KEY ENVIRONMENTAL INCORPORATED

November 4, 2005

Mr. John Spellman, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Western Remedial Action, Room 352
625 Broadway
Albany, New York 12233-7017

RE: Soil Remedy Certification Report Addendum
New York Tar Emulsion Products Site
Utica, New York

Dear Mr. Spellman:

On behalf of Beazer East, Inc. (Beazer) and Suit-Kote Corporation (Suit-Kote), Key Environmental, Inc. (KEY) hereby provides the New York State Department of Environmental Conservation (NYSDEC) with two (2) copies of the Soil Remedy Certification Report Addendum (Addendum) for the New York Tar Emulsion Products (NYTEP) site in Utica, New York. The Addendum has been prepared in accordance with the Soil Remedy Certification Report (Certification Report) that was submitted to NYSDEC on June 24, 2005. The Addendum documents the outstanding remedial action tasks as identified in the Certification Report and also addresses NYSDEC comments on the Certification Report.

CERTIFICATION REPORT ADDENDUM

In accordance with the 100% Soil Remedial Design Report (100% Soil RD) and the Certification Report, Beazer and Suit-Kote's remedial contractor mobilized to the NYTEP site on September 7, 2005 to complete the remaining remedial action tasks related to the soil remedy at the NYTEP site. These tasks included final grading/seeding, installation of a security fence, and distribution of the site Fact Sheet. Field activities were completed on September 23, 2005 and a final site inspection was performed by KEY on October 11, 2005. The following sections provide a detailed review of the tasks identified above.

Task 1 - Final Grading/Seeding

As discussed in the Certification Report, final grading, topsoil placement, and seeding was not completed in the Spring of 2005 due to unfavorable weather conditions. Following a 4 month waiting period, when weather conditions were more favorable, the final grading and seeding was performed. The following paragraphs provide a detailed review of the final grading and seeding activities.

Baseline Survey

A baseline survey was performed and a grid established in the field to facilitate subgrade and final grading activities at the Site. The results of the baseline survey indicated that minimal settling had occurred since demobilization activities in April 2005. The subgrade elevation was approximately 4-inches higher (on average) than the final grades proposed in the 100% Soil RD.

Subgrade Grading

Following surveying activities, an attempt to grade and compact the subgrade soil was made using conventional earthmoving equipment (i.e., dozer and sheepsfoot roller). The objective of the grading and compaction was to promote consolidation/compaction and to achieve the subgrade elevations depicted in the 100% Soil RD. However, the subgrade soils were very wet; therefore, significant compaction induced settlement was not achieved. The resulting subgrade elevations were approximately 4-6 inches higher than depicted on the 100% Soil RD. As a result of the excess subgrade soil, the site-wide grading plan was slightly modified from that depicted in the 100% Soil RD. The subgrade soil was graded to promote sheet flow drainage to the perimeter of the NYTEP site, whereas the 100% Soil RD attempted to match existing grades. Future semi-annual site inspections will evaluate site drainage to ensure that settlement does not result in local low areas and to ensure that proper maintenance is completed.

Topsoil Placement and Final Grading

Prior to topsoil placement, one sample of the topsoil borrow source was collected and tested to determine if the material met the requirements of the 100% Soil RD. The topsoil sample was tested for grain size distribution (ASTM D-422), pH (ASTM D-4972), and organic content (ASTM D-2974) by an independent laboratory. All topsoil design criteria identified in the 100% Soil RD were met. The results of topsoil testing are included in Attachment A.

Approximately 3,003 tons of topsoil were imported to the NYTEP site. The topsoil was spread in 4 to 6-inch lifts over the subgrade soil and was compacted using the low ground pressure spreading equipment. The topsoil was graded to minimize ponding and to promote sheet flow runoff to the perimeter of the NYTEP site. The final topsoil grades are depicted on the as-built survey (Attachment B).

Seeding/Mulching

Seeding and mulching was performed following topsoil placement. The seeding/mulching activities were performed in accordance with the 100% Soil RD. Attachment C includes photo-documentation of the established vegetation at the NYTEP site.

Final Survey

A final as-built survey was performed by a surveyor registered in the State of New York. The as-built survey is included in Attachment B.

Task 2 - Security Fence Installation

The security fence was installed in accordance with the 100% Soil RD. All components of the fence were properly installed and the entrance gate was locked to limit access to the NYTEP site. The final location of the security fence is shown on the as-built survey (Attachment B).

Task 3 - Community Participation

The post-construction Fact Sheet was distributed on October 19, 2005 to the contact list participants outlined in the Community Participation Plan. A copy of the Fact Sheet is included in Attachment D.

NYSDEC COMMENTS ON THE CERTIFICATION REPORT

NYSDEC provided Beazer and Suit-Kote with written comments on the Soil Remedy Certification Report (NYSDEC, August 16, 2005). The following paragraphs address the specific NYSDEC comments.

- Signature Page – The signature page has been revised to reflect NYSDEC comments on the Certification Report (see Section 3.0 below). In addition, the signature page includes language that references the Addendum contained herein.

- Section 3.4: Portand Cement/Lime Kiln Dust – During the course of the project, 586 tons of Portland cement and 375 tons of lime kiln dust were used to condition soil prior to off-site disposal.

- Section 3.5.2: Transboundary Agreement – A copy of the transboundary agreement is included in Attachment E

- Off-Property Pipes – Buried pipes were encountered throughout the excavation and were removed and managed in accordance with the requirements of the 100% Soil Remedial Design (KEY, April 2005) and/or the Material Management Plan – Addendum I (MMP) (KEY, March 2, 2005). Those pipes that extended off-property were removed to the property line and plugged with grout prior to backfilling. The exact locations of buried pipes that extended off-property were not recorded in the field.

- Deviations from Design Documents: Hazardous Waste Disposal Location: Beazer and Suit-Kote agree that the MMP indicated a portion of the hazardous waste would be disposed at Model City Landfill in Model City, New York. However, following characterization of the material in the vault, Beazer and Suit-Kote decided to deviate from the MMP and dispose all hazardous waste streams at Clean Harbors landfill in Ontario, Canada. This decision was made in consultation with NYSDEC as documented in NYSDEC's e-mail comments on the MMP (see Attachment F).

- Deviations from Design Documents: Soil Stockpile – Beazer and Suit-Kote agree that the 100% Soil Remedial Design required the soil stockpile to be covered at the completion of each day. However, the stockpile was frequently not covered based on observed weather conditions. The decision to deviate from the design documents was made by the oversight engineer (i.e., KEY) and contractor (Sevenson Environmental Services) in consultation with the NSYDEC on-site representative (Shaw Environmental).

- Appendix F: Community Air Monitoring Data – Text files (*.txt) of the community air monitoring data for particulates and VOCs are provided on the CD included in Appendix F. In addition, the actual software files generated using the equipment vendors proprietary software are included. Due to copyright laws, Beazer and Suit-Kote could not provide as part of our submission to NYSDEC executable copies of the software that will read these files. However, these executable files can be downloaded at the vendor websites as shown below:
  - Particulates: TRAKPRO 3.41 (www.tsi.com/software/index.aspx)
  - VOCs: ProRAE Suite v.3.01a (www.raesystems.com/Downloads)

REVISED SIGNATURE PAGE AND TABLE OF CONTENTS

A revised Signature Page and Table of Contents have been included herein (Attachment G) to allow NYSDEC to insert these pages into the previously submitted Certification Report along with this Addendum to make a complete certification document. This document shall become Appendix J of the Certification Report. For your convenience we have included an "Appendix J" tab for insertion into the Certification Report along with this Addendum.

CLOSING

If you have any questions regarding this transmittal, or need additional information, please contact Mr. Michael Slenska of Beazer at (412) 208-8867 or the undersigned at (412) 279-3363.

Sincerely,

Key Environmental, Inc.

Robert F. DeLisio, P.E.
Project Manager

Attachments

cc: Mr. Michael Slenska – Beazer (via pdf)
Mr. William Giarla – Beazer (via pdf)
Mr. Richard Schutz – Suit-Kote
Mr. Mark Lahr – KEE
Mr. Neale Misquitta – KEY
Mr. Mason Wheeler – Sevenson
File: NYTEP (04-846)

NORTHING	EASTING	EXISTING GROUND ELEVATIONS	SHOT DESCRIPTION
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1135761.13,	1182404.50,	408.75,	B-2
1135786.93,	1182361.68,	408.74,	B-3
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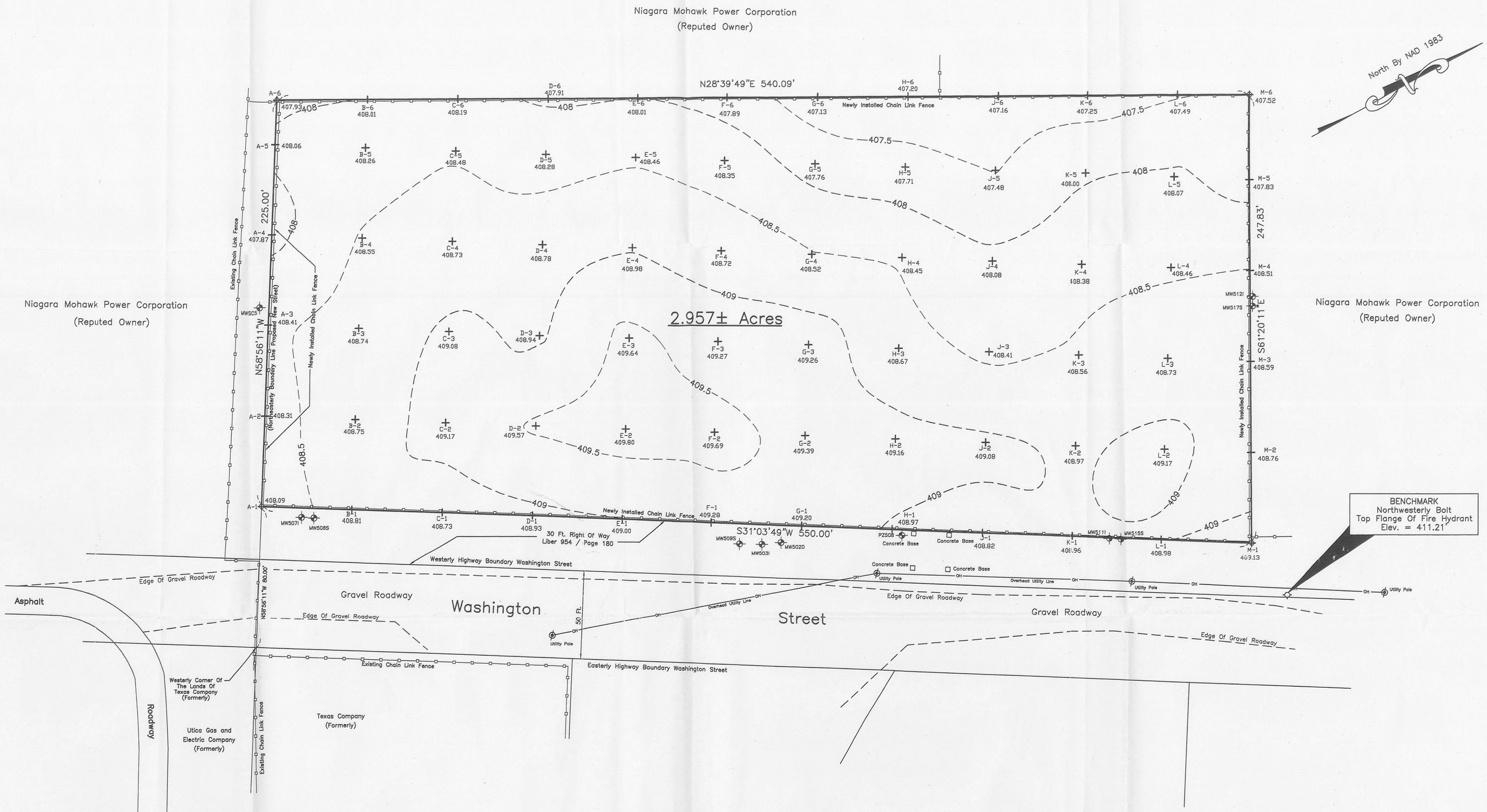


NOTES:

1) DATUM: VERTICAL: NAVD 1988
HORIZONTAL: NAD: 1983

2) Elevations shown on this survey are based on field measurements. contours are merely an interpolation and should be considered as such only.

3) Underground facilities, structures and utilities have been plotted from a combination of field measurements, available maps, records and information provided by the, therefore their location should be considered approximate only. There also may be other facilities, strictures or utilities the existence of which of is presently unknown.

SURVEY NOTE:

Survey Boundary Shown On This Plat
Taken From Map Prepared By
Myers & Assocoiates, P.C. Dated August 12, 2002

LEGEND:

- Existing Iron Pin
- Existing Utility Pole
- 408 — Existing Ground Contour
- H-2 409.16 — Existing Ground Elevation
- MWSC9 — Existing Monitoring Well

DEED REFERENCE:

Koppers Company
To
Koppers Company Inc.
Warranty Deed – Dated November 9, 1944
Liber 1063 of Deeds / Page 211

30 0 30 60 90
Scale 1" = 30'

MAP BY: CD
CHECKED BY: TP

It is hereby certified that this map was made from an actual field survey dated October 18, 1005 and that both map and survey are correct.

Thomas A. Parker L.S.#050268

STATE OF NEW YORK * THOMAS ANDREW PARKER * No. 50268 LICENSED LAND SURVEYOR

DATE OF DRAWING
10/18/2005

FILE NO. 04-22-AB

AS-BUILT SURVEY
Lands Of
Koppers Company Inc.
Washington Street

City Of Utica – Oneida County
STATE OF NEW YORK

Parker Land Surveying, P.C.
5504 State Route #5
Vernon, New York 13476
Telephone (315) 829-5429

REVISIONS

ATTACHMENT A

RESULTS OF GEOTECHNICAL TESTING OF TOPSOIL

JLT LABORATORIES, INC.
GEOTECHNICAL, GEOSYNTHETIC AND MATERIALS TESTING AND RESEARCH

July 28, 2005
95LS639.01

Sevenson Environmental Services
100 Rock Springs Road
Delmont, PA 15626

Attn: Mason Wheeler, Jr.

RE: TOPSOIL PROPERTY TEST RESULTS
E-760 PROJECT
UTICA, NEW YORK

Dear Mr. Wheeler:

JLT Laboratories, Inc. (JLT) is pleased to submit the results of geotechnical property testing performed on a sample of proposed topsoil for the above referenced project. Testing performed included the following:

Gradation	ASTM D-422
pH	ASTM D-4972
Organic Content	ASTM D-2974

Testing was performed in accordance with the above referenced ASTM standards and subject to JLT's internal QA/QC and data validation procedures.

We appreciate the opportunity to provide our services and look forward to working with you again. Should you have any questions, comments or require additional information, please do not hesitate to call. Thank you.

Sincerely,

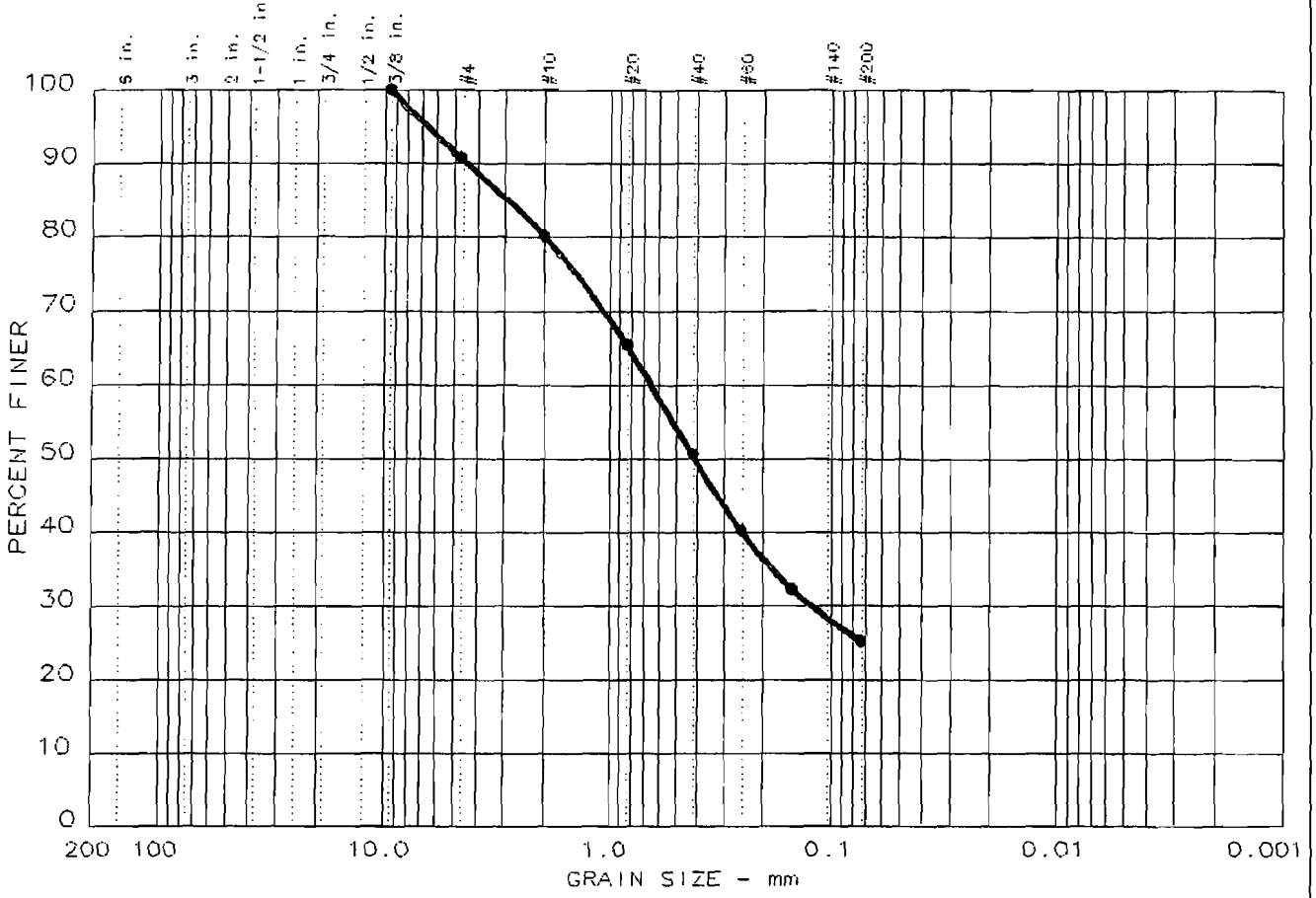
JLT LABORATORIES, INC.

John Boschuk, Jr., P.E.
President

Enclosures
JB/rdo
\wp10\letter\05225

938 South Central Avenue • Canonsburg, Pennsylvania 15317 Tel: (724) 746-4441 Fax: (724) 745-4261

PARTICLE SIZE DISTRIBUTION TEST REPORT



	Test	%+75 mm	% GRAVEL	% SAND	% SILT	% CLAY	USCS
●	16	0.0	9.3	65.5	25.2		SM

SIEVE inches size	PERCENT FINER ●
0.375	100.0
	GRAIN SIZE
D_{60}	0.65
D_{30}	0.12
D_{10}	
	COEFFICIENTS
C_c	
C_u	

SIEVE number size	PERCENT FINER ●
4	90.7
10	80.0
20	65.5
40	50.6
60	40.2
100	32.3
200	25.2

Sample information:
● PROPOSED TOPSOIL
E-760 PROJECT
UTICA, NEW YORK

Remarks:
pH = 7.52

ASTM D-422

JLT Laboratories, Inc.

Project No.: 05LS639.01
Project: SEVENSON ENVIRONMENTAL SERVICES

Date: 07/28/05 Data Sheet No. 1

MOISTURE, ASH AND ORGANIC CONTENT

ASTM D 2974 Methods A and D

Client :	Sevenson Environmental	Job No. :	05LS639.01
Project :	E760	Date :	07/28/05
	Utica, New York	Perf'd By :	AG
Sample ID :	Proposed Top Soil	Chk'd By :	JB
	Bulk Sample		

MOISTURE CONTENT @ 105 Deg "C"

		1	2	3	4	5
Tare ID		4	7	8		
Wet Soil + Tare	grs	62.3434	87.1965	86.2707		
Dry Soil + Tare	grs	59.0106	82.2535	81.7978		
Tare	grs	22.8592	31.0845	31.7363		
Water Loss	grs	3.3328	4.9430	4.4729		
Dry Soil	grs	36.1514	51.1690	50.0615		
Moisture Content	%	9.22	9.66	8.93		

ASH and ORGANIC CONTENT @ 750 Deg "C"

		1	2	3	4	5
Tare ID		4	7	8		
Oven Dry Soil + Tare	grs	59.0106	82.2535	81.7978		
Furnace Dry Soil + Tare	grs	57.7946	80.3928	80.1183		
Tare	grs	22.8592	31.0845	31.7363		
Oven Dry Soil	grs	36.1514	51.1690	50.0615		
Furnace Dry Soil (Ash)	grs	34.9354	49.3083	48.3820		
Ash Content	%	96.64	96.36	96.65		
Organic Content	%	3.36	3.64	3.35		

Average Organic Content : 3.45 %

JLT Laboratories, Inc. 938 S. Central Ave, Canonsburg, Pa. 15317 Tel: 724-746-4441 Fax : 724-745-4261

ATTACHMENT B

AS-BUILT SURVEY

ATTACHMENT C

PHOTOGRAPHS

Photograph 1: Standing in the northeast corner looking west.

Photograph 2: Standing in the southwest looking northeast.

Photograph 3: Standing along western edge looking south.

Photograph 4: Standing along southern boundary looking north.

Photograph 5: Standing outside fence along the eastern boundary looking south.

Photograph 6: Looking at the northeast corner of the fence.

ATTACHMENT D

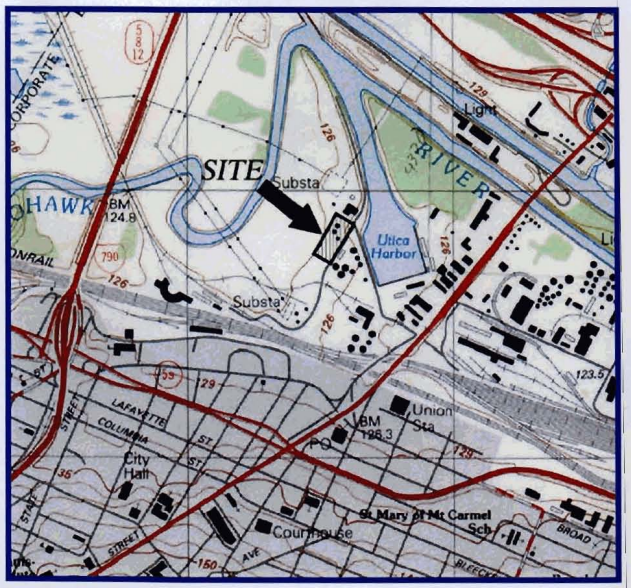
FINAL FACT SHEET

NYTEP SOIL REMEDIAL ACTION COMPLETE

INTRODUCTION

This fact sheet was prepared by Beazer East, Inc. (Beazer) and Suit-Kote Corporation (Suit-Kote) to inform interested parties of the completion of site activities related to the soil remedial action at the New York Tar Emulsion Product (NYTEP) Site (Site) located in Utica, New York. Field activities were initiated during November 2004 and were completed on September 23, 2005. The soil remedial action was completed and financed by Beazer and Suit-Kote to satisfy the requirements of a Consent Order (dated July 10, 1998) entered into with the New York State Department of Environmental Conservation (NYSDEC). The Order required Beazer and Suit-Kote to implement a number of activities related to a remedial program at the Site. The soil remedial action field activities were conducted pursuant to the NYSDEC-approved Soil Remedial Design Report.

SITE LOCATION MAP



SITE BACKGROUND

The NYTEP Site is located in the central southeastern part of the Harbor Point area in the City of Utica, Oneida County, New York (see Site Map). The Site is within the approximately 70 acre Harbor Point peninsula, bounded to the west and north by the Mohawk River, to the east by the New York State Barge Canal and the Utica Harbor Terminal, and to the south by a railroad corridor. The 2.96 acre NYTEP Site borders Washington Street and is the former location of the NYTEP road tar processing facility which ceased operations in 1983. During its operations since 1923, the Site used raw coal tar from the adjacent former coal gas and water gas plant and processed these materials to produce road tars. All aboveground features were removed from the Site by Suit-Kote in 1990 and the Site was covered with gravel. The Site is currently vacant and is enclosed by a perimeter security fence.

FIELD ACTIVITIES DESCRIPTION:

The following activities were performed as part of the soil remedial action implementation:

- Approximately 52,000 tons of surface and subsurface soils containing total polycyclic aromatic hydrocarbons (PAHs) greater than 1,000 parts per million (ppm) or visual tar or non-aqueous phase liquid (NAPL) in the top six feet of the NYTEP Site were excavated and disposed off-Site as a non-hazardous waste;
- Approximately 56 tons of tar and tar-like material were excavated and disposed off-Site as a hazardous waste;
- Groundwater and surface water encountered during excavation activities was treated on-Site to meet applicable criteria and was discharged to Utica Harbor;
- Air monitoring was performed throughout the duration of the construction activities in accordance with the Site-specific Health and Safety Plan. Where necessary, field activities were modified to comply with air monitoring requirements;
- The resulting excavation was backfilled to the required grades with segregated soil that met the cleanup objectives and/or imported clean fill;
- A 2-foot thick soil cover, including 6-inch vegetative layer, was placed over the entire backfilled area and was subsequently seeded/mulched; and,
- Institutional controls to protect remedial features, restrict on-site groundwater use and prohibit the NYTEP Site from being used for purposes other than appropriate recreational, industrial, or commercial uses were established with the Oneida County Clerk of Courts.

Sevenson Environmental Services, Inc. of Niagara Falls, New York performed field construction activities at the Site. Key Environmental, Inc. of Carnegie, Pennsylvania was the owner's representative during the construction activities and was responsible for field oversight activities and certification of the soil remedy.

FUTURE INFORMATION

As necessary, NYSDEC, Beazer, and Suit-Kote will continue to publish fact sheets to keep the local community information of developments pertaining to Site related activities.

INFORMATION CONTACTS

If you have any questions or need additional information, please write or call:

Mr. Michael Slenska, P.E.
Beazer East, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219
(412) 208-8867

Mr. John Spellman, P.E.
NYSDEC – Division of Environmental Remediation
625 Broadway
Albany, New York 12233
(518) 402-9662

For site-related health concerns, please write or call:
Gregory Rys
NYSDOH
5665 State Route 5
Herkimer, NY 13350
(315) 866-6879

INFORMATION REPOSITORIES

The information repositories contain documents related to the former New York Tar Emulsion Products Site. Interested parties may read the documents available at the repositories listed below. Ask for the New York Tar Emulsion Products Site Repositories at:

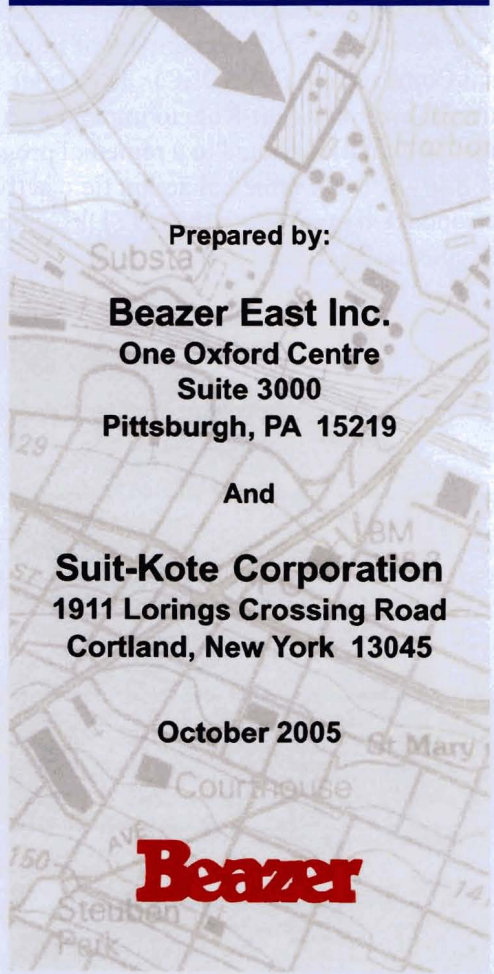
NYSDEC
Utica Region 6 Sub Office
State Office Building
207 Genesee Street
Utica, New York 13501
(315) 793-2560
Contact: Mr. Joseph Homburger

Utica Public Library
303 Genesee Street
Utica, New York 13501

Beazer East, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

COMMUNITY UPDATE

New York Tar Emulsion Products Site Utica, New York



Prepared by:

Beazer East Inc.
One Oxford Centre
Suite 3000
Pittsburgh, PA 15219

And

Suit-Kote Corporation
1911 Lorings Crossing Road
Cortland, New York 13045

October 2005

Beazer

ATTACHMENT E

TRANSBOUNDARY AGREEMENT

CHEMTRON

Chemtron Corporation
35850 Schneider Court
Avon, Ohio 44011

1-800 676 5091
Local: (440) 937 6348

June 30, 2004

Project Officer
Hazardous Waste Division
Office of Waste Management
Environment Canada
Place Vincent Massey, 12th Floor
351 St.Joseph Boulevard
Hull, Quebec
K1A 0H3

Dear Sir/Madam:

This letter is to confirm that an agreement exists between Chemtron Corporation and Clean Harbors Canada, Inc. for the shipment of liquid hazardous waste material (refer to notice No. ___ ___) from Chemtron Corporation.'s site at 35850 Schneider Court, Avon, OH to Clean Harbors Canada, Inc. facility located at 4090 Telfer Road, R.R.#1, Corunna, Ontario. Upon reception the waste will be incinerated (D10). In addition, Chemtron Corporation is aware that Clean Harbors Canada, Inc. is required to fulfil the following obligations under the new regulations:

1. Chemtron Corporation agrees to provide the designated carrier of the shipment with Copy 1, 3, 4, 5, and 6 of the Canadian waste manifest. Chemtron Corporation also agrees to take all practical measures to ensure the carrier used is aware that copies 1, 3, 4, 5, and 6 of the Canadian waste manifest are to be provided to Clean Harbors Canada, Inc. upon arrival at the facility.

2. Clean Harbors Canada, Inc. will return a copy of the signed and completed federal waste manifest to the Chief of the Hazardous Waste Division, Office of Waste Management, the Department of the Environment within three days of acceptance of Chemtron Corporation 's waste by the Corunna facility.

3. Clean Harbors Canada, Inc. will provide the same Chief with written certificates of disposal of Chemtron Corporation's wastes within 30 days of disposal. These certificates shall refer to the specific federal waste manifests that the wastes were shipped under.

4. Clean Harbors Canada, Inc. will take all practical measures to return to Chemtron Corporation wastes that cannot be incinerated (D10). This is in accordance with article eight of the Basel convention.

5. Clean Harbors Canada, Inc. certifies that it carries the liability insurance required under article nine of the regulations.

Chemtron Corporation
(Exporter)

Per: _____

Title: ENVIRONMENTAL MANAGER

Clean Harbors Canada, Inc.
(Importer)

Per: _____

Title: Transboundary Specialist

ATTACHMENT F

EMAIL NYSDEC TO KEY

Bob Delisio

From: John Spellman [jtspellm@gw.dec.state.ny.us]
Sent: Tuesday, March 08, 2005 11:02 AM
To: mlahr@keyenvir.com
Cc: fisherbo@hansonle.com; SlenskaM@hansonle.com; bdelisio@keyenvir.com; Clay.Slaughter@shawgrp.com
Subject: Re: NYTEP Site: Material Management Plan

Hi Mark,

Thank you for the MMP. The Department has a few questions/reminders on the plan:

- How will the three waste streams be conveyed to the rolloffs or stockpile area without dripping or spilling?

- Reminder to continuously monitor total VOCs and dust per B7.4.2. of design report during material handling.

- Please provide a copy of the transboundary agreement and documentation showing the disposal facility is authorized to accept the waste and has the capacity. The Department understands that all three hazardous waste streams identified in the MMP are proposed to be disposed of in Canada.

I look forward to talking with Key at the teleconference today about the MMP, or at your earliest convenience.

John Spellman
(518) 402-9662

>>> "Mark Lahr" <mlahr@keyenvir.com> 03/02/05 06:00PM >>>
Mr. Spellman:

As requested, please find attached the "Material Management Plan (MMP)
-
Addendum 1" for the NYTEP Site located in Utica, NY. This plan describes the material management approach / requirements for handling the recently sampled materials encountered during implementation of the 100% Soil Remedial Design Report, which is consistent with the project communication with NYSDEC. The Contractor is expected to resume work at the Site next Tuesday on March 8 and will implement the MMP, unless you have objections to this approach.

If you have any questions, please contact me.

KE Engineering, Inc.

Mark Lahr, P.E.
Senior Engineer

c/o Key Environmental, Inc.

ATTACHMENT G

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SOIL REMEDY CERTIFICATION REPORT
NEW YORK TAR EMULSION PRODUCTS SITE

I, the undersigned registered engineer, state that the work was completed in substantial conformance with the New York State Department of Environmental Conservation-approved 100% Soil Remedial Design Report dated April 28, 2004, the Material Management Plan – Addendum I dated March 2, 2005, and the applicable portions of Section 4 of the June 24, 2005 Soil Remedy Certification Report for the New York Tar Emulsion Products Site with any significant deviations or exceptions noted in the Soil Remedy Certification Report, the Response to Comments, and the Soil Remedy Certification Report Addendum.

KE Engineering Services, PC
Authorization Certificate Number: 0003232

Mark R. Lahr

Mark R. Lahr, P.E.
State of New York
License Number: 074012

11/4/05
Date