

APPENDIX J

SUBSTANTIAL COMPLETION LETTER

June 14, 2023

Mr. Brian Harris
Vice President-Project Manager
The Environmental Service
Group (NY), Inc.
177 Wales Avenue
Tonawanda, New York 14150

**Re: Former Al Tech Specialty Steel Site
NYSDEC Contract D011842-Substantial Completion Certification**

Dear Mr. Harris:

AECOM U.S.A., Inc. (AECOM) as an agent for the New York State Department of Environmental Conservation (NYSDEC), performed the Substantial Completion Inspection on the subject project on **Wednesday, May 31, 2023**.

Based on the inspection, several field work items remain before final project completion can be certified. In addition to the field work items, some outstanding submittal items still need to be provided. The field work items and submittal items are included on the Punch List provided in Attachment A.

In accordance with the Contract, outstanding incomplete work items are normally listed with an estimated cost for completion. The costs, summarized and then doubled, are made part of the certificate of approval for final project completion. These costs are held against future Contractor payment requests. In addition, a schedule for completion of each outstanding item is normally required to be submitted by the Contractor; the schedule is made part of the final Certificate of Substantial Completion. AECOM will receive evidence of these completed items and review them with the NYSDEC project manager as a means to obtain final project completion within the Contract Time.

As of **Wednesday, May 31, 2023**, The Environmental Service Group (NY), Inc. (ESG) has achieved substantial completion of the project. Three (3) copies of the Certificate of Substantial Completion are attached for signature approval by ESG and NYSDEC. The incomplete work list as of **May 31, 2023** will be used as the guide for release of funds held against the Contract as noted on line 4 of the Contractor's Application for Payment (CAP).

Please sign and return all copies to Mr. Benjamin Rung for the signature and final execution of the certificate by NYSDEC. Your copy will be mailed after execution by all parties. If you have any questions, please contact me at 716-345-4649 or mike.gutmann@aecom.com.

Sincerely,

AECOM

A handwritten signature in blue ink, appearing to read "Michael P. Gutmann", with a long horizontal line extending to the right.

Michael P. Gutmann
Project Manager

cc: Benjamin Rung, P.E. - NYSDEC
Carsten Floess, P.E. - AECOM
Kyle Jackson, AECOM
AECOM File: 60632380 (Communications)

CERTIFICATE OF SUBSTANTIAL COMPLETION

DEPARTMENT: New York State Department of Environmental Conservation
PROJECT: Former AL Tech Specialty Steel Corporation Site, OU3 Structures, Colonie, New York
ENGINEER: AECOM
50 Lakefront Boulevard, Suite 111
Buffalo, New York 14202
CONTRACTOR: The Environmental Service Group (NY)
177 Wales Avenue
Tonawanda, New York, 14150
CONTRACT NUMBER: D011842
SITE NUMBER: 401003

Project shall include:

Substantial Completion of the Former AL Tech Specialty Steel Corporation Site, OU3 Structures,, as defined in Contract No. D011842.

Definition of Substantial Completion, as per Section II of the Contract Documents:

The Work, or a specified part thereof, has progressed to the point where, in the opinion of Engineer as evidenced by Engineer's definitive Certificate of Substantial Completion, it is sufficiently complete, in accordance with the Contract Documents (with the exception of the minor items identified during inspection described in Paragraph 13.6 of the General Conditions), so that it can be utilized continuously for the purposes for which it is intended. Substantial Completion of the Work, or specified part thereof, may be achieved either upon completion of Pre-Operational Testing or Start-up Testing, depending upon the requirements of the Contract Documents. The terms "substantially complete" and "substantially completed" as applied to any Work refer to Substantial Completion thereof.

Date of Substantial Completion: **May 31, 2023**

Written mutual agreements upon which the date of Substantial Completion has been mutually agreed to are as follows:

1. Agreement to Substantial Completion by the Department will in no way affect the obligations of the Contractor under the terms and provisions of the Contract with respect to punch list work.
2. The Contractor shall subsequently satisfactorily complete or correct all unfinished items in the work accepted by the Department as Substantially Satisfactorily complete.
3. The Department, Engineer, and the Contractor made an inspection of the work on **Wednesday, May 31, 2023** and following this inspection the Engineer, on behalf of the Department, advised the Contractor of remaining items to be completed or corrected and provided the Contractor with the following Estimate of Work Remaining (Attachment A). The Subcontractor shall endorse said estimate of Work Remaining as evidence of agreement and provide the Department with a mutually agreeable schedule with an estimate of Work remaining.


CERTIFICATE OF SUBSTANTIAL COMPLETION
FORMER AL-TECH SPECIALTY STEEL CORPORATION SITE, OU3 STRUCTURES
SITE NO. 401003
CONTRACT NO. D011842

ESTIMATE OF WORK REMAINING


Attached

SUBSTANTIAL COMPLETION

For the Contractor: The Environmental Services Group (NY)

By: Brian Harris
Title: Vice President
Signature:  Date: 05/31/2023

For the Engineer: AECOM

By: Michael Gutmann
Title: Project Manager
Signature:  Date: 05/31/2023

For New York State Department of Environmental Conservation:

By: Benjamin Rung P.E.
Title: Project Manager
Signature: _____ Date: _____

Attachment A

**FORMER AL-TECH SPECIALTY STEEL CORPORATION SITE, OU3 STRUCTURES
SITE NO. 401003
CONTRACT NO. D011842**

LIST OF INCOMPLETE WORK ITEMS REMAINING AND ESTIMATE OF COST VALUE

May 31, 2023

Substantial Completion Punch List – 1 page – Dated: May 31, 2023

AECOM

50 Lakefront Boulevard, Suite 111
Buffalo, New York 14202

Date of Substantial Completion: May 31, 2023
Projected Date of Final Completion: June 30, 2023

Former AL Tech Specialty Steel
Corporation Site, OU3 Structures
NYSDEC Site No. 4-01-003
NYSDEC Contract No. D011842

Project Incomplete Work List Report – Attachment A

Re: AL Tech Specialty Steel Corporation Site, OU3 Structures

List Updated as of Date: June 13, 2023 (9:48PM)

No.	Date Added to List:	Description of Incomplete Work List Item:	Status of Item:	Date Inspected/ Completed:	Estimated Cost in (\$)	Schedule for Completion
1	5/24/23	Remove hazardous waste stockpile.(Approx. 40 ton)	Incomplete		\$26,800	
2	5/24/23	Remove salvageable steel dumpster	Incomplete		\$500	
3	5/24/23	Ensure berm is in place to channel water to catch basins at pond area at southwest side of site: (Two laborers plus mini-excavator for one day)	Incomplete		\$700	
4	5/24/23	Create berm to channel water to catch basin along Spring Street Road at pond area at north side of site. (Two laborers plus mini-excavator -one day)	Incomplete		\$700	
5	5/24/23	Remove silt fabric from DIs. (One Laborer - one day)	Incomplete		\$350	
6	5/24/23	Clean out DIs adjacent to Building 14. (Two Laborers plus vac-truck - one day)	Incomplete		\$1,000	
7	5/24/23	Rebar and steel I-beams across the site need to be cut flush to grade and steel removed from site. (Two Laborers – one day)	Incomplete		\$700	
8	5/24/23	Obtain final air clearance at Central area of site (stockpile areas). (Two Asbestos Laborers – one day)	Incomplete		\$800	
9	5/24/23	Obtain final air clearance at Trailer/laydown area (Two Asbestos Laborers – one day)	Incomplete		\$800	
10	5/24/23	Obtain final air clearance at Building 28 area by concrete “bridge” (Two Asbestos Laborers – one day)	Incomplete		\$800	
11	5/24/23	Personal decontamination trailer to be cleaned, inspected, and removed from site. (Two Asbestos Laborers – one day)	Incomplete		\$800	

12	5/24/23	Cones, temporary fences, and stakes to be pulled up and removed from site. (Two Laborers – one day)	Incomplete		\$700	
13	5/24/23	Remove erosion control silt socks from across the site by cutting silt fabric and spreading wood chips in place. (Two Laborers – one day)	Incomplete		\$700	
14	5/24/23	Tools and equipment loaded into conex boxes and removed from site. (Two Laborers – one day)	Incomplete		\$700	
15	5/24/23	Office trailers to be cleaned out and removed from site. (Two Laborers – one day)	Incomplete		\$700	
16	5/24/23	Heavy equipment (excavators, bulldozer, etc.) to be decontaminated and wipe tested prior to removal from site. (Two Laborers – one day)	Incomplete		\$700	
17	5/24/23	API-1 and API-3 to have water and sediment removed, and walls and floor cleaned. (Two Laborers plus skid steer – one day)	Incomplete		\$1,500	
18	5/24/23	Remaining seven (7) frac tanks to be cleaned and removed from site.	Incomplete		\$3,500	
19	5/24/23	Demolish and load out Building 33.	Incomplete		\$60,000	
20	5/24/23	Remove improperly installed fencing and reinstall fencing to project specifications at Building 36/37.	Incomplete		\$18,600	
21	5/24/23	Install gate in fencing between Building 37 and Building 38.	Incomplete		\$2,000	
22	5/24/23	Building 10 Locker Room sanitary sewer drains to be sealed.	Incomplete		\$700	
23	5/24/23	Power wash exterior of the house at 3 Grenada Terrace	Incomplete		\$350	
24	5/24/23	Power wash exterior of the house and clean the pool at 7 Grenada Terrace	Incomplete		\$350	
25	5/24/23	Power wash exterior of the house at 194 Spring Street	Incomplete		\$350	
26	5/24/23	Building 7/8: 5x5 inch metal pipe in ground to be removed and filled.	Incomplete		\$700	
27	5/24/23	Building 28 south side: remove or grade concrete bridge.	Incomplete		\$1,300	
28	5/24/23	Remove concrete blocks from DI vault adjacent to API-1	Incomplete		\$700	
29	5/24/23	Submit Final Photographic Documentation	Incomplete		\$500	
30	5/24/23	Submit Certifications of Final Disposal from Disposal Facilities	Incomplete		\$600	

31	5/24/23	Submit Letter from Company Official Certifying Completion of Work in Accordance with Contract and Regulatory Requirements	Incomplete		\$600	
32	5/24/23	Submit Analytical Data into NYSDEC EQuIS Database	Incomplete		\$600	
33	5/24/23	Submit Final Redline Drawings	Incomplete		\$600	
34	5/24/23	Submit As-Built Drawings	Incomplete		\$600	
35	5/24/23	Submit Final Pit Map	Incomplete		\$600	
36	5/24/23	Submit Final Sanitary Sewer Maps and Field Documentation Records	Incomplete		\$600	
37	5/24/23	Submit Release from Liens from Subcontractors	Incomplete		\$600	
38	5/31/23	Washout by water truck loading area in roadway to be filled and graded	Incomplete		\$1,300	
39	5/31/23	Entrance gate needs to have top rail installed	Incomplete		\$350	
40	5/31/23	Truck scale needs to be removed	Incomplete		\$500	
41	5/31/23	Roller Gate Fence southwest of API-1 needs to be repaired/secured	Incomplete		\$700	
42	5/31/23	Pond south of Building 14: clean up stone and swale and install clean stone at DIs	Incomplete		\$1,300	
43	5/31/23	Steel plate to be removed	Incomplete		\$1,300	
44	5/31/23	DI east of building 14 - sediment accumulation to be pulled back and away from DI	Incomplete		\$1,300	
45	5/31/23	DI west of building 14 - lid needs to be replaced	Incomplete		\$700	
46	5/31/23	DI west of building 14 - needs to be graded with stone fill	Incomplete		\$1,300	
47	5/31/23	Building 17 troughs need to be filled in with crusher run and loose steel removed	Incomplete		\$1,300	
48	5/31/23	Vault/DI/steel plate needs to be located	Incomplete		\$350	
49	5/31/23	Parquet wooden blocks to be removed	Incomplete		\$700	
50	5/31/23	Building 13 PVC pipe needs to be backfilled with CLSM	Incomplete		\$350	
51	5/31/23	Building 7 steel needs to be cut, holes filled and graded	Incomplete		\$1,300	
52	5/31/23	Drainage to pond: monitor and leave in place if berm and drain are functioning properly	Incomplete		\$350	
53	5/31/23	Locate DI in area south of Building 24 and repair/replace as needed	Incomplete		\$700	
54	5/31/23	Building 27 - cut steel and backfill holes left by bollard removal	Incomplete		\$700	
55	5/31/23	Building 30/31 steel plates to be installed to cover elevated radiation area	Incomplete		\$1,300	
56	5/31/23	Building 31 pad to be pressure washed and all water/debris generated to be removed with API sediment and waste	Incomplete		\$700	
57	5/31/23	Building 31 bollards and steel need to be removed	Incomplete		\$1,300	
58	5/31/23	Sample of soil under original decon pad needs to be collected	Incomplete		\$100	

59	5/31/23	General Site wide housekeeping items: cut existing protruding steel to grade, remove scrap steel from across the site, collect and remove debris, asbestos, tape, trash, etc. from across the site, remove silt socks and DI fabric.	Incomplete		\$1,400	
60	5/31/23	Crane mats at API-1 to be removed	Incomplete		\$2,000	
61	5/31/23	Building 14: black stained backfill to be removed	Incomplete		\$1,300	
62	6/6/23	Return water meter to Latham Water	Incomplete		\$200	
63	5/31/23	Hydroseeding/Surface Restoration	Incomplete		\$1,000	

			Subtotal Costs		\$156,600	
			Times 2 per Contract Conditions		\$313,200	
			Total Outstanding Work		\$313,200	