



December 23, 2009

VIA E-MAIL AND REGULAR MAIL

Ian Beilby, P.E.  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Remedial Bureau B, 12th Floor  
625 Broadway  
Albany, NY 12233-7016

Dear Mr. Beilby:

Re: ALTX, Inc. Final Status Report on Environmental Activities

Enclosed is a Final Status Report updating the prior reports on environmental activities undertaken by ALTX, Inc. Again, thank you and your colleagues for your assistance throughout the closure activities and for confirming that the Department is satisfied and that no additional action will be required. For your information, as planned, ALTX, Inc. and the owner of the site, Realco Inc., entered into a Lease Termination Agreement, effective December 14, and ALTX, Inc. has no further obligation regarding the lease or site.

Sincerely,

Fred Prossen  
Treasurer

FP /  
Enclosure

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**Final Status Report on Environmental Activities  
at ALTX, Inc.'s Leased Facility  
Town of Colonie / Watervliet**

**December 23, 2009**

This Status Report was originally prepared as of June 1, 2009, with the expectation that some additional work would be completed. The Status Report was updated as of October 16, 2009 to provide information on the completion of the additional work and in anticipation of a site walkthrough with the NYSDEC.

On October 21, Fred Prossen, Yogesh Shukla, and John Gernon of ALTX, Inc. and Paul Meosky of Hodgson Russ LLP, ALTX, Inc.'s counsel, met with Ian Beilby and Carol Lamb-LaFay of the NYSDEC. Margaret Rogers of the NYSDEC had planned to attend but was unable. Kevin McGrath of Earth Tech, Inc. attended the latter portion of the site meeting regarding on-site drainage.

This Final Status Report incorporates information from the site walkthrough and follow-up activities. All work has been completed to the satisfaction of the NYSDEC and other agencies. ALTX, Inc. and Realco Inc., the owner of the site, entered into a Lease Termination Agreement terminating the lease in its entirety, effective as of December 14, 2009, and ALTX, Inc. has no further obligation with respect to the lease or the site.

1. Pickle House, Pilger Mill, Removal of Tanks

As contemplated by the "Facility Closure Work Plan," prepared in January 2008 by Earth Tech, Inc., environmental activities undertaken in the first half of 2008 included the permanent closure of bulk storage tanks and certain in-line process tanks that had been used by ALTX. These activities included the permanent closure of virgin acid and waste acid aboveground storage tanks, removal of acid lines, piping and acid-bath (pickle) tanks, permanent closure of former fuel oil and cooling oil aboveground storage tanks, and the clean up of residual cooling oils and grease in and around the Pilger mill vault. Additional activities that were undertaken included the cleaning of the hydraulic room and limited soil excavation, the cleaning of two exterior slippery water tanks, the removal of oily debris from the "straightener" pit and the clean up of oily debris near the office area. Most of these activities included cleaning up impacts that pre-existed ALTX's tenancy.

The activities were commenced by Earth Tech and completed by Environmental Remediation & Recovery, Inc. ("ER&R") which prepared a letter report entitled, "Summary of Site Activities," dated June 20, 2008 (attached to June 1 Status Report as Appendix A). Materials, including virgin acid, waste acid and sludge, cooling oil, and oily water were analyzed and disposed. Other materials from other areas that had been leased and terminated earlier, such as the store room, had been removed and properly disposed previously, and other closure activities such as plugging lines also had been completed in prior years with the NYSDEC's oversight.

Appendix B (attached to June 1 Status Report) includes information regarding closing out bulk storage registrations, including the facility's submittal of updated information and the subsequent letters from the NYSDEC confirming that the Chemical Bulk Storage ("CBS") registration has been updated to indicate that the CBS regulations no longer apply to the ALTX facility (letter, dated June 30, 2008) and similarly that the Petroleum Bulk Storage ("PBS") regulations no longer apply (letter, dated July 21, 2008). Appendix B also includes the facility's letter, dated December 12, 2007, cancelling the State facility air permit.

## 2. Wastewater Treatment Plant

In a letter, dated May 15, 2009, the NYSDEC accepted the Closure Report for the Wastewater Treatment Plant ("WWTP") which presented a closure plan for the WWTP (Appendix C attached to the June 1 Status Report includes the letter and the Closure Report). As observed by Margaret Rogers of the NYSDEC during her site visit on May 29, much of the work had been completed in May, including the cleaning of all of the tanks indoors and one of two equalization tanks outside and the removal of lines.

As addressed in a July 23 letter from C.T. Male Associates, P.C. ("C.T. Male") to Andrea Dzierwa, P.E., Regional Water Engineer, Region 4, additional cleaning was completed since the June 1 Status Report. In an e-mail dated October 15, Ms. Dzierwa noted that, as of an inspection by Derek Thorsland on August 18, there had been three items that remained to be completed before the NYSDEC could proceed with deleting the SPDES permit. All of the items have been completed.

The first item was to confirm that all residual material has been removed from the two equalization tanks which included draining the secondary containment water. Ms. Dzierwa stated that Ms. Rogers confirmed that this work was completed. The second item was to provide copies of the manifest forms for disposal of solids, residuals, etc. and that information was provided in an October 6 e-mail. Ms. Dzierwa concluded that, based upon the information provided and the observations of NYSDEC staff, the NYSDEC concurs that the system has been closed in accordance with NYSDEC disposal system closure requirements in 6 NYCRR Part 750. In an October 22 e-mail following the October 21 site inspection, Ms. Lamb-LaFay concluded that observations noted during her inspection confirm that the wastewater treatment plant has been closed in accordance with the closure plan.

The third and final item that remained was to submit a letter that requests deletion of the SPDES permit. In a letter dated October 16, C.T. Male submitted this request to Ms. Dzierwa. At the October 21 site inspection, Ms. Lamb-LaFay confirmed receipt of the letter request. With her October 22 e-mail, she included a copy of an October 22 letter, regarding "Deletion of SPDES Permit," from the NYSDEC Region 4's Division of Environmental Permits determining that the SPDES permit is not required and is discontinued.

The October 22 "Deletion of SPDES Permit" letter noted that the NYSDEC requests that CT Male advise any subsequent owner of the facility of the requirement to obtain a permit prior

to starting any operation that results in a discharge. As known by the NYSDEC, ALTX had leased but has never owned the facility. In its Lease Termination Agreement with Realco Inc., ALTX notified Realco Inc., the owner of the facility, of the NYSDEC's requirement that a SPDES permit must be obtained prior to starting any operation that results in a discharge.

In her October 22 e-mail, Ms. Lamb-LaFay also reported that she has advised NYSDEC's Central Office of the deletion of the SPDES permit and that Discharge Monitoring Reports are no longer necessary. She added that one final annual report regarding the water treatment chemical usage at the facility for the period of January 1, 2009 through October 22, 2009 would have to be submitted. No water treatment chemicals were used at the facility during this period, and an annual letter report was submitted to Ms. Lamb-LaFay on October 26, 2009.

Water sampled for pH was found to be at an acceptable level, and as discussed with Ms. Rogers earlier this year and observed by Ms. Lamb-LaFay at the October 21 inspection, an opening was created in the secondary containment to allow water to drain rather than accumulate in the future.

### 3. Main Extrusion Press

The Main Extrusion Press was removed prior to the June 1 Status Report. While working in the Main Extrusion Press area, the scrap contractor disturbed potential asbestos-containing materials. In accordance with the instruction of the Town of Colonie ("Town") and the New York State Department of Labor ("NYS DOL"), the scrap contractor hired an asbestos abatement contractor to address potential asbestos-containing material in this area. This asbestos work occurred throughout the summer and was completed to the satisfaction of the Town and NYSDOL.

After the completion of the asbestos work, various pieces of metal equipment, concrete, refuse and debris also were removed. Extrusion press pits and pilger mill pits were cleaned and filled to avoid water accumulation and drainage from open pits in the future. As was the case with other cleanup activities, impacts that were addressed included not only impacts associated with ALTX's operations, but also impacts which had pre-existed ALTX's tenancy. For example, the pits had contained contaminants from decades of industrial manufacturing operations. The Town was satisfied with the work and issued a Certificate of Compliance, effective November 16, 2009, in which it confirmed that the interior removals of equipment, systems and partitions conformed substantially to the approved plans and specifications filed with the application for a building permit which had been issued by the Town, as well as substantially conforming to all the requirements of the applicable provisions of the New York State Uniform Fire Prevention and Building Code.

4. Storm Water Drainage

As addressed with the NYSDEC in 2007, activities conducted by others caused storm water drainage issues in the area. Nonetheless, in order to cooperate with the NYSDEC, ALTX hired Earth Tech, Inc. to address storm water drainage on the leased site, and a project work plan was approved by the NYSDEC on September 12, 2007. Following a post-construction inspection on October 1, 2007, the NYSDEC approved the completion of Phase II of the project in a letter dated October 10, 2007 (Appendix D as attached to the June 1 Status Report), thanking ALTX for quickly resolving the matter and for addressing the NYSDEC's concerns in a professional manner. Subsequently, storm events damaged some components of the drainage system, the site was re-inspected with the NYSDEC, and follow-up work was performed.

The drainage system was addressed at the site inspection on October 21, and Mr. Beilby determined that site conditions are acceptable and that this matter is closed. Mr. Beilby confirmed this conclusion in a letter dated November 5, 2009, stating that site restoration work was performed in 2007 in a substantially complete manner with a NYSDEC Division of Environmental Remediation ("DER") approved work plan submitted by Earth Tech, Inc., that changes to the approved work plan were approved in the field by DER staff, that additional repairs to the work were performed as needed while ALTX occupied the site, and that DER requires no further action by ALTX regarding this matter.

5. Miscellaneous Final Tasks

At the request of the Town of Colonie, various safety measures were undertaken including capping the sewer line, filling manholes and pits, removing air conditioning units, and keeping entranceways open to allow access to emergency responders. As described above, the Town issued a Certificate of Conformance confirming its satisfaction.

At the site walkthrough on October 21, Mr. Beilby requested that three areas be cleaned. These areas consisted of two isolated instances of soil staining (possibly the result of hydraulic leaks from recent asbestos abatement activity performed by contractors on behalf of the scrap contractor as described above) and the clean up of a small out building that contained oil-soaked absorbent and two 55-gallon containers with hydraulic fluid. Work addressing these areas was undertaken following the October 21 walkthrough, and Mr. Beilby subsequently visited the site to observe the areas. In a letter dated November 6, 2009, Mr. Beilby indicated that the three issues were addressed to the satisfaction of the NYSDEC and that no further action by ALTX, Inc. is required.