanding the placement of stipulated penalties into the escrow account, stipulated penalties shall continue to accrue from the first day of noncompliance with any applicable provision of this Consent Decree. In the event that General Switch does not prevail on the disputed issue, stipulated penalties which have been paid into the escrow account, including all interest earned thereon, shall be assessed and paid as provided in Section XXI hereof. Nothing contained in this

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paragraph shall relieve General Switch of any obligation to pay any stipulated penalties which General Switch fails to pay into the escrow account or which the escrow agent fails to pay as provided in Section XXI hereof.

E. In connection with any petition filed by General Switch in accordance with this Section, General Switch shall have the burden of demonstrating to the Court that EPA's position is arbitrary and capricious or otherwise not in accordance with law. If General Switch does not satisfy this burden, the position of EPA shall prevail.

XX. REIMBURSEMENT

A. Any payment required of General Switch pursuant to this Consent Decree, including reimbursement of any costs incurred by the United States in assisting General Switch to obtain access, pursuant to Section XII, shall be paid to the EPA Hazardous Substances Superfund (the "Fund") by certified check(s) delivered to:

EPA-Region II
Attention: Superfund Accounting
P.O. Box 3600188M
Pittsburgh, PA 15251

Each such check shall be marked with a reference to the Wallkill Well Field Site, New York and to the civil action number of this matter. A copy of each such check shall be sent to the Director, Emergency and Remedial Response Division, U.S. EPA, Region II; to the Department of Justice, Environmental Enforcement Section, Land and Natural Resources Division; and to the Environmental Protection Unit, Office of the United States Attorney, One St.

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Andrews Plaza, New York, NY 10007.

B. General Switch shall pay to the Fund all response costs incurred by the United States for the review or development of plans, reports and other items required to be submitted pursuant to this Consent Decree, any assistance to General Switch in obtaining access, and for the oversight of Work performed pursuant to this Consent Decree. The United States shall, on an annual basis, provide an accounting of the costs claimed, accompanied by a narrative statement. General Switch shall remit payments as specified in Subsection A of this Section within thirty days of the receipt by the General Switch of EPA's demand for payment.

C. On or before the thirtieth day after entry of this Consent Decree, General Switch shall pay \$55,000 to the Fund in settlement of the United States' claims for reimbursement of response costs relating to the Site incurred prior to the date of lodging of this Consent Decree.

XXI. STIPULATED PENALTIES

A. In the event that General Switch fails to meet any Requirement of this Consent Decree, including but not limited to any Requirement set forth in an approved Work Plan or approved portion thereof which becomes incorporated into this Consent Decree, or fails to meet any deadline, time limit, or schedule established under this Consent Decree, it shall pay to the United States stipulated penalties in the following amounts for each day

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of each and every violation of said requirements:

<u>Days of Delay</u>	<u>Penalty Per Violation Per Day</u>
0 to 30	\$5,000
31 to 60	7,500
More than 60	10,000

B. Such stipulated penalties shall be available to the United States in addition to any other remedies, sanctions or penalties which may be available to the United States by reason of General Switch's failure to comply with the requirements of this Consent Decree, provided that General Switch's total exposure for its first violation shall be limited to \$25,000 per day and shall be limited to \$75,000 per day for second or subsequent violations of this Consent Decree.

C. Stipulated penalties shall begin to accrue on the day that performance is due or noncompliance occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Consent Decree.

D. All penalties due to the United States under this Section shall be payable within thirty (30) days of receipt by General Switch of a written demand by EPA. Interest shall accrue on amounts overdue, at a rate established by the Department of the Treasury pursuant to 31 U.S.C. §3717, for any period of such delinquency.

E. General Switch shall pay stipulated penalties due to the

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United States by certified check in accordance with Section XX.A. hereof.

F. No payments pursuant to this Section shall be tax deductible.

XXII. COVENANT NOT TO SUE

A. In consideration of actions which will be performed and payments which will be made by General Switch under the terms of this Consent Decree, and except as otherwise specifically provided in Paragraphs C-E of this Section, the United States covenants not to sue General Switch for Covered Matters. For purposes of this Section, "Covered Matters" includes any and all civil claims available to the United States pursuant to Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), for: (i) Work required under this Consent Decree; and (ii) reimbursement by General Switch of response costs incurred by the United States with respect to the Site prior to the lodging of this Consent Decree.

B. With respect to all liability for Covered Matters, the Covenant Not To Sue provided by Paragraph A of this Section shall take effect upon entry of the Consent Decree and receipt by EPA of the payment required by Section XX.C. The Covenant is conditioned upon satisfactory performance by General Switch of its obligations under this Consent Decree.

C. "Covered Matters" does not include:

1. Liability arising from hazardous substances after

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they are removed from the Site;

2. Damages for injury to natural resources resulting from the release of hazardous substances at the Site;
3. Claims based on a failure by General Switch to meet the requirements of this Consent Decree including but not limited to claims for injunctive relief or claims for civil penalties pursuant to Section 122(1) of CERCLA, 42 U.S.C. § 9622(1);
4. Liability for all response costs incurred by the United States with respect to the Site after the date of lodging of this Consent Decree, other than response costs for which reimbursement is required and received pursuant to Section XX;
5. Any liability arising from hazardous substances other than PCE in the soil and/or groundwater at or near the Site, including, without limitation, TCE, dichloroethylene and vinyl chloride; and
6. Any liability arising from PCE-contaminated soils at the Site which are not excavated pursuant to this Consent Decree.

D. Notwithstanding any other provision in this Consent Decree, the United States reserves the right to institute proceedings in this action or to issue an order or to commence a new action seeking to compel General Switch to perform any additional response work at the Site, or at any area affected by a release or threat

9560

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CONFIDENTIAL

of release of hazardous substances at the Site, or seeking reimbursement from General Switch of response costs incurred by the United States for additional response work, if:

- a. for proceedings prior to Certification of Completion of the Work, (i) conditions at the Site, previously unknown to the United States, are discovered after the entry of this Consent Decree, or (ii) information is received after the entry of this Consent Decree, and the EPA Administrator or his delegate finds, based on these previously unknown conditions or this information together with any other relevant information, that the Work performed pursuant to this Consent Decree is not protective of human health and the environment; or
- b. for proceedings subsequent to Certification of Completion of the Work, (i) conditions at the Site, previously unknown to the United States, are discovered after the Certification of Completion of the Work, or (ii) information is received by EPA after the Certification of Completion of the Work, and the EPA Administrator or his delegate finds, based on these previously unknown conditions or this information together with any other relevant information, that the Work performed pursuant to

9566

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CONFIDENTIAL

this Consent Decree is not protective of human health and the environment.

E. Notwithstanding any other provision in this Consent Decree, the covenant not to sue in Paragraph A of this Section does not relieve General Switch of its obligation to meet and maintain compliance with the Requirements set forth in this Consent Decree. The United States reserves its right to take response actions at the Site in the event of a breach of the terms of this Consent Decree and to seek recovery of costs incurred after entry of the Consent Decree: (1) resulting from such a breach, (2) relating to any portion of the Work funded or performed by the United States, or (3) incurred by the United States as a result of having to take administrative action or seek judicial assistance to remedy conditions at or adjacent to the Site.

F. Nothing in this Consent Decree shall constitute or be construed as a release or a covenant not to sue regarding any claim or cause of action against any person, firm, trust, joint venture, partnership, corporation or other entity not a signatory to this Consent Decree for any liability it may have arising out of or relating to the Site. The United States expressly reserves the right to sue any person other than General Switch in connection with the Site.

XXIII. NATURAL RESOURCES DAMAGES

This Consent Decree shall not be construed to affect in any

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CONFIDENTIAL

way any claims of the Natural Resource Trustees against General Switch for any liability for damages to, destruction of, or loss of natural resources in connection with or arising from the Site, and nothing in this Consent Decree shall be construed as a release or covenant not to sue General Switch for any claims arising from damages to, destruction of, or loss of natural resources, or as the agreement of any Natural Resource Trustee to a covenant not to sue General Switch pursuant to Section 122(j)(2) of CERCLA, 42 U.S.C. § 9622(j)(2).

XXIV. CONTRIBUTION PROTECTION

General Switch may seek contribution from any other person who is liable or potentially liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). Upon full execution of this Consent Decree, General Switch shall have contribution protection regarding matters addressed in this settlement against any person who has not resolved its liability to the United States pursuant to Sections 113(f) and 122(h)(4). If General Switch intends to initiate an action for contribution against any person who has not resolved its liability to the United States it shall notify EPA in writing of such intent sixty (60) days prior to filing such an action.

XXV. OTHER CLAIMS

A. General Switch agrees to indemnify, save and hold

95 bsd

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CONFIDENTIAL

harmless the United States and its agencies and representatives from any and all claims or causes of action arising from acts or omissions of General Switch and/or its contractors, subcontractors, or any other person acting on its behalf in performance of the Work or its failure to perform fully or complete the Work.

B. Neither the United States nor EPA is to be construed as a party to, and neither assumes any liability for, any contract entered into by General Switch in carrying out the activities pursuant to this Consent Decree. The proper completion of the Work under this Consent Decree is solely the responsibility of General Switch.

C. General Switch waives any claims for damages or reimbursement from the United States 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 General Switch and any person performing work on or with respect to the Site, including but not limited to claims on account of construction delays.

XXVI. CLAIMS AGAINST THE FUND

General Switch waives and releases any rights it may have to assert any claims against the United States or EPA pursuant to Sections 106(b)(2), 111 and/or 112 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9611, 9612, or any other provision of law, directly or indirectly, including but not limited to reimbursement from the Superfund, relating to any response costs or other costs incurred by General

9562

Switch in connection with the Site prior to the lodging of this Consent Decree or in performing Work called for by this Consent Decree, or for any other claims related to or arising from the Work or this Consent Decree. Nothing in this Consent Decree shall be construed as EPA's preauthorization of a CERCLA claim against the Hazardous Substances Superfund within the meaning of Section 111 of CERCLA or 40 C.F.R. § 300.25.

XXVII. INSURANCE/FINANCIAL RESPONSIBILITY

A. Prior to commencing any Work, General Switch shall maintain or procure for the duration of this Consent Decree, general liability and automobile insurance with limits of ten million dollars, combined single limit. In addition, for the duration of this Consent Decree, General Switch shall satisfy all applicable laws and regulations regarding the provision of workmens' compensation insurance. All contractors and subcontractors acting on behalf or under the control of General Switch in connection with any Work at the Site shall have insurance protection consistent with this Section. Prior to commencement of Work under this Consent Decree, General Switch shall provide EPA with a certificate of insurance and/or a copy of the insurance policy or policies for approval. If General Switch 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, General Switch need provide

956f

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CONFIDENTIAL

only that portion of the insurance described above which is not maintained by the contractor or subcontractor.

B. General Switch shall demonstrate its ability to complete the Work and to pay all claims that arise from the performance of the Work by presenting to EPA for approval within fourteen (14) days after the effective date of this Consent Decree one of the following items: (1) a performance bond, (2) a letter of credit, (3) a guarantee by a third party, or (4) financial information in accordance with 40 CFR 264.143, each or all of which must be sufficient to assure EPA that General Switch has enough assets to make it unnecessary to require additional assurances. General Switch shall annually submit such financial assurances. If EPA determines such financial assurances to be inadequate, EPA shall so inform General Switch by written notice and General Switch shall have thirty (30) days from the date of receipt of such written notice to obtain further financial assurances sufficient to assure EPA that General Switch has sufficient assets to complete the Work and to satisfy all obligations under this Consent Decree.

XXVIII. NOTICES

Whenever, under the terms of this Consent Decree, notice is required to be given, a report or other document is required to be forwarded by one party to another, service of any papers or process is necessitated by the dispute resolution provisions contained herein, or any other written communication is required,

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CONFIDENTIAL

such correspondence shall be directed to the following individuals at the addresses specified below:

A. As to the Plaintiff:

- (1) Chief, New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection
Agency, Region II
26 Federal Plaza, Room 437
New York, New York 10278
Attn: Wallkill Well Field Site Attorney
- (2) Chief, Site Compliance Branch
U.S. Environmental Protection
Agency, Region II
26 Federal Plaza, Room 737
New York, New York 10278
Attn: Wallkill Well Field Site Project Manager
- (3) Chief, Environmental Enforcement Section
Land & Natural Resources Division
U.S. Department of Justice
Benjamin Franklin Station
P.O. Box 7611
Washington, D.C. 20044
Re: DOJ#9C-11-3-221
- (4) Chief, Environmental Protection Unit
Office of the United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, NY 10007
Attn: Helen M. Toor

B. As to General Switch:

To be supplied

XXIX. PUBLIC PARTICIPATION

Final approval and entry of this Consent Decree are subject to the requirements of Section 122(d)(1)(2) of CERCLA, 42 U.S.C. § 9622(d)(1)(2), and 28 C.F.R. § 50.7.

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XXX. MODIFICATION

There shall be no modification of this Consent Decree without written agreement of the parties. Any such written agreement shall be forwarded by the United States to the Court. No material modifications to this Consent Decree shall be made without approval of the Court. The determination of materiality shall be solely within the United States' discretion and General Switch shall not seek judicial review or invoke the procedures set forth in Section XIX with regard to any such determination.

XXXI. ADMISSIBILITY OF DATA

In the event that the Court is called upon to resolve a dispute concerning implementation of this Consent Decree, General Switch waives any evidentiary objection to the admission into evidence of the results of any analyses of sampling conducted by or for it at the Site or other data gathered, generated, or evaluated pursuant to this Consent Decree.

XXXII. CONTINUING JURISDICTION

The Court retains jurisdiction over both the subject matter of this Consent Decree and General Switch for the duration of the performance of the terms and provisions of this Consent Decree for the purposes of issuing such further orders or directions as may be necessary or appropriate to construe, implement, modify,

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CONFIDENTIAL

enforce, terminate or reinstate the terms of this Consent Decree, to resolve disputes in accordance with Section XIX, or for any further relief as the interests of justice may require.

XXXIII. COMMUNITY RELATIONS

General Switch shall cooperate with EPA in providing information concerning the Work required by this Consent Decree to the public. As requested by EPA, General Switch shall participate in the preparation of all appropriate information disseminated to the public and in public meetings which may be held or sponsored by EPA to explain activities at or concerning the Site.

XXXIV. EFFECTIVE AND TERMINATION DATES

A. This Consent Decree shall be effective upon the date of its entry by the Court.

B. When General Switch determines that it has completed the Work, it shall submit to EPA a Notice of Completion of the Work and a final report that summarizes the Work performed, any modification to the Work Plan, and the performance levels achieved. The summary shall include or reference any supporting documentation. "Completion of the Work" shall mean implementation of all Work required under Sections VI-X of this Consent Decree. Upon receipt of the Notice of Completion, EPA shall review the accompanying report and any other supporting documentation. EPA shall issue a Certification of Completion of the Work upon its determination

(9512)

that General Switch has satisfactorily completed the Work required under this Consent Decree. After submission of a Notice of Completion, but prior to the issuance of any Certification of Completion, EPA shall undertake a review of the implementation of the Work required under Sections VI-X of this Consent Decree.

C. This Consent Decree shall terminate upon General Switch's receipt of Certification of Completion of the Work. Termination of this Consent Decree shall not affect the Covenant Not to Sue provided in Section XXII, the provisions relating to the reservation of rights and re-opening of this matter contained in Sections XXII.D-F, the retention of the rights of access, inspection and information-gathering contained in Section XII.F, the retention of response and enforcement authorities contained in Section XVII, or any obligation of General Switch which expressly survives the termination of this Consent Decree.

956k

WE HEREBY CONSENT to the entry of this Consent Decree:

FOR THE UNITED STATES:

Donald A. Carr
Acting Assistant Attorney General
Land and Natural Resources
Division
U.S. Department of Justice
By: Betty Yu
Assistant Attorney General

Date

BENITO ROMANO
United States Attorney for the
Southern District of New York
By: Helen M. Toor
Assistant United States Attorney

Date

WILLIAM J. MUSZYNSKI, P.E.
Acting Regional Administrator
U.S. Environmental Protection Agency
Region II
By: Bernice I. Corman
Assistant Regional Counsel

Date

9562

DRAFT

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CONFIDENTIAL

FOR GENERAL SWITCH:

(signature)

DATE

(printed name of signatory)

(title of signatory)

SO ORDERED:

ROBERT J. WARD
UNITED STATES DISTRICT JUDGE

DATE

95bm

SPEED MEMO

TO: R. Pergandis

DATE: 7/26/88

@ Klaus

SUBJECT: General Switch

331025

FROM: Hardy

We have recommended to J. Slack we
be able to open negotiations toward cleanup
to National Contingency Plan standards. I don't
see anything we can do until we receive answers

I think we have waited long enough. Let's
start talks with General Switch. Read my
letter of a few months ago outlining the
technical approach I would want to accept
have followed.

8/26

SPEED MEMO

TO: R. Pergande

@ Klaus

DATE: 7/26/88

SUBJECT: General Summit

331025

FROM: Hardy

We have recommended to J. S. Luch we be able to open negotiations toward cleanup to National Contingency Plan standards. I don't see anything we can do until we receive answers.

I think we have waited long enough. Let's start talks with General Swartz. Read my letter of a few months ago outlining the technical approach I would want to accept have followed.

8/26

SPEED MEMO

TO: R. Pergande

DATE: 7/26/88

SUBJECT: General Smith

331025

FROM: Hardy

We have recommended to J. Slack we
be able to open negotiations toward cleanup
to national contingency plan standards. I don't
see anything we can do until we receive answers.

I think we have waited long enough. Let's
start talks with General Smith. Read my
letter of a few months ago. In terms of the
technical approach I would want to accept
have followed.

8/26

SPEED MEMO

TO: Jos. Slack, Director BHWB
cc Ron Bergadin

DATE: 7/21/88

SUBJECT: General Switch
336025

FROM: J. Hardy

We donot believe the above referenced site is an appropriate candidate for state or Federal Superfund because:

a) there are substantial liabilities involved in investigation and/or cleanup so near the foundations of this active industrial facility

b) we believe the PRP might agree to cleanup to an ARAR at exposure points as per the Superfund Public Health Evaluation Manual, Chapter 4 (especially Section 4.3); ~~that is the best approach~~
We feel this is an acceptable approach to resolve this matter in accordance with objectives of the National Contingency Plan.

Unless you have objections to this approach we plan to ~~as~~ reopen negotiations with General Switch to achieve this level of cleanup.

SPEED MEMO

TO: R. Berggren

DATE: 5/7/88

SUBJECT: Gen Switch

FROM: Hardy

For your info, the above project is being referred to State Superfund.

I believe this would be a ~~very~~ terrible waste of state money & time. ~~What~~ I am fairly certain an agreement could be reached with

PRP but there was a serious ~~of~~ miscommunication between Jos. Slack & DEE which lead DEE to present Gen Switch with an unreasonable & inflexible position when J. Slack was actually willing to negotiate. I believe we should open negotiations with Gen Switch again & if we are reasonable will have agreement ~~very~~ ~~soon~~ & cleanup very quickly.

A. Klaus
Rom
New York State Department of Environmental Conservation

MEMORANDUM

RECEIVED

TO: W. R. Foltin through David Markell
FROM: Louis A. Evans, D.E.E., White Plains *LE*
SUBJECT: General Switch Corp; Site # 336025

DATE: April 28, 1988

RECEIVED MAY 3 1988

MAY 12 1988
NYSDEC
New Paltz

NYSDEC
New Paltz

By this memo, the Division of Environmental Enforcement hereby refers the matter of the General Switch Corp. site for State-funded remediation. The site is not presently on the Candidate Site List.

The General Switch site is located in the Town of Wallkill, Orange County, Region 3. General Switch is a manufacturer of electrical switches, circuit breakers and panel boards. General Switch uses tetrachloroethylene (PCE) for metal degreasing.

Extremely high concentrations of PCE were detected in private drinking water wells in Wallkill in the fall of 1983. The Department identified General Switch as a PRP. In 1984, General Switch entered into a Consent Order with USEPA, under which the company paid for the installation of a public water main in the affected neighborhood, and for hookup of all residences with water contaminated with PCE above 50 ppb (the DOH drinking water guidance value for organics), and conducted a hydrogeologic investigation that was essentially equivalent to an RI/FS. In 1985, General Switch entered into a Consent Order with DEC under which the company conducted an investigation of soil contamination on the General Switch property.

Following completion of the hydrogeologic and soil investigations, we entered negotiations with General Switch toward a Consent Order providing for an inactive hazardous waste disposal site rededial program. Negotiations have continued for quite some time. However, we have been unable to resolve the question of appropriate cleanup levels for soil and groundwater. With respect to soil, the Department insists on a numerical standard, while General Switch prefers a volumetric approach. The groundwater remediation issue has been focused on the TOGS guidance value for PCE (0.7 ppb), which General Switch does not agree with. There are also numerous unresolved matters with respect to the terms of the Consent Order, concerning procedural issues.

It has become evident that these issues cannot be resolved in the foreseeable future. Consequently, we recently broke off negotiations with General Switch.

9/a
awb

You should be aware that EPA is presently pursuing a cost recovery action against General Switch, for costs associated with EPA's provision of emergency potable water supplies to affected residents in 1983 and 1984. In the course of that litigation, it is conceivable that EPA might reach agreement with General Switch on remediation of the site. The contact person at EPA is Bernice Corman, Esq. of the Office of Regional Counsel, (212)264-5546. Ms. Corman will be happy to keep you and your staff advised of any developments in the Federal cost recovery action.

Accordingly, the General Switch site is hereby referred to your office for State-funded remediation.

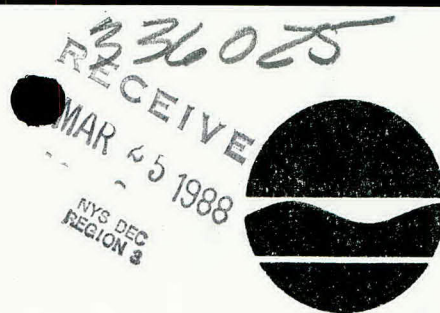
RP/jg

cc: J. Periconi
R. Piaggione
A. Klauss ✓

91b

New York State Department of Environmental Conservation

Div. of Environmental Enforcement
202 Mamaroneck Avenue Room 304
White Plains, N.Y. 10601-5381
Tel.: (914) 761-6660



March 24, 1988

Thomas C. Jorling
Commissioner

Martin S. Baker, Esq.
Rosenman & Colin
575 Madison Avenue
New York, New York 10022-2585

Re: General Switch Corporation
Site #336025

Dear Mr. Baker:

I am writing with regard to the outstanding issue of remediation standards for cleanup of the above site.

The Department remains firm on the requirement that remediation to TOGS guidance levels must be accomplished.

Accordingly, please be advised that, unless General Switch Corporation agrees by April 8, 1988, to commit to remediation to such levels, the proposed Consent Order will be withdrawn. In such event, the Department will consider all alternatives available to it, including the initiation of appropriate enforcement proceedings.

Please feel free to call me if you have any questions, or wish to discuss this matter further.

Very truly yours,

Louis A. Evans
Associate Attorney

LAE:jl

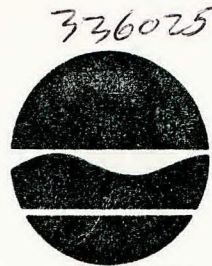
cc: J. Hardy
M. Moroukian
B. Corman (USEPA)

New York State Department of Environmental Conservation

Div. of Environmental Enforcement

202 Mamaroneck Ave., Room 304

White Plains, N.Y. 10601-5381



Thomas C. Jorling

Commissioner

RECEIVED

JAN 29 1988

NYS DEC
REGION 3

January 28, 1988

Cheryl R. Adler, Esq.
Rosenman & Colin
575 Madison Avenue
New York, New York 10022-2585

Re: General Switch Corporation

Dear Cheryl:

This is in response to the most recent revised draft of the Order on Consent for the above site.

Please be advised that the right to cure provision (set forth, basically, in Paragraphs IX through XI) is not acceptable. As a matter of policy, the Department will not agree to a right to cure.

In addition, the administrative dispute resolution provision (Paragraph XII) must be limited to disputes over the sufficiency or appropriateness of technical submissions.

The language which you have added at the beginning of Paragraph XVI, concerning completion of the remedial program, will only be acceptable if the work plan provides for a cleanup level that complies with the TOGS guidance value for tetrachloroethylene (0.7 ppb).

Finally, there have been some recent changes in the Department's reporting addresses (Paragraph XIX). I will provide you with a revised list in the near future.

Should you wish to discuss these provisions further, please call me at (914) 761-6660.

Very truly yours,

Louis A. Evans
Associate Attorney

LAE/jl

cc: M. Maroukian

R. Pergadia

Jim

Al/Ram
a compliment
from Cesare

My
14/21

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 3
DIVISION OF WATER
202 MAMARONECK AVE.
WHITE PLAINS, NY 10601
(914) 761-6660

RECEIVED

DEC 21 1990

ADMINISTRATIVE UNIT
REGION #3

336025
SPEED MEMO

TO:

DATE:

SUBJECT:

FROM:

Mr. Bear of Shakti is totally wrong
regarding this being an authorization. I think
what I see NO such authorization from Reg.

Albany Water will provide Albany DHWA an
effluent limit page based on authorization info
provided by Shakti. DHWA will
be responsible for institutional arrangement
to implement effluent limits and also be
responsible to Monitor for Compliance. Water's
responsibility is to provide effluent limits.

Thank you for being sharp & catching Mr. Bear's error.

104a
ab

336025

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 - 3505



MEMORANDUM

TO: Kamal Gupta, BERA, DHWR
FROM: Joseph Kelleher, BWFD, DOW; by: Shayne Mitchell *SM*
SUBJECT: General Switch, #336025
DATE: December 13, 1990

We have completed our review of the subject report and plans. Our comments follow. Please contact Shayne Mitchell at (518) 457-6716 if you have any questions.

1. Per our recent conversation a SPDES permit will be required for a wastewater discharge from this site. Attached are the necessary SPDES permit application materials the applicant must complete and submit to DRA in Region 3. Due to the delay inherent in the permitting process it is recommended that the consultant attempt to secure approval from the local POTW for disposal of wastewater from the planned pump test.
2. The report and plans for the wastewater treatment system as proposed cannot be approved. Additional information and clarification is required:
 - a. Differing values for the air flow rate to the stripper have been reported. The plans report 100 CFM and the specification sheet notes 50 CFM. Please correct.
 - b. Detailed design calculations for the "Merry-go-round" air stripper and the polymer absorbent beads must be provided.
 - c. Complete operating data from similar existing installations should be submitted demonstrating the effectiveness of each individual unit.
 - d. The carbon bypass line is unacceptable and will not be authorized for construction. Data provided indicates the stripper will not meet applicable effluent limitations without post treatment.
 - e. The need for a prefilter to reduce solids in the influent should be investigated. If influent turbidities are high the prefilter will serve to maintain stripper effectiveness and carbon life.

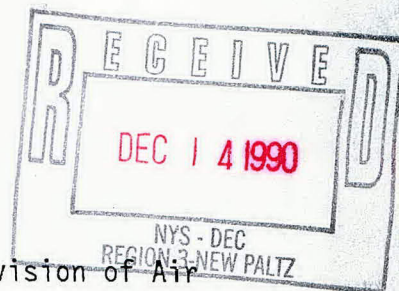
JK:SM:sc
Attachment

cc: Cesare Manfredi, RWE, Region 3
Marsden Chen, BERA, DHWR

1046

#336025

THIS MEMO WAS SENT TO:



Art Fossa, Director, Bureau of Toxic Air Sampling, Division of Air

Joseph Kelleher, Chief, Chemical Systems Section, DOW

FROM: Marsden Chen, Bureau of Eastern Remedial Action, DHWR

RE: General Switch Site Id. No. 336025

DATE: DEC 11 1990

Attached are the copies of air stripper drawings No. GS-90-1000 and GS-90-1002, specification of the system and air permit application for General Switch Site.

The potentially responsible party (PRP), Laurwal Holding Corp. has proposed to use an air stripper for treatment of groundwater discharged from the Parella well during the pump test. They also intend to use the same air stripper for treatment of groundwater upon approval of the remedial design. This treated water would be reinjected at on-site locations TPA, TPD and TP6.

Since this site has not gone through a public participation program while selecting the above remedy, all necessary permits are required (Organization and Delegation Memorandum #90-37 dated September 28, 1990).

The Laurwal Holding Corp., has directly applied for Air and SPDES permit to Mr. Neil Isabel and Cesare Manfredi of Region 3. Attached are copies of the application for your information and needful action.

If you have any questions regarding this, please call Kamal Gupta, of my staff at (518) 457-3976.

bcc: M. Chen
J. Lister/File
K. Gupta
N. Isabel, Region 3
C. Manfredi, Region 3
R. Pergadia, Region 3
A. Klauss, Region 3

Melissa

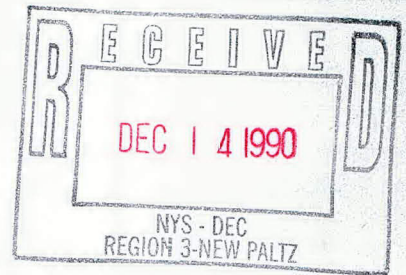
FYE

12/14

103

#336025

Ram



THIS MEMO WAS SENT TO:

Art Fossa, Director, Bureau of Toxic Air Sampling, Division of Air

Joseph Kelleher, Chief, Chemical Systems Section, DOW

FROM: Marsden Chen, Bureau of Eastern Remedial Action, DHWR

me/gst

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bcc: M. Chen
J. Lister/File
K. Gupta
N. Isabel, Region 3
C. Manfredi, Region 3
R. Pergadia, Region 3
A. Klauss, Region 3

*Melissa
FYR*

[Signature]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 3
DIVISION OF WATER
202 MAMARONECK AVE.
WHITE PLAINS, NY 10601
(914) 761-6660

SPEED MEMO

TO: Melissa Mastro
DHWR

DATE: 12/21/90

FROM: Cesare Manfredi

SUBJECT: Gen Switch

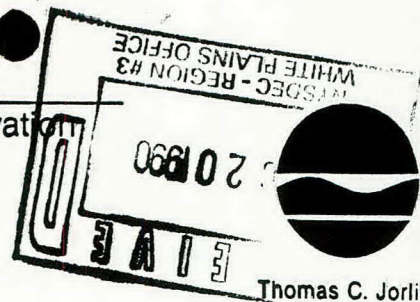
Mr Bea of Shakti is totally wrong regarding Discharge Authorization. There will be NO such authorization from Reg.

Albany Center will provide Albany DHWR an effluent limit page based on application info already submitted by Shakti. DHWR will be responsible for institutional arrangement to implement effluent limits and also be responsible to monitor for compliance. Center's only responsibility is to provide effluent limits.

Thank you for being sharp & catching Mr Bea's Error.

Cesare
1046
a-e

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 - 3505



Thomas C. Jorling
Commissioner

MEMORANDUM

TO: Kamal Gupta, BERA, DHWR
FROM: Joseph Kelleher, BWFD, DOW; by: Shayne Mitchell
SUBJECT: General Switch, #336025
DATE: December 13, 1990

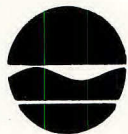
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 - a. Differing values for the air flow rate to the stripper have been reported. The plans report 100 CFM and the specification sheet notes 50 CFM. Please correct.
 - b. Detailed design calculations for the "Merry-go-round" air stripper and the polymer absorbent beads must be provided.
 - c. Complete operating data from similar existing installations should be submitted demonstrating the effectiveness of each individual unit.
 - d. The carbon bypass line is unacceptable and will not be authorized for construction. Data provided indicates the stripper will not meet applicable effluent limitations without post treatment.
 - e. The need for a prefilter to reduce solids in the influent should be investigated. If influent turbidities are high the prefilter will serve to maintain stripper effectiveness and carbon life.

JK:SM:sc
Attachment

cc: Cesare Manfredi, RWE, Region 3
Marsden Chen, BERA, DHWR

1046



New York State Department of Environmental Conservation

MEMORANDUM

TO: Cesare Manfredi
FROM: Melissa Mastro, DHWR - Region 3
SUBJECT: Pump Test Plan, General Switch site, Orange County
DATE: 12/17/90



Attached is a copy of the Shakti report section stating you will be issuing them temporary authorization for the pump test.

104c

SHAKTI CONSULTANTS INC.
185, Gatzmer Avenue
Jamesburg, NJ 08831
(201) 521-2322

August 12, 1990

Mr Walter Stern
General Switch Co.
Middletown, New York 10940

Martin Baker, Esq.
Stroock, Stroock and Lavan
Seven Hanover Square
New York, New York 10004

Dear Walter and Martin,

Attached is the revised Pump Test Plan for the General Switch site.

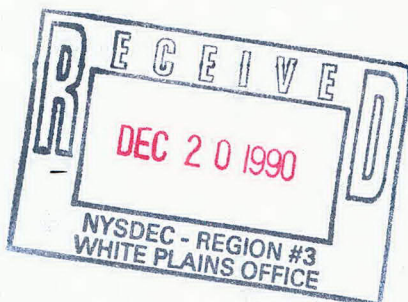
Yours Sincerely,



JOHN BEE

President, Shakti Consultants, Inc.

Senior Geologist
CPG#6173 American Institute of Professional Geologists



DEC - 6 1990

1044

o Groundwater Reinjection Permit, NYSDEC: Division of Water:

The injection of treated water from the Parella Well into an underground formation may require a Groundwater Reinjection Permit under the NPDES program administered by Caesar Manfredi of the NYSDEC, Division of Water. The reinjection of treated groundwater as a means of site cleanup is an acceptable policy of the NY State DEC detailed in two documents: Groundwater Policy Statements on the Reinjection of Groundwater. The Division of Hazardous Waste Remediation has the choice of administering NY State regulations either through a Division of Water Permit or through an Administrative Order.

According to Caesar Manfredi, because the site is being administered under CERCLA, the discharge of treated water into the ground may not require a permit but will have to meet the conditions of a permit (NYC Regulation Part 750). According to NY State regulations, under a permit, the discharge will meet the NY State Groundwater Quality Standard that is now 5 ppb for tetrachloroethylene, except in an area of containment such as a slurry wall or injection into a drawdown cone of recovery wells. In a decision on the appropriate groundwater requirements, the Division of Hazardous Waste Remediation will contact the Division of Water.

Caesar Manfredi has agreed to allow us to discharge the water to the ground during a pump test provided that we demonstrate to his satisfaction that the effluent criteria will be met. This demonstration may be in the form of a description of the air stripper operation in terms of discharge rate and time and anticipated effluent concentration. Whereupon Caesar Manfredi will issue a letter of temporary authorization to conduct the pump test.

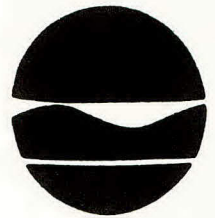
o Clean Air Act Permits

Air Emissions: Regarding the air emission levels from site activity, General Switch has agreed to meet air emission levels permitted by existing permits granted by the State of New York. The air stripper will be located on the General Switch property and not at the Parella well. The water will be pumped out of the Parella well for treatment by the stripper on the General Switch site and the treated water discharged in the excavated holes formed during soil cleanup at the three hot spots.

According to the USEPA, a permit may not be required for such on-site remedial activity although the NY State air criteria will be observed.

#336025

New York State Department of Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1696
914-255-5453



Thomas C. Jorling
Commissioner

To: Kamal Gupta
From: Melissa Mastro, DHWR
Subject: General Switch #336025
Date: October 2, 1991

The Region has reviewed the PRP's responses to the comments on the Sampling, Analysis and Monitoring Plan and Pump Test Plan for the General Switch site and offers the following comments.

Revised Sampling, Analysis and Monitoring Plan

1. Page 3: It is incorrect to state that the limiting value for excavation is 50 ppm. The section VI(1)(a) of the Consent Decree clearly states that 50 ppm is used to identify hot spots. The limit for excavation is yet to be determined.
2. Page 4: The Consent Decree has not established 50 ppm as a clean-up level.
3. Page 6: Samples to be sent to the lab should not be limited to 1 out of 10. The number of samples should be determined by the results from the Photovac 105450.
4. Page 6: The last on this page response does not address the comment.
5. Page 9: The response to comment #2 does not address the comment.
6. Page 10: See comment #3.
7. Page 11: The response to comment #5 does not address the comment.
8. Page 11: The response to comment #7 should also agree to discuss the diagram on page E-64 in the text.
9. Page 13: The final clean-up levels have not been established. The ARAR's should be stated and met.
10. Page 13: The response to comment #9 is incomplete.
11. Page 14: The response to comment # 10 is incomplete. The RCRA issue needs to be addressed.
12. Page 14: The response regarding the soil flushing and vacuum extraction as an alternative method is inadequate.

105a
ab

13. Page 15: Regarding the response to comment #11, if ND is obtained using method 624, one more sample should be taken and analyzed using method 524.2.
14. Page 16: The response to comment #14 does not state how the monitoring will be accomplished.
15. Page 17: Regarding the response to comment #15, no one should sign a document without overseeing the work.
16. Page 19: In response to E-13, the consent decree limits the DEC's response.
17. Page 21: The method that was used to determine the correlation between the lab data and the Photovac and OVA field data is very crude.
18. Page 22: 50 ppm has not been determined as the clean-up level.
19. Page 25: The samples should be analyzed for a full TCLP.
20. Page 28: The response to the comment regarding the ability of the Parella well in remediation, does not adequately address the concerns.

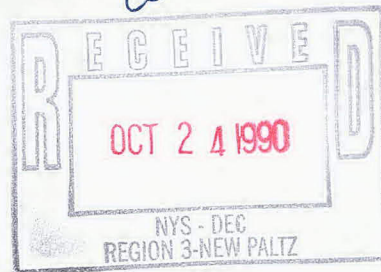
Revised Pump Test Plan

1. Page 2: Will the syringe sampler be adequate to sample the distinct zones to determine the vertical distribution of the contaminant?
2. Page 6,7: In response to #7; How will the pump test determine if the treated water will follow the same path the contaminated water did, test the ability of the recovery well to capture the plume and the air stripper to treat the water?
3. Page 8,12: Responses on both pages again refer to clean-up parameters which have not yet been determined.

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To	Kamal Gupta	
From	Melissa Mastro	
Co.	DHWR	
Co.	DHWR / Region 3	
Dept.	Phone # 614-255-5453	
Fax # 457-1088	Fax #	

1056

336025



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 3
DIVISION OF WATER
202 MAMARONECK AVE.
WHITE PLAINS, NY 10601
(914) 761-6660

SPEED MEMO

TO: Dan Walton
Facilities Design

DATE: 10/22/90

FROM: Cesare Manfredi

SUBJECT: General Switch

As discussed any site such as General Switch that is to have a pump/treat/discharge and does not require a SPDES ~~shall~~ must have the SAME SPDES type conditions contained in a Signed Order. Others in DEC should be reminded that each pump/treat/discharge SITE MUST HAVE either a SPDES or a SPDES equivalent contained in an Order Prior to DISCHARGE

Cesare

102a
ab

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 - 3505



Thomas C. Jorling
Commissioner

MEMORANDUM

OCT 19 1990

TO: Kamal Gupta, BERA (B), DHWR
FROM: Joseph Kelleher, BWFD, DOW - By: Shayne Mitchell *SM*
SUBJECT: General Switch, #336025
DATE: October 15, 1990

The seven reports contained in your 9/19/90 transmittal have been received. The Revised QA/QC plan and the Health and Safety Plan were not reviewed and are being returned to you. We have no comment on the Combined Overall Site Management and O & M Plan. Our comments on the other plans are noted below:

- 1) This is a CERCLA site therefore no temporary discharge or SFDES permits are required. The technical requirements of these programs must be complied with though, including review of the groundwater treatment system design prior to the pump test. Considering the non-conventional configuration please support the design with operating data from similar units.
- 2) Page E-34 of the sampling plan states that groundwater samples will be analyzed by EPA 624. Page D-25 of the pump test plan states that air stripper effluent will be analyzed by EPA 524.2. To maintain consistency all samples should be analyzed by 524.2.
- 3) Page E-52 paragraph 2. The minimum frequency of effluent sampling will be determined by this Department. In no case will it be less than monthly.
- 4) Has site groundwater ever been sampled for the full TCL? If not, sampling is warranted to confirm the absence of other contaminants and to determine necessary treatment/discharge requirements.
- 5) The standards and guidance values contained in DOW TOGS 1.1.1 must be included as ARAR's.

Please contact Shayne Mitchell at 518-457-6716 if you have any questions.

JFK/SM/pm

cc: Cesare Manfredi, RWE, Region 3
Marsden Chen, BERA (B), DHWR

1026

#336025

New York State Department of Environmental Conservation

MEMORANDUM

TO: Kamal Gupta
FROM: Melissa Mastro, Region 3 *MM*
SUBJECT: Comments on General Switch Site #336025

DATE: September 25, 1990

Revised Sampling, Analysis and Monitoring Plan

Page E-16 "For the soil solidification alternative the depth of soil treatment in this area will be to 6 feet... The foundations of the building will be undermined if excavation proceeds below the footings."

Has a PE verified this depth? If not, one should.

Page E-47 "Area TPA... At this hot spot, high contamination of the soil will be excavated to at least 7 feet in depth, provided the building foundations are not undermined."

Has a PE verified this? The integrity of the building must be determined before any excavation begins.

Page E-39 indicates more testing will be done in and around the hot spots to determine the extent of the contamination. TPA appears to have significant contamination to depths of 10 to 12 feet (page E-16). Page E-25 states the soil contaminated above 50 ppm will be excavated. Page E-47 states TPA can not be dug below 7 feet. What happens if the soil below 7 feet contains more than 50 ppm of tetrachloroethylene?

Page E-25 indicates any soil contaminated above 50 ppm will be excavated and treated to reduce the concentration by 95-99.5%. What is the maximum amount of contamination that will be acceptable after treatment?

The solidification alternative is mentioned on pages E-15,16 only briefly. More detail is needed on this treatment before it can be accepted.

Health and Safety Plan

Page G-3 Combustible Gas Indicator (CGI)

There is an additional limitation that should be noted: oxygen concentrations that are less or greater than normal may cause false readings.

Page G-10 Emergency Phone Numbers & Chain of Command

This sheet should be posted near a phone and the workers should be briefed on where it is located in case of emergency.

The hospital, fire and police departments should be notified

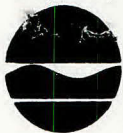
101a
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of the work that is being done on the site. The hospital should be aware of the effects of over-exposure to the chemicals and be prepared for treatment. The fire and police departments should be made aware of the hazards on site in case there is an emergency and they are required to enter the work zone.

Pump Test Plan

What controls will be used when the hot spots will be flushed with the treated groundwater to ensure there will not be any overflow of the possibly re-contaminated groundwater? If the pumping rate is greater than the infiltration rate, what will be done with the excess treated groundwater?

As mentioned before, a PE should guarantee the structural integrity of the building before any digging or flushing begins.



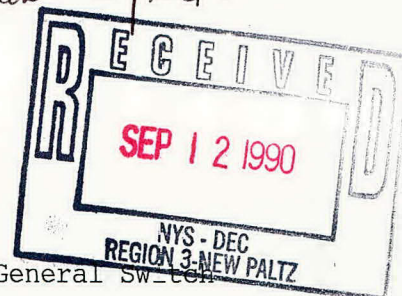
New York State Department of Environmental Conservation

MEMORANDUM

TO: Ram Pergadia, RHWRE, Region 3, New Paltz
FROM: Marsden Chen, Bureau of Eastern Remedial Action
SUBJECT: General Switch Site #336025

Marsden Chen / K.G.

DATE: SEP 10 1990



Attached are copies of the following documents for the General Switch site:

1. Revised Sampling, Analysis and Monitoring Plan
2. Revised Quality Assurance/Quality Control Plan
3. Health and Safety Plan
4. Combined Overall Site Management and Operation and Maintenance Plan
5. Site Investigation to determine the extent of PCE contamination at the General Switch Site, April 10, 1986
6. Hydrogeologic Investigation of the General Switch Site, November 1984.

Items No. 5 and 6 are old documents and PRP. General Switch has sent them for ready references.

Please have staff review these documents and provide your written comments to Kamal Gupta, of my staff, by September 26, 1990.

If you have any questions, Mr. Gupta can be reached at 518-457-3976.

Attachments

101c

Wallkill Wells

Comments on Pete Doshnas Memo of 11/1/89

F.C. Hart's Phase I Report for ~~USE~~ General Switch, under agreement with USEPA, covers the items in the proposed compliance schedule except for the removal of contaminated soil.

Whether all "hot spots" are covered by the ~~report~~ study is moot.

The concentration at which the soil would require ~~the~~ removal has yet to be defined.

I do not see the need for studying or dealing with the problem in so many small stages (hot spots, bed rock aquifer, contamination, affected area on a regional basis, etc) but would prefer to have ^{one} ~~a~~ comprehensive study to deal with all aspects of the case. This would prove efficient in terms of time, cost

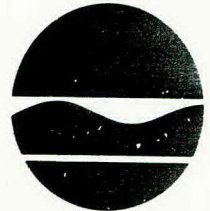
& non-duplication of work.

The focus and starting point of any study should be the contaminated wells whether on or off site and not some locations ~~so~~ selected randomly.

← Karn
11/14.

336025
FILE
New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 7010

JUL 3 1989



Thomas C. Jorling
Commissioner

Ms. Alison A. Hess
Enforcement Project Manager
U.S.E.P.A. Region II
Jacob K. Javits Federal Bldg.
New York, N. Y. 10278



Dear Ms. Hess:

RE: WALLKILL (GENERAL SWITCH)

Thank you for your letter of June 28, 1989 which was received here on July 3, 1989.

Contrary to what is stated on page 5 of the Consent Decree, the DEC has sought to participate in the negotiation as evidenced by my numerous letters to and conversations with you.

I have repeatedly requested you to arrange a meeting with General Switch's consultant to iron out certain concerns and involve other appropriate divisions in the DEC, but in vain. I am still of the opinion that such a meeting is necessary.

While it is not DEC's intention to stall or prolong the negotiation, the absence of a clear tripartite agreement on the objectives of the remedial action may be cause for General Switch to resettle the case with the DEC.

Please distribute a copy of this letter to EPA's attorney negotiating the consent decree.

Sincerely,

Ram Pergadia
Assoc. Sanitary Engineer
Bureau of Eastern Remedial Action
Division of Hazardous Waste
Remediation

RP/dd

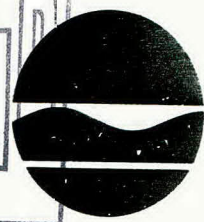
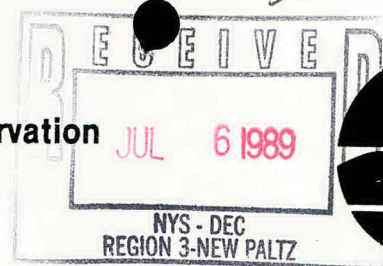
cc: L. Evans
A. Klaus
J. Slack
H. Agrawal

44

JH

336 025

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 7010



JUL 3 1989

Thomas C. Jorling
Commissioner

Hari

Ms. Alison A. Hess
Enforcement Project Manager
U.S.E.P.A. Region II
Jacob K. Javits Federal Bldg.
New York, N. Y. 10278

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Sincerely,

Ram Pergadia
Assoc. Sanitary Engineer
Bureau of Eastern Remedial Action
Division of Hazardous Waste
Remediation

RP/dd

cc: L. Evans
A. Klaus
J. Slack
H. Agrawal

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 3
21 SOUTH PUTT CORNERS ROAD
NEW PALTZ, NY 12561
914-255-5453

PDK/AK
SPEED MEMO

TO:

Low Evans

DATE:

3/13/88

SUBJECT:

Sen S witch

FROM:

Hardy

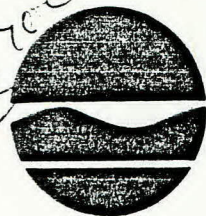
Attached are Ram Pergadia comments Q. Klaus
submitted submitted to EPA on 2/13/89

SW Chron

98a
ac

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
914-255-5453

JIN
Aper. to
for rev. B
FILE
2/13/89 - 11:30



Henry G. Williams
Commissioner

*all - telephed
Adm - Allison confirmed
receiving same
Rajda*

TO: ALLISON HESS

DATE: 2/13/89

FROM: A KLAUSS

NUMBER OF PAGES: 1 & COVER

OUR TELECOPIER: 914-255-5453 ext. 300

986

New York State Department of Environmental Conservation

MEMORANDUM

TO: A1 Klauss
FROM: Ram Pergadia
SUBJECT: General Switch: Site ID: 336025
DATE: FEB 9 1989

[Signature]

John Fite
JIM
LET'S TALK
WHAT IS THE
STATUS
H.A.2
2/23

My comments on the draft agreement between EPA and General Switch are as follows:

1) Excavation and removal of contaminated soil should not be limited in depth, but should proceed until cleanup levels are reached at the the perimeter of excavation at each of the identified hot-spots. DEC has previously agreed to level of 20 ppm and no reason to change it has been presented. The quantity of contamination in the soil will only be reduced marginally by limiting the excavation depth to 4'.

WHO AGREED
WIFE?

ACHET { 2) Cross-media transfer of contamination is not the preferred method of remediation. Therefore, rototilling will require Division of Air's review. An estimation of release from such an operation and comparison with ARARs and AALs will be required with any submission.

WHERE ARE THEY?

3) The GW cleanup level is in accordance with the DOH's revised guidelines. The order in which the contaminated wells are pumped for air-stripping should be in the descending order of magnitude of contamination to ensure effectiveness and to prevent 'smearing.' Details of this are spelt out in my hand-written memo to be found in the regional file.

4) The proposal to recirculate the treated water through the excavated pit is unacceptable for the following reasons:

- a) The soil has poor permeability and the migration of the injected/mounded water cannot be controlled.
- b) The proposal will introduce into the bedrock a significantly large amount of contaminant, because of the inadequate cleanup of the soil. The bedrock is a more difficult media to cleanup than the overburden.
- c) The cleanup period will be unacceptably long.

SOUND
REASABLE
TO ME
WHAT DO
YOU
THINK

5) The houses on Wallkill Ave. presently on private wells should be hooked up to the community supply.

cc: J. Slack

THIS IS AN NPL SITE.
WHO HAS THE
LEAD ON THIS - EPA?

[Signature]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 3
21 SOUTH PUTT CORNERS ROAD
NEW PALTZ, NY 12561
914-255-5453

336025

Hari/SH/1
HAY
FILE
SPEED MEMO

TO: Law Evans

DATE: 3/13/88

SUBJECT: Gen 5 watch

FROM: Hardy

Attached are Ram Pergadia comments A. Klaus
1000 submitted submitted to EPA on 2/13/89

98a
at

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
914-255-5453

336 025

JIN

Back to you
for your
FILE



Henry G. Williams
Commissioner

2/13/89 - 11:30

*at - telephed
down - Allison confirmed
receiving same.
encl*

TO: ALLISON HESS

DATE: 2/13/89

FROM: A KLAUSS

NUMBER OF PAGES: 1 & COVER

OUR TELECOPIER: 914-255-5453 ext. 300

986

New York State Department of Environmental Conservation

MEMORANDUM

TO: Al Klauss
 FROM: Ram Pergadia
 SUBJECT: General Switch: Site ID: 336025
 DATE: FEB 9 1999

Pergadia

Jim Fite
JIM
LET'S TALK
WHAT IS THE
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HAN
2/23

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WHO AGREED
&
WHEN?

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- c) The cleanup period will be unacceptably long.

Sound
REASABLE
TONG
WHA DO
YOU
THINK

5) The houses on Wallkill Ave. presently on private wells should be hooked up to the community supply.

cc: J. Slack

THIS IS AN NPL SITE.
WHO HAS THE
LEAD ON THIS - EPA?

abc

FAX No.

212-

264-7611

Additional

Comments -

perch her before
noon.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Important Message

For	<i>al K</i>										
Date	<i>2/13</i>	Time	<i>10</i> AM PM								
While You Were Away											
Name	<i>Alison Ness</i>										
Of											
Phone No.	<i>212-264-6040</i>										
<table border="1"><tr><td><input checked="" type="checkbox"/> Telephoned You</td><td><input checked="" type="checkbox"/> Please Phone Him/Her</td></tr><tr><td><input type="checkbox"/> Visited You</td><td><input type="checkbox"/> Will Phone Again</td></tr><tr><td><input type="checkbox"/> Wants To See You</td><td><input type="checkbox"/> Will Visit Again</td></tr><tr><td><input type="checkbox"/> Urgent <i>(over)</i></td><td><input type="checkbox"/></td></tr></table>				<input checked="" type="checkbox"/> Telephoned You	<input checked="" type="checkbox"/> Please Phone Him/Her	<input type="checkbox"/> Visited You	<input type="checkbox"/> Will Phone Again	<input type="checkbox"/> Wants To See You	<input type="checkbox"/> Will Visit Again	<input type="checkbox"/> Urgent <i>(over)</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Telephoned You	<input checked="" type="checkbox"/> Please Phone Him/Her										
<input type="checkbox"/> Visited You	<input type="checkbox"/> Will Phone Again										
<input type="checkbox"/> Wants To See You	<input type="checkbox"/> Will Visit Again										
<input type="checkbox"/> Urgent <i>(over)</i>	<input type="checkbox"/>										
Message: <i>Re: Wallace Consent degree being sent today</i>											
00-12-60		Signed <i>DM</i>									

For comments today.

FEB 16 1989

EXPRESS MAIL --
RETURN RECEIPT REQUESTED

Martin Baker, Esq.
Stroock & Stroock & Lavan
Seven Hanover Square
New York, NY 10004-2594

Re: United States v. General Switch Corporation
87 Civ. 8789 (RJW)

Dear Mr. Baker:

Enclosed is the Government's proposed Consent Decree. As is indicated on the face of the Consent Decree, the document is subject to further governmental review.

As is evident from the timing of this draft, intragovernmental resolution of the many issues presented in this decree required more time than anticipated. Now that these issues have been resolved from the Government's perspective, we anticipate expeditious resolution of any remaining issues and expect that both parties will now adhere to the time frames delineated in our letter of November 4th.

In your December 8, 1988 letter, you request that the Consent Decree contain language permitting General Switch to cease groundwater treatment "if General Switch is unable to achieve 5 ppb of PCE after continuous stripping for a reasonable time period, but the stripping achieves a stable level below the then existing most stringent standard."

Since our last discussions, the State has revised its standards and the new existing most stringent standard for PCE is 5 ppb. (I have enclosed a copy of the new New York State MCLs, effective January 9, 1989). Accordingly, the proposed Consent Decree does not contain a provision for terminating groundwater treatment before 5 ppb is reached.

2 ORC-NYCSUP:BI Corman/bc:x4-4472:General Switch disk:doc #2:02/10/89
2 ORC-NYCSUP
CORMAN

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a-b

During the drafting of the Consent Decree, while checking all of our clean up numbers, we realized that we had been in error when we stated that the levels of PCE in the excavated soils had to be reduced to 90 - 99.9% of their initial concentration prior to replacement back into the excavation. The correct reduction range is 95 - 99.9%. I have therefore provided language on those pages that requires General Switch to treat (by aeration) excavated soils so as to reduce the concentration of PCE to 95 - 99.9% of its initial concentration. According to our calculations, achievement of the correct reduction range should not significantly affect the performance or costs of soil treatment.

Please submit your written comments four weeks from the date of receipt of this document. I would be pleased to arrange a meeting at that time to discuss in person your proposed revisions to the Consent Decree in person.

Very truly yours,

Bernice I. Corman
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel

Enclosure

336025

New York State Department of Environmental Conservation

MEMORANDUM

RECEIVED

DEC 21 1988

NYS DEC
REGION 3

TO: Distribution
FROM: Lou Evans, DEE, White Plains *LE by Leo*
SUBJECT: General Switch (Site # 336025)
DATE: December 12, 1988

Attached is a copy of correspondence I recently received from Bicky Corman, attorney for EPA Region 2, concerning a tentative settlement EPA has reached with General Switch for remediation of the above site.

Please review the correspondence, and advise me as to any response costs your offices may have incurred.

Please advise Ms. Corman directly as to any substantive comments you might have regarding the remediation agreement.

LE/jl
Attachment

Distribution:

Jim Hardy, DHWR, New Paltz ✓
Mark Maroukian, DHWR, Rm. 222, Albany
Ron Tramontano, NYS DOH

96a
a-e

To: Lou Evans, NYSDEC/DEE

ENFORCEMENT SENSITIVE/CONFIDENTIAL

From: Bicky Corman, EPA/ORC (212)264-4472

Re: Settlement with General Switch Company

Date: December 5, 1988

Enclosed is a letter from EPA to Marty Baker (who is now with Strouck, Strouck & Lavan) confirming the highlights of our remedial agreement, in principle, with General Switch. Please circulate this among your technical people, and let met know if there is anything more you need from us if you decide to de-list this Site from your registry. Mel Hauptman talked with Jim Hardy over the telephone, and he seemed to agree with the terms contained herein.

We will probably have to conclude this agreement in something like a CERCLA §122 judicial consent decree. The state is entitled to participate in these negotiations and be a co-plaintiff (if it has jurisdiction, e.g., if it has incurred response costs).

Please let me know your thoughts on these matters.

RECEIVED

DEC 06 1988

NYSDEC
WHITE PLAINS
DEE

966

NOV 4 1988

RECEIVED

DEC 8 1988

NYS
WHITE PLAINS
DEP

Martin Baker, Esq.
Stroock & Stroock & Lavan
7 Hanover Square
New York, NY 10004

Re: United States v. General Switch Corporation, S.D.N.Y.
(87 Civ. 8789)

Dear Mr. Baker:

This is to confirm the agreement in principle reached between the United States and General Switch Corporation ("General Switch") at our meetings of October 13 and October 25, 1988, and telephone conversation of October 28, 1988 concerning the above-referenced action. The parties have negotiated and agreed to conclude promptly a consent decree which will include the following:

- 1) General Switch will pay \$55,000 towards EPA's past response costs incurred through the date of lodging of the consent decree:
- 2) With regard to EPA's claims relating to future remediation, General Switch will:
 - a) Excavate the top four feet of soil in the "hot spots" (those areas where tetrachloroethylene ("PCE") contamination exceeds 50 parts per million ("ppm")) with deeper excavation where necessary. General Switch's protocol for determination of the area and depth of the hot spots shall be approved by EPA;
 - b) Rototill the excavated soil until the concentration of PCE is reduced by 90 - 99.99%, in accordance with land ban numbers, and dispose of the excavated rototilled material on-site;
 - c) Air strip (using a "merry-go-round" stripper) at 99.9% or greater efficiency the contaminated groundwater at the Parella well. Discharge air emissions in accordance with applicable New York State standards;
 - d) Reduce the concentration of PCE in the treated water and restore the aquifer to 5 ppb of PCE. When the aquifer has stabilized at 5 ppb or less for a time period to be agreed upon, General Switch may discontinue

20RC/NYCSUP:BCorman:js:4x4772:10/27/88:disk#*
20RC/NYCSUP 20RC/NYCSUP
CORMAN SCHAAF

96C

- 2 -

air stripping. If, after such discontinuation of stripping operations, subsequent testing (at intervals to be agreed upon) indicates continued stabilization at 5 ppb, General Switch's obligation to continue air stripping to reduce PCE shall terminate. In the alternative, if EPA, in its discretion, determines that sampling reveals aquifer stabilization at some level greater than 5 ppb, and that the aquifer will not reach 5 ppb by further stripping, General Switch's obligation to continue further air stripping to reduce PCE will be terminated;

- e) Introduce the treated water back into the ground through the hole created by the excavated soil in order to recharge the aquifer and accelerate cleanup of the unexcavated contaminated soils through flushing action;
- f) Analyze one of every 10 water samples (in accordance with an EPA-approved sampling protocol) for all volatile organic compounds. If General Switch fails to treat the aquifer to reduce such other contaminants to Maximum Contaminant Levels ("MCLs") (currently, the MCL for trichloroethylene is 5 ppb, 7 ppb for dichloroethylene, and 2 ppb for vinyl chloride), EPA reserves the right to take separate enforcement and/or response action with regard to contaminants detected;
- g) Investigate (in accordance with an EPA-approved investigation protocol) homes threatened by the contaminant plume which were not connected to the public supply during the removal action; connect homes drawing groundwater with PCE contamination above 5 ppb;
- h) Sample (in accordance with an EPA-approved sampling protocol) soil and water with a Photovac unit on-site, and analyze 20% in an independent laboratory;
- i) The Consent Decree shall contain standard terms that the United States requires in CERCLA remedial consent decrees, including standard United States' reservation of rights and reopeners.

EPA will seek written confirmation from New York State that the remedial measures and performance standards contained in this agreement are acceptable to it.

96d

- 3 -

If this letter does not accurately reflect the agreement in principle achieved between the United States and General Switch, please contact Helen Toor at (212) 791-1994, or myself, at (212) 264-4472, immediately.

Very truly yours,

Bernice I. Corman
Assistant Regional Counsel
New York/Caribbean Superfund Branch

bcc: Melvin Hauptman, ERRD
Betty Yu, DOJ
Eric Schaaf, ORC, NY/CA-SUP

968

SUMMARY REPORT

NEW YORK STATE ELECTRIC & GAS

PENN YAN, NEW YORK

MARCH 1992

INDEX

- (1) Executive Summary
- (2) Daily Job Sheets
- (3) Site Attendance Sheets
- (4) As Built Drawings
- (5) Empire Soils Reports
- (6) Photographs

EXECUTIVE SUMMARY

Background - During the fall of 1991 New York State Electric and Gas began a site investigation at the former Manufactured Gas Plant (MFG) located on the Keuka Lake Outlet, Penn Yan, New York. Based on the findings of this investigation a remedial action health and safety plan was developed for the removal of the tank. After review by the New York State Department of Environmental Conservation (NYSDEC) and modification required by the NYSDEC a final plan was issued. This plan is dated January 23, 1992.

Mobilization and set-up began on February 24, 1992, and the project was substantially completed on March 13, 1992. Site grading and seeding was performed in May following the off-site disposal of stored wastes. Vegetative cover along the Keuka Outlet has been established as of this writing. The sand bag dike is still in place pending any possible future actions.

The daily progress reports of the job plus air monitoring and photographs are compiled in this summary report.

Page 2

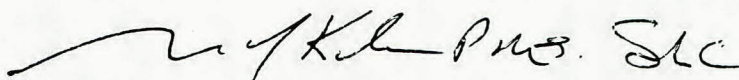
All site visitors were required to "sign-in and sign-out". Please refer to the site attendance sheets.

A videotape was made of the various stages of the remediation by New York State Electric & Gas (NYSEG). The contractor provided 35mm photographs of various stages of the operation. These photographs are included in this summary report.

The tank removal and cleaning progressed without incident. The only problem was the amount of foreign material in the tank and the high viscosity of the coal tar. Sticks, stones, bottles, wood, cans and various debris were in the coal tar and required "hand" removal. The vacuum truck was unable to "suck" the coal tar at a reasonable flow rate because of the high viscosity.

All wastes and the tank were disposed of by an independent contractor at approved off site disposal facilities.

No accidents, injuries or spills occurred during the remediation.

A handwritten signature in dark ink, appearing to read "D. J. Kuhn Pres. SLC".

Donald J. Kuhn, President
SLC Consultants/Constructors, Inc.
June 24, 1992

DAILY CONSTRUCTION REPORT

DATE 2/24/92

DAY S M T W TH F S

PROJECT Penn Yan Tank Removal

JOB NO. 92-09

CLIENT NYSEG

CONTRACTOR SLC

PROJECT MANAGER Don Kuhn

WEATHER

TEMP.

WIND

HUMIDITY

SUN	100-80	100-80	100-80	100-80	100-80	100-80
TO GO	100-80	100-80	100-80	100-80	100-80	100-80
STILL	MODER	HIGH	REPORT NO. 1			
DRY	MODER	HUMID				

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. and Empire Soils			

VISITORS

TIME	REPRESENTING	REPRESENTING	REMARKS
See separate sheet for 2/24/92			

EQUIPMENT AT THE SITE

Mack dump truck & 9 ton equipment trailer

E-30 Van - 150 Van, Dodge pu truck

Cat 215 B Excavator

Ford 555 TLB

CONSTRUCTION ACTIVITIES 7:00 am until 10:30 am

Mobilize men and equipment from SLC yard Lkpt. NY to NYSEG.

Water St. Penn Yan, NY

10:30 am to 3:30 PM

Unload vehicles

Establish support zone

Safety orientation meeting w/all personnel including NYSEG & DEC

Begin filling sandbags 215B Excavator clears sand bag perm area.

All work ceases and building is secured at 3:30 pm - total 8 hrs. 6 men.

110 bags filled w/S-G mix

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. KuhnTITLE Superior

DAILY CONSTRUCTION REPORT

DATE 2/25/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 JCS NO. 92-09
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kuhn

WEATHER
 TEMP.
 WIND
 HUMIDITY

SUN	1 CLEAR	2 OVERCAST	3 RAIN	4 SNOW
5 TO 62	6 63-70	7 71-79	8 80-89	9 90 UP
10 STILL	11 MODER	12 HIGH	13 REPORT NO.	14 2
15 DRY	16 MODER	17 HUMID		

AVERAGE FIELD FORCE

NAME OF CONTRACTOR

SLC CONSULTANTS/CONSTRUCTORS, INC.
 & Empire Soil

NON-MANUAL

MANUAL

REMARKS

ASTORS

TIME

REPRESENTING

REPRESENTING

REMARKS

See separate sheet for 2/25/92

Cat 215B Excavator

Ford 555 T1B

EQUIPMENT AT THE SITE

Mack Truck and 9 ton trailer

Ford Van

Chevy Van

Dodge PU

CONSTRUCTION ACTIVITIES

On site at 6:30 am

Work begins loading sand bags & construction of sandbag berm.

555 T1B is used to haul sand & gravel to bag filling area

215 B Cat Excavator is used to place sand bags on berm

Work areas are now secured by barrier fence

9:30 am Empire technician arrives and begins background sampling

4 additional loads of sand-gravel mix arrives through out the work day

625 bags of sand/gravel mix are placed into berm construction

Secured and offsite at 4:30 pm - 10 1/2 hrs. Total 6 men

DISTRIBUTION

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PAGE 1 OF 1 PAGES

BY

R. L. L. L.

TITLE

Summary

DAILY CONSTRUCTION REPORT

DATE 2/26/92

DAY S M T **W** TH F S

PROJECT Penn Yan - Tank Removal
 JOB NO. 02-100
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP
 WIND
 HUMIDITY

WIND NOSEAR OVERCAST (RAIN) (SNOW)
 WIND NOSEAR NOSEAR NOSEAR
 WIND NOSEAR NOSEAR NOSEAR
 WIND NOSEAR NOSEAR NOSEAR

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. (& Empire Soils)			

STOPS	TIME	REPRESENTING	REPRESENTING	REMARKS
See separate sheet 2/26/92				

EQUIPMENT AT THE SITE
 Jack dump truck and 9 ton low boy trailer Ford 555 TLB
 Chev E-30 Van
 Ford Van
 Dodge PU
 Cat 215B Excavator

CONSTRUCTION ACTIVITIES On site at 7:00 am
 7:00 am to 7:20 am tool box and tailgate safety meeting. Review job site hazardous
 Finished filling and stacking sand bag berm at 4:00pm Total count 1,213 bags.
 Balance of day spent constructing bulk storage area and drum storage area, and
 decon area.
 Secured and off site at 6:15 pm

DEC gives verbal ok to start excavation tomorrow 2/27/92
 As soon as air monitoring is in place.
 Extra lumber for tables and soil storage is picked up and assembled.
 Total 11 hrs 6 men

DISTRIBUTION

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3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn TITLE Supervisor

DAILY CONSTRUCTION REPORT

DATE 2/27/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 JOB NO. 02-00
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP
 WIND
 HUMIDITY

RAIN (MODER) OVERCAST
 WIND 10-20 10-20
 STILL (MODER) HIGH
 DRY (MODER) HUMID

AVERAGE FIELD FORCE

NAME OF CONTRACTOR

SLC CONSULTANTS/CONSTRUCTORS, INC.

(& Empire Soils)

NON-MANUAL

MANUAL

REMARKS

VISITORS

TIME

REPRESENTING

REPRESENTING

REMARKS

see separate visitor sheet

EQUIPMENT AT THE SITE

Mack Truck & 9 ton lowboy
 Chevy Van
 Ford Van, Dodge PU
 Cat 215 Excavator
 Ford 555 TLB

CONSTRUCTION ACTIVITIES On site at 7:00 am

Final preparation for personnel decon area finished
 Scope of work is discussed with NYSEG's Keith Day, the DEC and Empire personnel.
 All agree to Decon procedure, air monitoring is in place
 Excavation begins at 9:00 am. No response on HNU
 Clean harbors trailer arrives at 9:15 am is told to stand by
 Excavation continues until 2:30 pm at which time an attempt is made to
 pump the water off the top of the cold tar tank. Approximate 500 gallons
 is removed when the tar water mix stops pumping opr. Decision is made to
 use Clean Harbors to vac out any flowable material. Excavation continues
 until 5:00 pm.

Secured and offsite at 5:30 pm 10% hrs 4 men.

DISTRIBUTION

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2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn

TITLE Site

DAILY CONSTRUCTION REPORT

DATE 2/28/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 JCS NO. 92-09
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER

TEMP.

WIND

HUMIDITY

SUN CLEAR/ OVERCAST RAIN SNOW
 170-82 / 182-80 | 80-70 | 170-85 185 UP
 STILL MODER HIGH REPORT NO.
 DRY MODER HUMID \$5

AVERAGE FIELD FORCE

NAME OF CONTRACTOR

NON-MANUAL

MANUAL

REMARKS

SLC CONSULTANTS/CONSTRUCTORS, INC.

(& Empire Soils)

VISITORS

TIME

REPRESENTING

REPRESENTING

REMARKS

See separate sign in sheet

EQUIPMENT AT THE SITE

Mack truck & 9 ton lowboy

Chevy cube van

Ford Van

Dodge pu.

Cat 215 & Ford 555

CONSTRUCTION ACTIVITIES - Arrive on site 7:00 am

Work continues excavation last section of top of tank.

9:30 am crew from Clean Harbor arrive. They feel material will vacuum up into trailer.

Excavation continues until 11:00 am

11:15 am Clean Harbors spots vac trailer and begins vacuuming coal tar, work goes slowly with many interruptions for blocked hose

Several attempts are made to place strainer over end of vac hose with limited success.

Work ceases at 4:15 pm will continue Mon. 3/2/92

4:15 until 5:00 pm - secure area and poly cover excavate area and spoil pile.

Secured and offsite at 5:05 pm (notified police that SLC will not be in area over the weekend. Also left emergency numbers with them in case of a problem.

DISTRIBUTION

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PAGE 1 OF 1 PAGES

BY

R. L. L. L.

TITLE

Superior

DAILY CONSTRUCTION REPORT

DATE 3/2/02

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal

JOB NO. 02-00

CLIENT NYSEG

CONTRACTOR SLC

PROJECT MANAGER Don Kunn

WEATHER

TEMP

WIND

HUMIDITY

SUN	MOON	OVERCAST	RAIN	SNOW
100%	100%	50-70	100%	100%
100%	100%	HIGH	REPORT NO.	6
100%	100%	HUMID		

AVERAGE FIELD FORCE

NAME OF CONTRACTOR

SLC CONSULTANTS/CONSTRUCTORS, INC.

(& Empire Soils)

NON-MANUAL

MANUAL

REMARKS

VISITORS

TIME

REPRESENTING

REPRESENTING

REMARKS

see separate sign in sheet

EQUIPMENT AT THE SITE

Mack truck and 9 ton trailer

Chevy Van

Ford Van

Dodge PU.

Cat 215 & Ford 555 TLB

CONSTRUCTION ACTIVITIES

Arrived on site at 7:00 am (brief safety meeting)

Work begins cutting top third of tank.

9:30 am Clean Harbor arrives and begins vacuuming coal tar tank.

Work progress is very slow due to cold air temp and heavier sludge in the tar.

11:30 am NYSEG's Keith Day feels we could remove tar faster by going to the bucket and barrel method. 11:45 am Clean Harbors stops vacuum operation. (Kevin Stockburger off at noon with flu.) 12:30 pm SLC sets up for drum operation. First attempt to

remove tar with elastic buckets ends in failure. The tar is just too thick and heavy to bail out. Second attempt with 30 gal barrel strapped to Cat 215 bucket is much more practical. Approximate 300 gal coal tar are removed. Inside sump

was opened up and 1 drum water and one drum sludge removed. Area covered and secured at 5:00 pm.

DISTRIBUTION

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2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn

TITLE Summary

DAILY CONSTRUCTION REPORT

DATE 3/3/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 SCS NO. 92-00
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP
 WIND
 HUMIDITY

WIND 10-20 10-20 10-20 10-20 10-20
 WIND DIR 10-20 10-20 10-20 10-20 10-20
 WIND SPEED 10-20 10-20 10-20 10-20 10-20
 WIND DIRECTION 10-20 10-20 10-20 10-20 10-20
 WIND FORCE 10-20 10-20 10-20 10-20 10-20
 WIND TYPE 10-20 10-20 10-20 10-20 10-20
 WIND DIRECTION 10-20 10-20 10-20 10-20 10-20
 WIND FORCE 10-20 10-20 10-20 10-20 10-20
 WIND TYPE 10-20 10-20 10-20 10-20 10-20

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. (& Empire Soils)			

TIME	REPRESENTING	REPRESENTING	REMARKS
see separate sign in sheet			

EQUIPMENT AT THE SITE

Mack truck & 9 ton trailer
Chevy Van
Ford Van
Dodge pu truck

CONSTRUCTION ACTIVITIES - arrived on site at 7:00 am

Several changes are made in regards to the drum filling area with four heavy planks. The drums are now loaded over the tank eliminating the spillage problem. Also the plastic drum liners are being used to cover the outside of the drums while filling, reducing the time needed to clean drums before storage. Also a small dock was built by the the small door at the same level as the garage floor for easy drum moving. The Cat 215 has become the lynch pin of the operation. Loading 4 or 5 drums at a time and then moving the drums to the drum dock. The DEC & NYSEG have expressed satisfaction of methods used because of keeping the area clean and the drums out of sight. It should be pointed out that at this point extremely heavy tar & sludge are being encountered, everybody wants the operation to move faster. Additional 2x4's & plywood are used to secure and cover the tank along with a poly cover. 26 drums are removed today. Approximately 1300 gal. secured and offsite at 5:30 pm - 9 hrs. 4 men

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. J. Smith

TITLE Summary

DAILY CONSTRUCTION REPORT

DATE 3/4/92

DAY S M T **W** TH F S

PROJECT Penn Yan - Tank Removal
 JCS NO. 02-00
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP
 WIND
 HUMIDITY

(SUN) (CLEAR) OVERCAST RAIN SNOW
170-20 (10-15) 30-40 170-20 30-40
STILL (MOIST) HIGH REPORT NO. 8
DRY (MOIST) HUMID

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. (& Empire Soils)			

VISITORS

TIME	REPRESENTING	REPRESENTING	REMARKS
see sign in sheet			

EQUIPMENT AT THE SITE

Mack truck & 9 ton lowboy. Cat 215 Excavator
 Chevvy van Ford 555 TLB
 Ford van
 Dodge PU

CONSTRUCTION ACTIVITIES - arrive on site 7:00 am

Work continues removing tar from tank. At midmorning a change is made from using 30 gal drum to 55 gal drum attached to 215 excavator for bailing out tar. Dirt and debris located in center of tank makes a very difficult job of removal. Bucket of 215 is covered with HDP and duct tape is used to mix in debris and tar. Work proceeds until late afternoon when hand shoveling is started from inside the tank. Several holes are encountered in bottom of tank and ground water is encountered. Plug & dyke & pig putty is used to stop infiltrating ground water. Offsite and secured at 6:30 pm 11 hrs. 4 men

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY

R. Kunn

TITLE Summary

DAILY CONSTRUCTION REPORT

DATE 3/5/02

DAY S M T W TH F S

REQUEST Penn Yan - Tank Removal
 JOB NO. 02-100
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP
 WIND
 HUMIDITY

SUN / (CLOUDS) / OVERCAST
 (CLOUDS) / 50-70
 (CLOUDS) / HIGH
 (CLOUDS) / HUMID

RAIN SNOW

ICE-AS ICE-UP

REPORT NO. 9

AVERAGE FIELD FORCE

NAME OF CONTRACTOR

NON-MANUAL

MANUAL

REMARKS

SLC CONSULTANTS/CONSTRUCTORS, INC.

(& Empire Soils)

VISITORS

TIME

REPRESENTING

REPRESENTING

REMARKS

see separate sign in sheet

EQUIPMENT AT THE SITE

Chevy Van

Cat 215 Excavator

Ford van

Mack truck & 9 ton lowboy

Dodge PU

Ford 555 TLR

CONSTRUCTION ACTIVITIES - Arrive on site 7:00 am

Work continues in preparation for removal of coal tar tank. Infiltration of ground water into tank has not been as bad as expected. Clean Harbors arrives at 7:30 am and begins pumping out accumulated water in tank. SLC preps tank by cutting slots in west end of tank for secure lifting. Doubts of being able to lift tank without further excavation are expressed by DEC, NYSEG, Clean Harbors, etc. Some gentle diplomacy is used and at about 10:30 am the tank is pulled out with very little difficulty. A large valve is found on bottom center of tank. It's removed and tank is secured out of the way on HDPE next to bldg. Cat 215 proceeds to clean up visible contamination within reach. Mack dump truck is used to haul contaminated soil to spoil pile. Spoil pile is enlarged to accommodate extra material. SLC expresses grave concern about overextending excavation area without starting backfill operations. (see other side)

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn

TITLE Sign

3/5/92

It is noted here that after much discussion between NYSEG, DEC, & SLC, the DEC gave the nod to begin backfill operation before proceeding any further with visible contaminated soil removal. The reasons being given were on account of the extreme proximity to the Keuka lake outlet stream and nearly 4' below stream level excavation depth.

The eminent danger of excavation collapse and at that point not being able to control the consequences of that kind of scenario.

The DEC further suggested that poly be laid against the existing exposed bank to mark limits of backfill and to reduce chance of contaminating back fill material.

This being accomplished back fill and compaction operation was begun in earnest.

The DEC & NYSEG are considering how much further to pursue excavation, will have answer tomorrow am. However, consideration of Friday's weather (tomorrow) will be taken into account. Heavy rains are predicted.

Because of the seriousness of the backfill operation the crew works to 7:00 pm to insure stability of excavation area.

- Offsite and secure at 7:00 pm

DAILY CONSTRUCTION REPORT

DATE 3/6/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 JOB NO. 02-100
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP
 WIND
 HUMIDITY

SUN CLEAR (OVERCAST) (RAIN) (SNOW)
 170-80 170-80 170-80 170-80
 STILL (MOSES) HIGH (REPORT NO. 10)
 DRY (MOSES) HUMID

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. (& Empire Soils)			

VISITORS

TIME	REPRESENTING	REPRESENTING	REMARKS
see separate sign in sheet			

EQUIPMENT AT THE SITE

Mack dump truck & 9 ton low boy
 Chevy van, Ford van
 Dodge PU
 Cat 215 Excavator
 Ford 555 Trl.

CONSTRUCTION ACTIVITIES - Arrive on site 7:00 am

Advised by NYSEG (David Darling) to continue contaminated soil excavation. This necessitates a 3rd addition to the dump area. Wayne & Kevin proceed to enlarge same with ADP & additional lumber. Concern by all parties over rain at any moment.

At noon NYSEG & DEC agree to stop purging visible tar past the immediate area of the tank. A monitoring well is suggested and agreed to. SLC will furnish well per NYSEG specs. All parties request to be present when well is installed. Backfilling & compacting continues rest of afternoon. Kevin & Wayne work on inside sump, removing sludge and cleaning inside.

At 5:30 pm preparations are made to close and secure site for the weekend. Soil piles are covered. Coal /tar tank is recovered. barricades are installed and housekeeping is completed by 7:00 pm. 4 men - 11½ hrs.

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn TITLE Supervisor

DAILY CONSTRUCTION REPORT

DATE 3/9/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal

JOB NO. 02-100

CLIENT NYSEG

CONTRACTOR SLC

PROJECT MANAGER Don Kunn

WEATHER

TEMP.

WIND

HUMIDITY

CLUN	10-15	(OVERCAST)	RAIN	SNOW
10-15	(10-15)	10-15	10-15	10-15
10-15	(10-15)	10-15	10-15	10-15
10-15	(10-15)	10-15	10-15	10-15

REPORT NO. 11

AVERAGE FIELD FORCE	NON-MANUAL	MANUAL	REMARKS
NAME OF CONTRACTOR			
SLC CONSULTANTS/CONSTRUCTORS, INC.			
(& Empire Soils)			

TIME	REPRESENTING	REPRESENTING	REMARKS
see separate	sign in sheet		

EQUIPMENT AT THE SITE

Mack truck & 9 ton lowboy

Chevy van

Ford van Dodge PU

Cat 215 Ford TLR

CONSTRUCTION ACTIVITIES - Arrive on site 7:00 am Brief safety meeting.

7:15 am Wayne & Kevin begin construction of asphalt monitoring well per NYSEG & DEC specs.

7:15 backfilling up to the monitor well site continues.

8:00 Clean Harbors arrive to pump out coal tar drums.

8:30 am Ronz from Birkett Mills stops by with complaint of damage to lawn and driveway east of worksite. Investigation by Dave Darling NYSEG & Russ Frerichs SLC conclude that the Clean Harbors rolloff truck is responsible for the lawn and driveway damage. SLC sends backhoe to smooth out ruts as a temporary solution. 1 hr work continues on finishing up inside sump. Outside sump is pumped out of free standing water yield 7 1/2 drums water.

11:00 am monitor well is installed. OK to finish backfill after 12:00 pm per DD NYSEG

12:30 pm to 4:30 pm - inside sump final cleaning and backfill. Secure and offsite at 4:30 pm. 4 men - 9hrs

DISTRIBUTION

1. PROJ. MGR.

2. FIELD OFFICE

3. FILE

4. CLIENT

PAGE 1 OF 1 PAGES

BY R. L. Smith TITLE Supervisor

DAILY CONSTRUCTION REPORT

DATE 3/10/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 JOB NO. 02-00
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP.
 WIND
 HUMIDITY

RAIN () WIND () OVERCAST ()
 FOG () SNOW ()
 WIND () HIGH ()
 DRY () HUMID ()
 REPORT NO. 12

AVERAGE FIELD FORCE

NAME OF CONTRACTOR

SLC CONSULTANTS/CONSTRUCTORS, INC.

(& Empire Soils)

NON-MANUAL

MANUAL

REMARKS

VISITORS

TIME

REPRESENTING

REPRESENTING

REMARKS

see separate sign in sheet

EQUIPMENT AT THE SITE

Mack dump truck & 9 ton lowboy trailer

Chev Van Cat 215 Excavator

Ford Van Ford 555 TLB

Dodge PU

CONSTRUCTION ACTIVITIES Arrive on site 7:00 am

Work begins with cleaning and cutting up of the coal tar tank - Kevin & Wayne.

Cat 215 and Darryl work on cleaning up debris on stream bank and moving to stockpile area. per Keith Day & David Darling

10:30 am Keith Day & David Darling arrive for on site briefing. They express satisfaction in regards to the over all operation of the Penn Yan project.

NYSEG expresses concern over the stream bank & spoil piles. SLC will straw mulch stream bank and leave a well constructed orange barrier fence around the spoil pile.

Work plan for wed & thurs is discussed with NYSEG with demob beginning Fri am.

NYSEG will contact Clean Harbors for removal for tank pieces.

Balance of day continues w/tank cleaning & cutting and site restoration.

Offsite & secured at 6:30 pm 4 men 11 hrs.

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn

TITLE Site

DAILY CONSTRUCTION REPORT

DATE 2/11/02

DAY S M T W Th F S

PROJECT Penn Yan - Tank Removal
 JOB NO. 02-00
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP.
 WIND
 HUMIDITY

RAIN	ICE	OVERCAST	RAIN	SNOW
170-25	170-25	170-25	170-25	170-25
STILL	(MODES)	HIGH	REPORTING	13
DRY	(MODES)	HUMID		

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. (& Empire Soils)			

VISITORS

TIME	REPRESENTING	REPRESENTING	REMARKS
see separate sign in sheet			

EQUIPMENT AT THE SITE

Mack truck & 9 ton lowboy	
Chevy van	Ford 555 TLB
Ford van	
Dodge PU	
Cat215 Excavator	

CONSTRUCTION ACTIVITIES

Arrive on site 7:00 am in severe snow storm.

Tank cutting & removal to temporary storage area continues
 Final dewatering & sludge removal continues from the outside sump area.
 8 drums water - 2 drums sludge.
 Snow storm continues all day.

Secure & offsite 3:30 pm 8 hrs 4 men

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn TITLE Supervisor

DAILY CONSTRUCTION REPORT

DATE 3/12/92

DAY S M T W TH F S

PROJECT Penn Yan - Tank Removal
 JOB NO. 02-09
 CLIENT NYSEG
 CONTRACTOR SLC
 PROJECT MANAGER Don Kunn

WEATHER
 TEMP.
 WIND
 HUMIDITY

SUN	MON	TUE	WED	THU	FRI	SAT	SUN
170-02	180-10	180-10	180-10	180-10	180-10	180-10	180-10
180-10	180-10	180-10	180-10	180-10	180-10	180-10	180-10
180-10	180-10	180-10	180-10	180-10	180-10	180-10	180-10

AVERAGE FIELD FORCE

NAME OF CONTRACTOR	NON-MANUAL	MANUAL	REMARKS
SLC CONSULTANTS/CONSTRUCTORS, INC. (& Empire Soils)			

VISITORS

TIME	REPRESENTING	REPRESENTING	REMARKS
see separate sign in sheet			

EQUIPMENT AT THE SITE

Mack truck & 9 ton low boy
Chevy van Cat 215 Excavator
Ford Van Ford 555 TLB
Dodge PU

CONSTRUCTION ACTIVITIES

- Arrive on site 7:00 am
 Floor area inside bldg. is prepared for concrete.
 Decon of tools and equipment is started.
 8:00 am to 11:00 am pour & finish 3 yards of concrete
 11:00 am until 2:30 pm move tank to permanent storage area and secure w/doly
 Move barricade fence to enclose spoil pile and one roll off.
 Secure and off site at 3:30 pm

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY R. Kunn

TITLE Site

DAILY CONSTRUCTION REPORT

DATE 3/13/92

DAY S M T W TH F S

Penn Yan - Tank Removal

02-100

NYSEG

SLC

Don Kunn

WEATHER

TEMP.

WIND

HUMIDITY

SUN CLEAR OVERCAST RAIN SNOW

170-25 152-30 30-40 170-25 15-20

STILL MODER HIGH REPORT NO.

15

DRY MODER HUMID

NAME OF FIELD FORCE

NAME OF CONTRACTOR

NON-MANUAL

MANUAL

REMARKS

CONSULTANTS/CONSTRUCTORS, INC.

(& Empire Soils)

NAME OF PERSON

TIME

REPRESENTING

REPRESENTING

REMARKS

See separate sign in sheet

EQUIPMENT AT THE SITE

Mack truck & lowboy

Chevy van

Ford 555 T1B

Ford Van

Dodge PU

Cat 215 Excavator

CONSTRUCTION ACTIVITIES - arrive on site 7:00 am

Begin demob operation. Loaded and offsite at 9:00 am

Arrive Lockport 12:30 pm Unload vehicles rest of day

Off at 3:30 pm 4 men 8 hrs.

DISTRIBUTION

1. PROJ. MGR.
2. FIELD OFFICE
3. FILE
4. CLIENT

PAGE 1 OF 1 PAGES

BY

R. K. Kunn

TITLE Survey

ATTENDANCE SHEET

MOBILIZATION

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DATE: 2/24/92

PROJECT: NYSEG - 92-09

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PROJECT: NY SEC FEM 4/22
92-09

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DATE: 3-3-92

PROJECT: VVSEK-1 Penn Yan
92-09

NAME _____

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DATE: 3-5-92

PROJECT: NY SEG
9209

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ORGANIZATION

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PROJECT: NYSEG
.. 92-09

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ALL INFORMATION CONTAINED

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DATE: 2/11/92

PROJECT: NY 500
92-09

NAME _____

ORGANIZATION

تاریخ ۱۳۸۵/۱۰/۱۵

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PROJECT: NYSE 92-29
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PROJECT: NYSEG PENN Yrte
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June 4, 1992

SLC Consultants/Constructors, Inc.
6362 Robinson Road
Lockport, New York 14094

RECEIVED

JUN 09 1992

SLC

Attention: Mr. Donald Kuhn

Reference: Air Monitoring
During Tank Removal
Penn Yan, New York

Gentlemen:

This letter is in response to Empire Soils Investigations, Inc. (ESI) recent discussions concerning air monitoring procedures completed during excavation and removal of an underground storage tank located at a former New York State Electric and Gas (NYSEG) facility in Penn Yan, New York. It should be noted that based on observations during the tank removal the contents of the tank appeared to be coal tar type sludge.

ESI was contracted by SLC Consultants/Constructors, Inc. (SLC) to complete an air quality monitoring program during the excavation and removal of the underground storage tank. It is understood that the purpose of this air monitoring program was to: (1) protect workers removing the contaminated soil around the tank, removing the sludge material in the tank and removing the tank; and (2) protect workers and/or businesses downwind of the excavation.

Air monitoring was done by collecting air samples with low volume air pumps connected to the appropriate sample collection tubes and filters set up at four (4) air monitoring stations, selected by SLC & NYSEG. Air quality was also monitored using an Organic Vapor Analyzer (OVA) with an Photoionization Detector (PID) as backup. It should be noted that the most critical set of air quality measurements were those taken with the OVA/PID in the immediate work area and breathing zones of the workers. The results of these organic vapor measurements are given by a direct/instantaneous readout. The purpose of this instantaneous readout was to immediately evaluate the health and safety conditions in order to adjust construction procedures to minimize exposure to the workers and surrounding businesses.

SLC Consultants/Constructors, Inc.

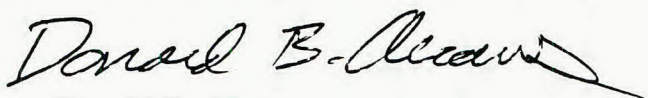
June 4, 1992

Page 2

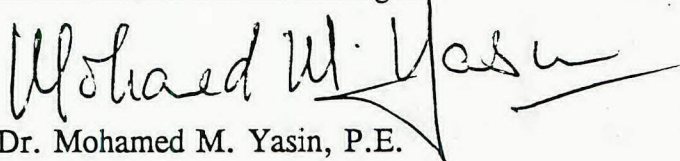
The air monitoring using sample collection tubes was completed in accordance with NIOSH Test Methods 5515 & 1501 for polynuclear Aromatic Hydrocarbons and Hydrocarbons/Aromatics, respectively. According to the NIOSH methods for the Hydrocarbons/Aromatics (benzene, toluene, ethyl benzene and xylene (BTEX)) the maximum volume of air permitted through each tube is approximately 30 liters (l) with a flow rate of about 0.20 l/min. which gives a useful life of about 2.5 hours for each tube. Therefore, ESI turned the pumps on and off depending on site construction activities. The pumps were in operation during critical times of the tank removal (i.e. when the contractor was excavating, moving soil, removing the tank, etc.). It should be noted that at all times the air monitoring with the sample tubes was complemented with OVA/PID measurements that were taken in the immediate work areas and breathing zones of the workers. Generally, air quality monitoring readings taken with the OVA/PID during the tank removal did not exceed the site background levels of about 0.2-0.5 part per million (ppm). However, on occasion OVA/PID measurements in the tank excavation and/or immediately adjacent to the excavation sludge pile and/or contaminated soil pile showed that low levels of organic vapors were generally less than 3 to 5 ppm above background.

It is ESI's opinion that this project was successfully completed as proposed with health and safety concerns addressed in a timely and cost effective manner as the project progressed. If you should have further questions please do not hesitate to call.

Respectfully Submitted,
EMPIRE SOILS INVESTIGATIONS, INC.



Donald B. Abrams
Senior Environmental Geologist



Dr. Mohamed M. Yasin, P.E.
Senior Environmental Engineer

cab

EMPIRE

SOILS INVESTIGATIONS INC.

140 TELEGRAPH RD. • P.O. BOX 297 • MIDDLEPORT, NY 14105 • 716/735-3502 FAX 716/735-9027

RECEIVED

APR - 1992

SLC

**AIR MONITORING AND
ANALYTICAL TESTING
UNDERGROUND TANK REMOVAL
PENN YAN, NEW YORK**

Prepared For:

***SLC Consultants/Constructors, Inc.
6362 Robinson Road
Lockport, New York 14094***

Attention: Mr. Ronald Zauner

Prepared By:

***Empire Soils Investigations, Inc.
S-5167 South Park Avenue
Hamburg, New York 14075***

***BTA-92-045
March, 1992***

EMPIRE

SOILS INVESTIGATIONS INC. 140 TELEGRAPH RD. • P.O. BOX 297 • MIDDLEPORT, NY 14105 • 716/735-3502 FAX 716/735-9027

March 31, 1992

SLC Consultants/Constructors, Inc.
6362 Robinson Road
Lockport, New York 14094

Attention: Mr. Ronald Zauner

Reference: Air Monitoring and Analytical Testing
Underground Tank Removal
Penn Yan, New York

Gentlemen:

This letter report is a brief summary of air quality monitoring and analytical testing results completed during the removal of an underground coal tar storage tank at a former New York State Electric & Gas (NYSEG) Facility in Penn Yan, New York.

Empire Soils Investigations, Inc. (ESI) collected air samples at four (4) air monitoring stations near the tank excavation. It should be noted that the air monitoring stations were located after discussions with Russell Frericks, representing SLC Consultants/Constructors, Inc. (SLC) and David Darling representing NYSEG. Refer to Drawing No. 1 presented in Attachment A for the location of the four (4) air sample monitoring stations.

At each air sample monitoring station two (2) low volume air pumps were set up with the appropriate sample collection tubes and filters. The sample tube/filters were mounted at each station on a tripod about four (4) feet above ground surface. A sample tube for Poly Nuclear Aromatic Hydrocarbons (PAH) and another sample tube for Benzene, Toluene, Ethyl benzene and Xylene (BTEX) were attached to the appropriate low volume air pump. After the air samples were collected the sample tubes were packaged, preserved and transported to our laboratory (Huntingdon Analytical Services) for analysis. The Poly Nuclear Aromatic Hydrocarbons (PAH) sample collection tubes were analyzed by Test Method NIOSH 5515 and the BTEX sample collection tubes were analyzed by Test Method NIOSH 1501. Chain-of-Custody records were maintained throughout the project.

An ESI environmental engineer was on-site during the underground tank excavation and removal to monitor the air quality for volatile organic compounds with an Organic Vapor Analyzer (OVA). The OVA was calibrated daily during field activities in accordance with manufacturers requirements. Daily field reports are presented in Attachment B of this report.

SLC Consultants/Constructors, Inc.

March 31, 1992

Page 2

It should be noted that air samples collected on February 25, 1992 and March 13, 1992 were ambient air background measurements. Air samples were taken on February 27 & 28, 1992 and March 2,3,4,5,6,9 & 10, 1992 during field excavation, tank removal and backfill activities.

Generally, the analytical testing results indicated that Benzene, Toluene, Ethyl benzene and Xylene (BTEX) were not detected in the air samples collected during field activities. However, a minor concentration of benzene (1.7 ug/tube) was detected at monitoring station No. 3 on March 5, 1992. It should be noted that air monitoring station No. 3 is the station nearest the tank excavation. It should also be noted that March 5, 1992 was the day the contractor (SLC) removed the steel underground tank and the surrounding contaminated soil from within the tank excavation (Refer to daily field reports presented in Attachment B for details).

The analytical test results for Poly Nuclear Aromatic Hydrocarbons (PAH) indicate that no PAH compounds were detected in the air samples collected from the four (4) air monitoring stations except on March 2 & 3, 1992 and March 5 & 6, 1992. On March 2 & 3, 1992, Naphthalene was detected at concentrations of 6 ug/sample and 16 ug/sample respectively at station No. 3. On March 5, 1992 Naphthalene was also detected at concentrations of 5.3 ug/sample and 83 ug/sample at stations No. 2 and No. 3, respectively. Naphthalene was also detected at 9.2 ug/sample at station No. 3 on March 6, 1992. It should again be noted that the majority of the tank excavation, tank removal, and pit excavation/remediation activities were completed on March 2 & 3 and 5 & 6, 1992 (Refer to daily field reports for details).

On March 2, 1992, SLC collected a water sample from one sump inside the building and one sump outside the building. A sludge sample was also collected from the sump pit inside the building. Mr. Russell Frericks, representing SLC, requested that the three (3) samples be analyzed for Polychlorinated Biphenyls (PCB's). The test results indicate that only a minor concentration (0.66 ug/l) of PCB-1254 was detected in the sample of the sludge collected from the inside sump pit. Refer to the analytical test results presented in Attachment C.

SLC Consultants/Constructors, Inc.

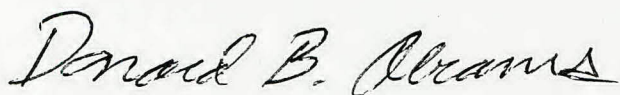
March 31, 1992

Page 3

We trust that this report satisfies your current requirements. Should you have any questions or comments, please do not hesitate to contact our office. We have appreciated the opportunity to work with you on this project.

Sincerely,

EMPIRE SOILS INVESTIGATIONS, INC.

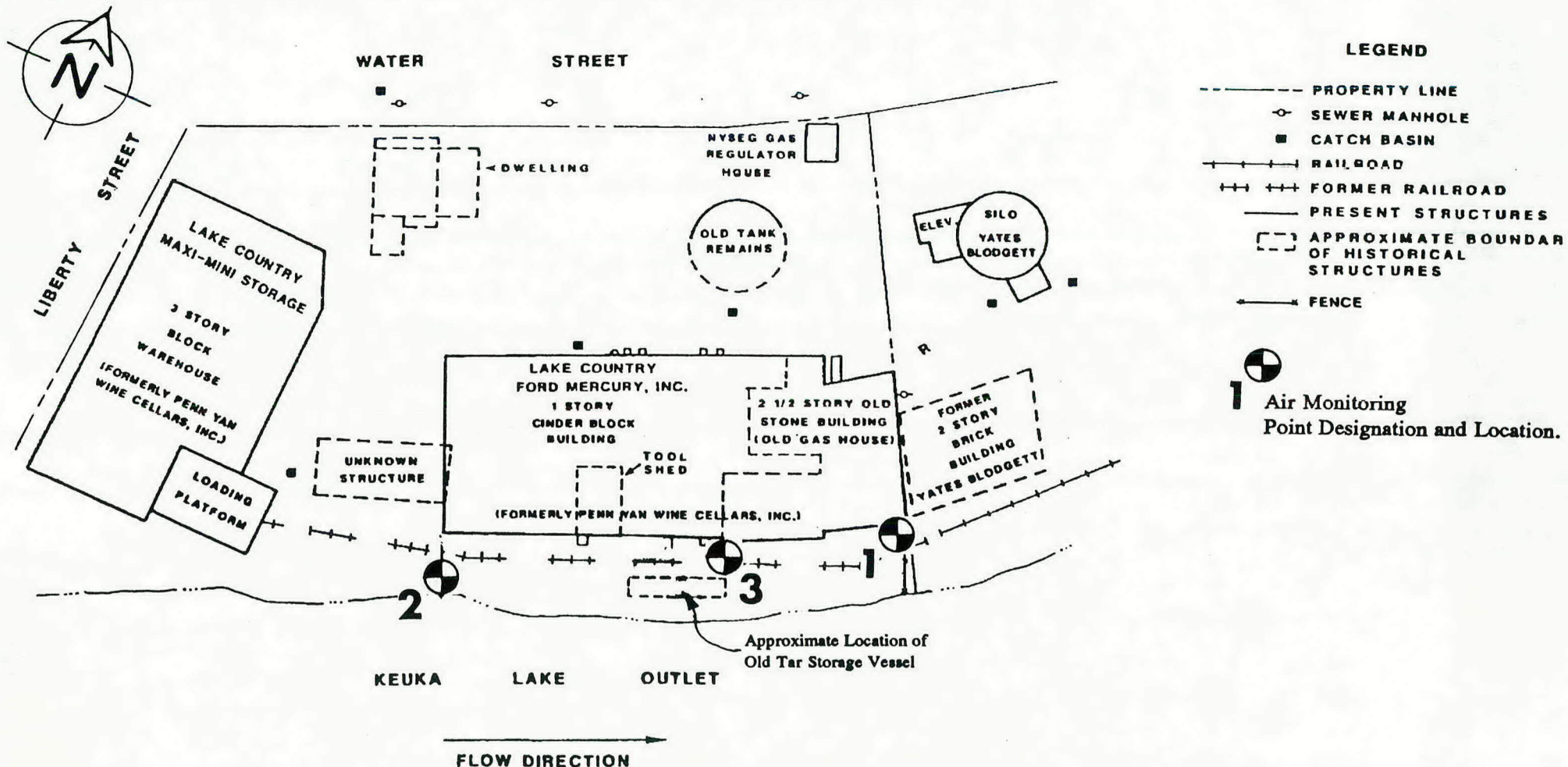
A handwritten signature in cursive script that reads "Donald B. Abrams".

Donald B. Abrams

Senior Environmental Geologist

cab

ATTACHMENT A



EMPIRE
SOILS INVESTIGATIONS INC.

**AIR MONITORING POINT
LOCATION PLAN**

NYSEG FACILITY
150 WATER STREET
PENN YAN, NEW YORK

DRAWN BY: DAW

SCALE: N.T.S.

PROJECT: BTA-92-045

CHECKED BY: DBA

DATE: MARCH 1992

DRAWING NO: 1

ATTACHMENT B

**EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT**

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	February 25, 1992
WEATHER:	Cloudy, 40°F
WIND:	Windy NE 10-20 MPH
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). This was the initial site visit to the subject site. After a brief site meeting and tour of the subject site with the SLC and NYSEG representatives, four locations for air monitoring was determined (see Site Plan for locations). ESI calibrated the air monitoring pumps, and set them up for collection of background air samples taken throughout the day at the four previously determined air monitoring stations.

Contractor's activities included constructing a sand bag cofferdam wall along the Keuka Lake Outfall which is located directly south of the subject site. Several air quality measurements were taken with an organic vapor analyzer (OVA) within the work area. OVA measurements did not indicate organic vapors above site background levels. Air monitoring samples collected from the four monitoring stations were packaged and shipped to our laboratory (Huntingdon Analytical Services) for testing. ESI off-site at 3:15 PM. It should be noted that ESI was instructed by SLC site representatives to return on February 27, 1992.

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBER 92-324

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075

RE: PENN YAN, NY (BTA-92-045)

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. BOX 250
MIDDLEPORT, NEW YORK 14105

MARCH 3, 1992

HAS

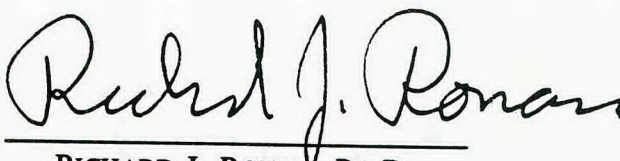
HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBER 92-324

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS, " OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.



RICHARD J. RONAN, PH.D.
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HAS

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

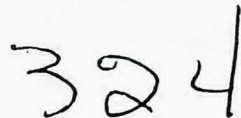
NIOSH METHOD 1501
AROMATIC HYDROCARBONS
BTEX ONLY

SAMPLE IDENTIFICATION :		METHOD BLANK	STA. 1	STA. 2	STA. 3	STA. 4
HAS SAMPLE #92-324	---		001	002	003	004
DATE ANALYZED:	2-27-92	2-27-92	2-27-92	2-27-92	2-27-92	2-27-92
DATE SAMPLED:	NA	2-25-92	2-25-92	2-25-92	2-25-92	2-25-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA. 1	STA. 2	STA. 3	STA. 4	METHOD BLANK	
HAS SAMPLE #92-324	001	002	003	004	---	
COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DATE SAMPLED:	2-25-92	2-25-92	2-25-92	2-25-92	----	
DATE RECEIVED:	2-26-92	2-26-92	2-26-92	2-26-92	----	
DATE EXTRACTED:	2-28-92	2-28-92	2-28-92	2-28-92	2-28-92	
DATE ANALYZED:	2-28-92	2-28-92	2-28-92	2-28-92	2-28-92	

[illegible]

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	February 27, 1992
WEATHER:	Cloudy, 35°F
WIND:	Windy NE 15-25 MPH
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). ESI calibrated air monitoring pumps and set them for air sample collection throughout the day from four previously determined air monitoring stations.

Contractor's activities included excavating around the underground storage tank (UST) located south of the existing cinder block building. The on-site UST appeared to be a tank from an old railroad car. The contractor cut open the top of the tank with a "saw all". The tank contained a water and sludge mixture and was approximately 90% full. A vac truck was used to pump the mixture from the tank (Clean Harbors, Inc.). Approximately 500 to 800 gallons of the water and sludge mixture was removed.

Several OVA measurements were taken within the tank excavation and surrounding work area. The OVA measurements indicated no organic vapors above background levels. All personal working within and/or entering the tank excavation and surrounding area were protected with Level "C" personal protection equipment. All air monitoring samples collected were packaged and shipped to the analytical laboratory for analysis. ESI off-site at 3:45 PM.



ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBER 92-335

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075

RE: PEN YAN, NEW YORK (BTA-92-045)

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. BOX 250
MIDDLEPORT, NEW YORK 14105

MARCH 5, 1992



HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBER 92-335

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS, " OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.

RICHARD J. RONAN, PH.D.
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS
BTX ONLY

SAMPLE IDENTIFICATION :		METHOD BLANK	STA. 1	STA. 2	STA. 3	STA. 4
HAS SAMPLE #92-335-	---	001	002	003	004	
DATE ANALYZED:	3-3-92	3-3-92	3-3-92	3-3-92	3-3-92	
DATE SAMPLED:	NA	2-27-92	2-27-92	2-27-92	2-27-92	
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0	

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1	STA.2	STA.3	STA.4	METHOD
	2-27	2-27	2-27	2-27	BLANK

HAS SAMPLE #92-335	001	002	003	004	----
--------------------	-----	-----	-----	-----	------

COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0

DATE SAMPLED:	2-27-92	2-27-92	2-27-92	2-27-92	----
DATE RECEIVED:	2-28-92	2-28-92	2-28-92	2-28-92	----
DATE EXTRACTED:	3-3-92	3-3-92	3-3-92	3-3-92	3-3-92
DATE ANALYZED:	3-4-92	3-4-92	3-4-92	3-4-92	3-3-92

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	February 28, 1992
WEATHER:	Cloudy, 35° F
WIND:	Windy NE 15-25 MPH
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). ESI calibrated air sample monitoring pumps, for collection of air samples during the day, at the four air monitoring stations.

Contractor continued to pump the water and sludge mixture from the buried tank into a vac truck. Approximately 750 gallons of additional water and sludge mixture was removed.

Several air quality readings taken with an OVA indicated no organic vapors above background levels. In addition, several air quality measurements were taken with a photionization detector (PID) within the tank excavation. These measurements ranged from 0.2 to 0.4 parts-per-million (ppm) (Background). All personnel working inside the tank excavation and/or entering the tank excavation were protected with Level "C" personal protection equipment. Daily air samples collected were packaged and shipped to the laboratory for analysis. ESI off-site at 3:30 PM.

HAS

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBER 92-347

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075

RE: PEN YAN, NEW YORK (BTA-92-045)

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. Box 250
MIDDLEPORT, NEW YORK 14105

MARCH 5, 1992



HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBER 92-347

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS, " OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.

RICHARD J. RONAN, PH.D.
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

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INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS
BTEX ONLY

SAMPLE IDENTIFICATION :		METHOD BLANK	STA. 1	STA. 2	STA. 3	STA. 4
HAS SAMPLE #92-347-	---		001	002	003	004
DATE ANALYZED:	3-3-92	3-3-92	3-3-92	3-3-92	3-3-92	3-3-92
DATE SAMPLED:	NA	2-28-92	2-28-92	2-28-92	2-28-92	2-28-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1	STA.2	STA.3	STA.4	METHOD
	2-28	2-28	2-28	2-28	BLANK
HAS SAMPLE #92-347	001	002	003	004	----

COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0

DATE SAMPLED:	2-28-92	2-28-92	2-28-92	2-28-92	----
DATE RECEIVED:	3-2-92	3-2-92	3-2-92	3-2-92	----
DATE EXTRACTED:	3-3-92	3-3-92	3-3-92	3-3-92	3-3-92
DATE ANALYZED:	3-4-92	3-4-92	3-4-92	3-4-92	3-3-92



347

CHAIN OF CUSTODY RECORD

PROJECT NO		SITE NAME		NO OF CONTAINERS											REMARKS				
SAMPLERS (SIGNATURE)																			
STATION NO	DATE	TIME	COMP	GRAB	STATION LOCATION														
Sta. 1	2-28	1:20 1:15			2 Tubes 1 Filter 001										BTEX GC, PAH GC/MS				
Sta. 2	2-28	1:20			2 Tubes 1 Filter 002										"				
Sta. 3	2-28	1:21			2 Tubes 1 Filter 003										"				
Sta. 4	2-28	1:19			2 Tubes 1 Filter 004										"				
RELINQUISHED BY (SIGNATURE)				DATE	TIME	RECEIVED BY (SIGNATURE)				RELINQUISHED BY (SIGNATURE)				DATE	TIME	RECEIVED BY (SIGNATURE)			
Michael Atwood				2-28	1:00	Bryan Miller													
RELINQUISHED BY (SIGNATURE)				DATE	TIME	RECEIVED BY (SIGNATURE)				RELINQUISHED BY (SIGNATURE)				DATE	TIME	RECEIVED BY (SIGNATURE)			
RELINQUISHED BY (SIGNATURE)				DATE	TIME	RECEIVED FOR LABORATORY BY (SIGNATURE)				DATE		TIME		REMARKS					

1. Distribution: 1 report, 1 compliance, 1 department, 1 copy to be retained for 10 yrs.

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 2, 1992
WEATHER:	Cloudy, 25°F
WIND:	Calm
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer).

The contractor's daily activities included pumping coal tar sludge from the on-site buried tank into a tanker truck (Clean Harbor, Inc.). The sludge became very thick, which caused the contractor to stop pumping and begin scooping of the thick coal tar sludge into barrels. A backhoe with a barrel scoop attached was used to excavate the thick coal tar sludge from the UST tank into 55-gallon drums. The 55-gallon drums were filled, covered and temporarily stored inside the existing onsite cinder block building. A total of five 55-gallon drums were filled with coal tar sludge and stored on-site.

ESI calibrated air sampling pumps for collection of air samples at the four air monitoring stations. Several organic vapor measurements were taken with an OVA within the tank excavation area and surrounding work area. The OVA readings indicated organic vapors measurements of 2-3 parts-per million (ppm) above background levels. All personnel working inside the tank excavation and/or entering the tank excavation were protected with Level "C" personal protection equipment. Daily air samples collected were packaged and shipped to the laboratory for analyses. ESI off-site at 3:45 PM.

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBER 92-382, 92-383

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 S. PARK AVENUE
HAMBURG, NEW YORK 14075

RE: BTA-92-045, PENN YAN

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. BOX 250
MIDDLEPORT, NEW YORK 14105

MARCH 13, 1992

PAGE 1



HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBER 92-382, 92-383

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS," OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.

Richard J. Ronan 3/13/92

RICHARD J. RONAN, PH.D. MARCH 13, 1992
LABORATORY DIRECTOR, ENVIRONMENTAL

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<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HAS

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-383	---	001	002	003	004
DATE SAMPLED:	---	3-2-92	3-2-92	3-2-92	3-2-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1 3-2	STA.2 3-2	STA.3 3-2	STA.4 3-2	METHOD BLANK	
HAS SAMPLE #92-383	001	002	003	004	----	
COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	6.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DATE SAMPLED:	3-2-92	3-2-92	3-2-92	3-2-92	----	
DATE RECEIVED:	3-5-92	3-5-92	3-5-92	3-5-92	----	
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92	
DATE ANALYZED:	3-11-92	3-11-92	3-12-92	3-12-92	3-11-92	

PROJECT NO					SITE NAME		NO OF CONTAINERS											REMARKS					
SAMPLERS (SIGNATURE)																							
STATION NO	DATE	TIME	COMP	GRAB	STATION LOCATION																		
Sta. 1	3-2	2:10 pm			2 Tubes 1 Filter	001	3															BTEX GC PAH GC/MS	
Sta. 2	3-2	2:12 pm			2 Tubes 1 Filter	002	3															"	
Sta. 3	3-2	2:11 pm			2 Tubes 1 Filter	003	3															"	
Sta. 4	3-2	2:02 pm			2 Tubes 1 Filter	004	3															"	
																						ALL samples ran for 2 1/2 HRS	
RELINQUISHED BY (SIGNATURE)					DATE TIME		RECEIVED BY (SIGNATURE)					RELINQUISHED BY (SIGNATURE)					DATE TIME		RECEIVED BY (SIGNATURE)				
RELINQUISHED BY (SIGNATURE)					DATE TIME		RECEIVED BY (SIGNATURE)					RELINQUISHED BY (SIGNATURE)					DATE TIME		RECEIVED BY (SIGNATURE)				
RELINQUISHED BY (SIGNATURE)					DATE TIME		RECEIVED FOR LABORATORY BY (SIGNATURE)					DATE TIME		REMARKS									

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 3, 1992
WEATHER:	Cloudy, 35°F
WIND:	Calm
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and David Darling of New York State Electric and Gas (Field Engineer). Contractor continued scooping thick coal tar sludge from the previously uncovered underground storage tank and placing the sludge into 55-gallon drums. A backhoe with a barrel scoop attached was used to excavate the coal tar sludge from the tank. After the 55-gallon drums were filled, they were covered and stored inside the existing onsite cinder block building.

ESI calibrated the air sampling pumps, for collection of air samples during the day from the four air monitoring stations. Several organic vapor measurements were taken with an OVA within the tank excavation area and surrounding work area. The OVA measurements taken were not above background levels. In addition, several organic vapor measurements were taken with a photionization detector (PID) within the tank excavation. These readings ranged from 0 to 5 parts-per-million (ppm). All personnel working inside the tank excavation and/or entering the tank excavation were protected by wearing Level "C" personal protection equipment. All air samples collected were packaged and shipped to the laboratory for analysis. ESI off-site at 3:45 PM.

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-382	---	001	002	003	004
DATE SAMPLED:	---	3-3-92	3-3-92	3-3-92	3-3-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1	STA.2	STA.3	STA.4	METHOD
	3-3	3-3	3-3	3-3	BLANK

HAS SAMPLE #92-382	001	002	003	004	----
--------------------	-----	-----	-----	-----	------

COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	16	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0

DATE SAMPLED:	3-3-92	3-3-92	3-3-92	3-3-92	----
DATE RECEIVED:	3-5-92	3-5-92	3-5-92	3-5-92	----
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92
DATE ANALYZED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92

CHAIN OF CUSTODY RECORD

PROJECT NO				SITE NAME				NO OF CON TAINERS											REMARKS					
SAMPLERS (SIGNATURE)																								
STATION NO	DATE	TIME	COMP	GRAB	STATION LOCATION																			
Sta. 1	3-3	1:00 PM			2 Tubes 1 Filter 001				3											BTEX GC PAH GC/MS				
Sta. 2	3-3	1:02 PM			2 Tubes 1 Filter 002				3											"				
Sta. 3	3-3	1:01 PM			2 Tubes 1 Filter 003				3											"				
Sta. 4	3-3	1:10 PM			2 Tubes 1 Filter 004				3											"				
															All samples run for 2 1/2 HRS									
RELINQUISHED BY (SIGNATURE)				DATE TIME		RECEIVED BY (SIGNATURE)				RELINQUISHED BY (SIGNATURE)				DATE TIME		RECEIVED BY (SIGNATURE)								
RELINQUISHED BY (SIGNATURE)				DATE TIME		RECEIVED BY (SIGNATURE)				RELINQUISHED BY (SIGNATURE)				DATE TIME		RECEIVED BY (SIGNATURE)								
RELINQUISHED BY (SIGNATURE)				DATE TIME		RECEIVED FOR LABORATORY BY (SIGNATURE)				DATE TIME		REMARKS												

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 4, 1992
WEATHER:	Sunny, 35°F
WIND:	Calm
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). Contractor continued scooping the thick coal tar sludge from the previously uncovered underground tank and placing into 55-gallon drums. A backhoe with a barrel scoop attached was used to excavate the coal tar sludge from the tank. The 55-gallon drums were filled, covered and stored inside the existing on-site cinder block building. To date a total of twenty two (22) 55-gallon drums were filled with coal tar and stored on-site.

ESI calibrated air sampling pumps, for collection of air samples during the day from the four air monitoring stations. Several organic vapor measurements were taken with an OVA within the tank area and surrounding work area. The OVA measurements indicated there were no organic vapor measurements above background levels. In addition, several organic vapor measurements were taken with a photoionization detector (PID) within the tank excavation. These measurements ranged from 0 to 5 parts-per-million (ppm). All personnel working inside the tank excavation and/or entering the tank excavation were protected by wearing Level "C" personal protection equipment. All air samples collected were packaged and shipped to the laboratory for analysis. ESI off-site at 3:45 PM.

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBERS 92-408, 409

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075

RE: PENN YAN/BTA-92-045

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. Box 250
MIDDLEPORT, NEW YORK 14105

MARCH 16, 1992

HAS


HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBERS 92-408, 409

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984 (FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING SOLID WASTE - PHYSICAL/CHEMICAL METHODS, " OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY LABORATORY HANDBOOK, AUGUST 1982.



RICHARD J. ROMAN, PH.D. MARCH 16, 1992
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK



HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-408-	---	001	002	003	004
DATE SAMPLED:	---	3-4-92	3-4-92	3-4-92	3-4-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1	STA.2	STA.3	STA.4	METHOD
	3-4	3-4	3-4	3-4	BLANK

HAS SAMPLE #92-438	001	002	003	004	----
--------------------	-----	-----	-----	-----	------

COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0

DATE SAMPLED:	3-4-92	3-4-92	3-4-92	3-4-92	----
DATE RECEIVED:	3-9-92	3-9-92	3-9-92	3-9-92	----
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92
DATE ANALYZED:	3-12-92	3-12-92	3-12-92	3-12-92	3-11-92



408

CHAIN OF CUSTODY RECORD

PROJECT NO				SITE NAME				NO OF CON TAINERS													REMARKS		
SAMPLERS (SIGNATURE)																							
STATION NO	DATE	TIME	COMP	GRAB	STATION LOCATION																		
Sta 1	3-4	1:30			2 Tubes 1 Filter 001				3													BTEX GC, P.A.H. GC / MS	
Sta 2	3-4	1:32			2 Tubes 1 Filter 002				3													"	
Sta 3	3-4	1:31			2 Tubes 1 Filter 003				3													"	
Sta 4	3-4	1:35			2 Tubes 1 Filter 004				3													"	
																ALL samples run 272 HKS							
RELINQUISHED BY (SIGNATURE)				DATE		TIME		RECEIVED BY (SIGNATURE)				RELINQUISHED BY (SIGNATURE)				DATE		TIME		RECEIVED BY (SIGNATURE)			
RELINQUISHED BY (SIGNATURE)				DATE		TIME		RECEIVED BY (SIGNATURE)				RELINQUISHED BY (SIGNATURE)				DATE		TIME		RECEIVED BY (SIGNATURE)			
RELINQUISHED BY (SIGNATURE)				DATE		TIME		RECEIVED FOR LABORATORY BY (SIGNATURE)				DATE		TIME		REMARKS							

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 5, 1992
WEATHER:	Sunny, 45°F
WIND:	Calm
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). The contractor's activities included removing the steel underground tank and surrounding contaminated soil from within the tank excavation. Contaminated groundwater was observed within the tank excavation. A vac truck was used to remove the standing contaminated groundwater. It appeared that the underground tank had holes along the bottom and that contaminated material leaked through these holes. The extent of the contaminated area encountered within the tank excavation was beyond what was anticipated. Therefore, excavation of the contaminated material was terminated at the request of the NYSEG representative (Ms. Chris Hebdon). In addition, the NYSEG representative request that personnel from ESI take three soil samples from the bottom of the tank excavation. These samples were submitted to the NYSEG representative.

ESI calibrated air sampling pumps for collection of air samples during the day from the four air monitoring locations. Several organic vapor measurements were taken with an OVA within the tank excavation and surrounding work area. The OVA readings were about 2-3 parts-per-million above background levels. In addition, several organic vapor measurements were taken with a photoionization detector (PID) within the tank excavation. These readings ranged from 0 to 5 parts-per-million (ppm). All personnel working inside the tank excavation and/or entering the tank excavation were protected by wearing Level "C" personal protection equipment. Air samples collected during the day were packaged and shipped to the laboratory for analysis testing. ESI off-site at 4:00 PM.

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-409-	---	001	002	003	004
DATE SAMPLED:	---	3-5-92	3-5-92	3-5-92	3-5-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	1.7	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1	STA.2	STA.3	STA.4	METHOD
	3-5	3-5	3-5	3-5	BLANK

HAS SAMPLE #92-405	001	002	003	004	----
--------------------	-----	-----	-----	-----	------

COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	5.3	83	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0

DATE SAMPLED:	3-5-92	3-5-92	3-5-92	3-5-92	----
DATE RECEIVED:	3-9-92	3-9-92	3-9-92	3-9-92	----
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92
DATE ANALYZED:	3-12-92	3-12-92	3-12-92	3-12-92	3-11-92



409

CHAIN OF CUSTODY RECORD

PROJECT NO. BTA-92-045					SITE NAME pearl yard, NY		NO OF CON TAINERS											REMARKS	
SAMPLES (SIGNATURE) Michael Atwood																			
STATION NO	DATE	TIME	COMP	GRAB	STATION LOCATION														
Sta. 1	3-5	1:15			2 Tubes 1 Filter 001		3												OTEX GC, PAH GC/MS
Sta. 2	3-5	1:18			2 Tubes 1 Filter 002		3												"
Sta. 3	3-5	1:16			2 Tubes 1 Filter 003		3												"
Sta. 4	3-5	1:00			2 Tubes 1 Filter 004		3												"
All Samples Run 2 1/2 HRS EXCEPT Sta. 1 which ran for 2 1/4 HRS																			
RELINQUISHED BY (SIGNATURE) Michael Atwood			DATE TIME 3-8-92 7:00 AM		RECEIVED BY (SIGNATURE)			RELINQUISHED BY (SIGNATURE)			DATE TIME		RECEIVED BY (SIGNATURE)						
RELINQUISHED BY (SIGNATURE)			DATE TIME		RECEIVED BY (SIGNATURE)			RELINQUISHED BY (SIGNATURE)			DATE TIME		RECEIVED BY (SIGNATURE)						
RELINQUISHED BY (SIGNATURE)			DATE TIME		RECEIVED FOR LABORATORY BY (SIGNATURE) Bryan Mann			DATE TIME 3/8/92 5:00 PM		REMARKS									

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 6, 1992
WEATHER:	Cloudy, 45°F
WIND:	Calm
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). ESI calibrated the air sampling pumps, for collection of air samples during the day from the four air monitoring stations. Several organic vapor measurements were taken with an OVA within the tank excavation and surrounding work area. In addition, several OVA measurements were taken within the pit area located inside the on-site cinder block building. The OVA measurements indicated no organic vapors above background levels. All personnel working inside the tank excavation and/or entering the tank excavation were protected by Level "C" personal protection equipment. All personnel working within the pit area inside the building were protected with Level "D" personal protection equipment. Air samples collected during the day were packaged and shipped to the laboratory for analytical testing.

The contractor continued to remove the contaminated soil from within the tank excavation and surrounding area. Sludge type soil, wood planks, and coal tar sludge were removed from the interior pit area inside the building and placed in 55-gallon drums. It appeared that the majority of the material within the interior pit area was removed. ESI off-site at 3:15 PM.

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBERS 92-410, 428, 429

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075

RE: PENN YAN/BTA-92-045

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. BOX 250
MIDDLEPORT, NEW YORK 14105

MARCH 16, 1992

HAS

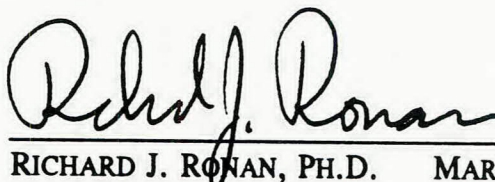
HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBERS 92-410, 428, 429

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS, " OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.



RICHARD J. RONAN, PH.D. MARCH 16, 1992
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HAS

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-410-	---	001	002	003	004
DATE SAMPLED:	---	3-6-92	3-6-92	3-6-92	3-6-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1 3-6	STA.2 3-6	STA.3 3-6	STA.4 3-6	METHOD BLANK	
HAS SAMPLE #92-410	001	002	003	004	----	
COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	9.2	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DATE SAMPLED:	3-6-92	3-6-92	3-6-92	3-6-92	----	
DATE RECEIVED:	3-9-92	3-9-92	3-9-92	3-9-92	----	
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92	
DATE ANALYZED:	3-12-92	3-12-92	3-12-92	3-12-92	3-11-92	

210

CHAIN OF CUSTODY RECORD

12/1/1960

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 9, 1992
WEATHER:	Cloudy, 45°F
WIND:	Calm
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). ESI calibrated the air sampling pumps, for collection of air samples during the day from the four air monitoring stations.

The contractor's activities included installing a sump system within the underground tank excavation. In addition, water and sludge was removed from the outside sump pit area located south of the existing cinder block building. The water and sludge was pumped into 55-gallon drums.

Several organic vapor measurements were taken with an OVA within the underground tank sump system excavation and surrounding work area. Several OVA measurements were also taken within the outside sump pit area. The OVA measurements indicated no organic vapors background levels. All personnel working inside the tank sump system excavation were protected Level "D" personal protection equipment. All personnel working within the surrounding outside sump pit area were also protected with Level "D" personal protection equipment. Air samples collected were packaged and shipped to the laboratory for analytical testing. ESI off-site at 2:00 PM.

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

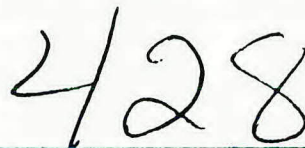
SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-428-	---	001	002	003	004
DATE SAMPLED:	---	3-9-92	3-9-92	3-9-92	3-9-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	2.0 *	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

* PRESENT IN REAR SECTION OF TUBE ONLY. <1.0 UG IN FRONT SECTION.
SUSPECTED REVERSAL OF TUBE DURING SAMPLING.

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1 3-9	STA.2 3-9	STA.3 3-9	STA.4 3-9	METHOD BLANK	
HAS SAMPLE #92-28	001	002	003	004	----	
COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DATE SAMPLED:	3-9-92	3-9-92	3-9-92	3-9-92	----	
DATE RECEIVED:	3-11-92	3-11-92	3-11-92	3-11-92	----	
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92	
DATE ANALYZED:	3-12-92	3-12-92	3-12-92	3-12-92	3-11-92	



PROJECT NO		SITE NAME		NO OF CONTAINERS													
SAMPLER(S) SIGNATURE					REMARKS												
STATION NO	DATE	TIME	COMP	GRAB	STATION LOCATION												
Sta. 1	3-9	12:40			2 Tubes 1 Filter	001	3										BTEX GC, P.A.H GCIMS
Sta. 2	3-9	12:42			2 Tubes 1 Filter	002	3										"
Sta. 3	3-9	12:41			2 Tubes 1 Filter	003	3										"
Sta. 4	3-9	12:45			2 Tubes 1 Filter	004	3										"
All samples run for 2 1/2 hrs																	
RELINQUISHED BY (SIGNATURE)		DATE TIME		RECEIVED BY (SIGNATURE)		RELINQUISHED BY (SIGNATURE)		DATE TIME		RECEIVED BY (SIGNATURE)							
Michael Alvarado		3-11 4:00															
RELINQUISHED BY (SIGNATURE)		DATE TIME		RECEIVED BY (SIGNATURE)		RELINQUISHED BY (SIGNATURE)		DATE TIME		RECEIVED BY (SIGNATURE)							
RELINQUISHED BY (SIGNATURE)		DATE TIME		RECEIVED FOR LABORATORY BY (SIGNATURE)		DATE TIME		REMARKS									
				[Signature]		3/11/92 7:00am											

**EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT**

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 10, 1992
WEATHER:	Cloudy, 40°F
WIND:	NE 10-20 MPH
INSPECTOR:	Michael Atwood

ESI arrived on-site at 7:30 AM. Met SLC on-site representative Russell Frerichs and Keith Day of New York State Electric and Gas (Field Engineer). ESI calibrated the air sampling pumps, for collection of air samples during the day from the four air monitoring stations.

The contractor's activities included cutting the previously removed underground tank into smaller sections for removal and disposal off-site.

Several organic vapor measurements were taken with an OVA within the tank and surrounding work area. In addition, several OVA measurements taken within the pit area located inside the cinder block building. The OVA measurements indicated no organic vapors were detected above background levels. All personnel working inside the tank were protected Level "C" personal protection equipment. All personnel working within the interior pit area and surrounding outside tank area were protected with a Level "D" personal protection equipment. Air samples collected were packaged and shipped to the laboratory for analysis. ESI off-site at 1:45 PM.

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

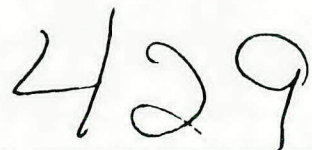
NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	STA.1	STA.2	STA.3	STA.4
HAS SAMPLE #92-429-	---	001	002	003	004
DATE SAMPLED:	---	3-10-92	3-10-92	3-10-92	3-10-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	STA.1 3-10	STA.2 3-10	STA.3 3-10	STA.4 3-10	METHOD BLANK	
HAS SAMPLE #92-429	001	002	003	004	----	
COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DATE SAMPLED:	3-10-92	3-10-92	3-10-92	3-10-92	----	
DATE RECEIVED:	3-11-92	3-11-92	3-11-92	3-11-92	----	
DATE EXTRACTED:	3-11-92	3-11-92	3-11-92	3-11-92	3-11-92	
DATE ANALYZED:	3-12-92	3-13-92	3-13-92	3-13-92	3-11-92	

[illegible]

10. Department of Health and Human Services

EMPIRE SOILS INVESTIGATIONS, INC.
DAILY SITE REPORT

PROJECT:	NYSEG Tank Removal
LOCATION:	Water Street, Penn Yan, New York
CLIENT:	SLC Consultants/Constructors, Inc.
PROJECT NO:	BTA-92-045
DATE:	March 13, 1992
WEATHER:	Cloudy, Cold
WIND:	NE 10-20 MPH
INSPECTOR:	Michael Atwood

ESI arrived on-site at 8:00 AM to take background air samples at the request of SLC and NYSEG. ESI calibrated the air sampling pumps and set up the air sampling equipment at the four air monitoring stations. Although the job was complete (i.e. tank removed and excavation backfill) additional ambient air background measurements were taken. The air sampling pumps were in operation approximately six (6) hours. In addition to the air sampling at the four (4) monitoring stations organic vapor measurements were taken with an OVA in the area of the pit excavation. The OVA measurements indicated no organic vapor were detected above background levels. Air samples collected were packaged and shipped to the laboratory for analysis. It should be noted that this was the last day that SLC requested that ESI to collect air samples at the above referenced site. ESI off-site at 2:30 PM.

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBER 92-447

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
535 SUMMIT POINT DRIVE
ROCHESTER, NEW YORK 14467

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. BOX 250
MIDDLEPORT, NEW YORK 14105

MARCH 27, 1992

PAGE 1



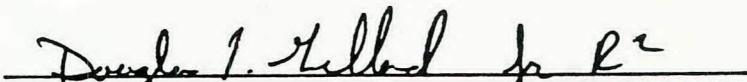
HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBER 92-447

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS", OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.


RICHARD J. RONAN, PH.D. MARCH 27, 1992
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HAS

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

NIOSH METHOD 1501
AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION :	METHOD BLANK	sta.1	sta.2	sta.3	sta.4
HAS SAMPLE #92-447-	---	001	002	003	004
DATE SAMPLED:	3-13-92	3-13-92	3-13-92	3-13-92	3-13-92
COMPOUND	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube	RESULT ug/tube
BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOLUENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
ETHYL BENZENE -----	<1.0	<1.0	<1.0	<1.0	<1.0
TOTAL XYLENES -----	<2.0	<2.0	<2.0	<2.0	<2.0

HUNTINGDON ANALYTICAL SERVICES

ENVIRONMENTAL

METHOD: NIOSH 5515
SEMI-VOLATILE ORGANICS
POLYNUCLEAR AROMATIC HYDROCARBONS

SAMPLE IDENTIFICATION:	STD 1	STD 2	STD 3	STD 4	METHOD BLANK	
HAS SAMPLE #92-447	001	002	003	004	—	
COMPOUNDS	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	RESULT ug/SAMPLE	MDL ug/SAMPLE
ACENAPHTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ACENAPHTHYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(b)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(k)FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(a)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
BENZO(g,h,i)PERYLENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
CHRYSENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DIBENZ(a,h)ANTHRACENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORANTHENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
FLUORENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
INDENO(1,2,3-cd)PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
NAPHTHALENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PHENANTHRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
PYRENE -----	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
DATE SAMPLED:	INP	INP	INP	INP	—	
DATE RECEIVED:	3-13-92	3-13-92	3-13-92	3-13-92	—	
DATE EXTRACTED:	3-20-92	3-20-92	3-20-92	3-20-92	3-20-92	
DATE ANALYZED:	3-21-92	3-21-92	3-21-92	3-21-92	3-21-92	

HUNTINGDON ANALYTICAL SERVICES - CHAIN-OF-CUSTODY RECORD AND ANALYTICAL REQUEST FORM

Page 1 of 1

Client Name ESI- Rock

Client Contact _____

NAS Quote # _____

Address _____

Phone _____

P.O. # _____

Project No.: BTA-92-45 Project/Site Name: PANH / AN

N
A
T
I
O
N
A
L
of
Containers

Container Size & Type
Tubes Filter

Analysis Requested/
Remarks

Samplers (Signature): _____ NAS Ref. # 2147

Sample Date Time Comp. Grab Location Seq. #

Std 1 3/13 001 3 2 1
Std 2 002 3 2 1
Std 3 003 3 2 1
Std 4 004 3 2 1

BTE x GC PAN GC/m

↓ ↓

Relinquished by: _____ Date/ Time: _____ Received by: _____ Date/ Time: _____

Relinquished by: _____ Date/ Time: _____ Received by: _____ Date/ Time: _____

Relinquished by: _____ Date/ Time: _____ Received for Lab by: _____ Date/ Time: _____ Remarks: _____

ATTACHMENT C

ENVIRONMENTAL ANALYTICAL REPORT

REPORT NUMBER 92-346

PREPARED FOR:

EMPIRE SOILS INVESTIGATIONS, INC.
S-5167 S. PARK AVENUE
HAMBURG, NEW YORK 14075

RE: BTA-902-045, PENN YAN, NY

PREPARED BY:

HUNTINGDON ANALYTICAL SERVICES
DIVISION OF EMPIRE SOILS INVESTIGATIONS, INC.
P.O. BOX 250
MIDDLEPORT, NEW YORK 14105

MARCH 20, 1992

PAGE 1



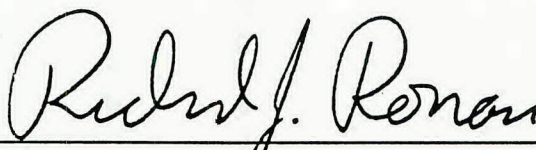
HUNTINGDON ANALYTICAL SERVICES
ELAP #10833
ENVIRONMENTAL REPORT

REPORT NUMBER 92-346

STATEMENT OF WORK PERFORMED

I HEREBY DECLARE THAT THE WORK WAS PERFORMED UNDER MY SUPERVISION
ACCORDING TO THE PROCEDURES OUTLINED BY THE FOLLOWING REFERENCES AND THAT
THIS REPORT PROVIDES A CORRECT AND FAITHFUL RECORD OF THE RESULTS OBTAINED.

- 40 CFR PART 136, "GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE
ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT", OCTOBER 26, 1984
(FEDERAL REGISTER) U. S. ENVIRONMENTAL PROTECTION AGENCY.
- U.S. ENVIRONMENTAL PROTECTION AGENCY, "TEST METHODS OF EVALUATING
SOLID WASTE - PHYSICAL/CHEMICAL METHODS, " OFFICE OF SOLID WASTE AND
EMERGENCY RESPONSE, SW-846, 2ND EDITION AND 3RD EDITION.
- NEW YORK STATE DEPARTMENT OF HEALTH, ANALYTICAL TOXICOLOGY
LABORATORY HANDBOOK, AUGUST 1982.



RICHARD J. RONAN, PH.D. MARCH 20, 1992
LABORATORY DIRECTOR, ENVIRONMENTAL

REPORT CODE LEGEND:

<DL = LESS THAN DETECTION LIMIT
ND = NOT DETECTED
NA = NOT APPLICABLE
INP = INFORMATION NOT PROVIDED
MB = METHOD BLANK

HAS

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

METHOD 608
POLYCHLORINATED BIPHENYLS

SAMPLE IDENTIFICATION :	METHOD BLANK	001	002
HAS SAMPLE #92-346-	---	001	002
DATE ANALYZED:	3-9-92	3-9-92	3-9-92
COMPOUND	RESULT ug/L	RESULT ug/L	RESULT ug/L
PCB-1016 -----	<0.50	<0.50	<0.50
PCB-1221 -----	<0.50	<0.50	<0.50
PCB-1232 -----	<0.50	<0.50	<0.50
PCB-1242 -----	<0.50	<0.50	<0.50
PCB-1248 -----	<0.50	<0.50	<0.50
PCB-1254 -----	<1.0	<1.0	<1.0
PCB-1260 -----	<1.0	<1.0	<1.0

HUNTINGDON ANALYTICAL SERVICES
ENVIRONMENTAL

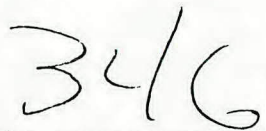
METHOD 8080
POLYCHLORINATED BIPHENYLS

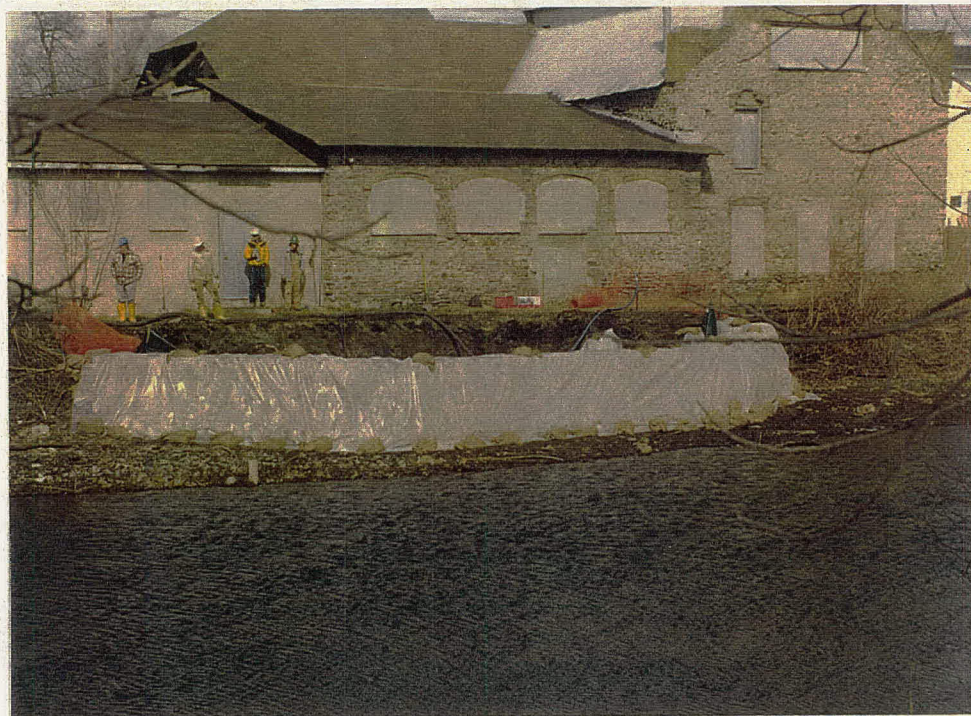
SAMPLE IDENTIFICATION : METHOD BLANK 003

HAS SAMPLE #92-346- --- 003

DATE ANALYZED: 3-9-92 3-9-92

COMPOUND	RESULT ug/g	RESULT ug/g
PCB-1016 -----	<0.20	<0.20
PCB-1221 -----	<0.20	<0.20
PCB-1232 -----	<0.20	<0.20
PCB-1242 -----	<0.20	<0.20
PCB-1248 -----	<0.20	<0.20
PCB-1254 -----	<0.20	0.66
PCB-1260 -----	<0.20	<0.20

[illegible]



SAND BAGS DIKE WITH
POLY COVER



HIGH DENSITY POLYETHYLENE
LINED HOLDING AREA



HAUL ROAD

AIR SAMPLING



EXCAVATION



TANK CLEANING





OPENED TANK



MONITORING WELL WITH
COVER AT RESTORED
AREA



INSIDE STORAGE AREA

