NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM
ECL § 27-1301 *et seq.*

In the Matter a Remedial Program for

ORDER ON CONSENT AND ADMINISTRATIVE SETTLEMENT
Index No. R8-20210129-16

DEC Site Name: **Vine Street**
DEC Site No.: 851067
Site Address: 6 Vine St.
Corning, NY 14830

by: Village of South Corning

Hereinafter referred to as "Respondent"

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1. A. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner by such statute.

B. The Department is responsible for carrying out the policy of the State of New York to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.

C. This Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13 and ECL 3-0301.

2. The Vine Street site is not currently listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State, and is instead identified as a “P” or potential site with a site number of 851067.

3. Respondent consents to the issuance of this Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the Site constitutes a significant threat to the public health or environment.

4. Respondent and the Department agree that the primary goal of this Order is to provide a mechanism for Respondent to implement an interim remedial measure and associated site management.

5. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Order, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT**:

I. Real Property

The Vine Street site has been assigned number 851067 and consists of approximately 20.7 acres. Only a 1.0-acre portion of the Vine Street site is subject to this Order. Solely for purposes of this Order, this 1.0-acre area is hereinafter referred to as “Site” and is as follows:

Subject Property Description (A Map of the Site is attached as Exhibit "A")

Tax Map/Parcel No.: 318.18-01-043.000
6 Vine St.
South Corning, NY 14830
Owner: Village of South Corning

II. Initial Work Plan

The Interim Remedial Measure (“IRM”) Work Plan attached hereto as Exhibit “B” is approved. The IRM Work Plan is incorporated into and an enforceable part of this Order.

III. Payment of State Costs

Invoices shall be sent to Respondent at the following address:

Danielle E. Metter-LaFeir
Barclay Damon
2000 Five Star Bank Plaza
100 Chestnut St.
Rochester, New York 14604
dmettler@barclaydamon.com

In addition to the requirement to pay future State Costs as set forth in Appendix "A", within forty-five (45) Days after the effective date of this Consent Order, Respondent shall pay to the Department the sum set forth on Exhibit "C", which shall represent reimbursement for past State Costs incurred prior to the effective date of this Consent Order. Respondent acknowledges that all past State Costs are not itemized on the cost summary and that additional charges may be billed at a later date for State Costs incurred prior to the effective date of this Consent Order.

IV. Communications

A. All written communications required by this Consent Order shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Respondent shall be sent to:

Samantha Salotto DEC Project Manager (1 hard copy (unbound for work plans) & 1 electronic copy)
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, Albany, NY 12233
samantha.salotto@dec.ny.gov

Christine Vooris (electronic copy only)
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, N.Y. 12237
christine.vooris@health.ny.gov

Dudley Loew DEC Project Attorney
New York State Department of Environmental Conservation
Office of General Counsel
6274 East Avon-Lima Road
Avon, NY 14414
dudley.loew@dec.ny.gov

2. Communication from the Department to Respondent shall be sent to:

Danielle E. Metter-LaFeir, Esq.
Barclay Damon
2000 Five Star Bank Plaza
100 Chestnut St.
Rochester, NY 14604

dmettler@barclaydamon.com

B. The Department and Respondent reserve the right to designate additional or different addressees for communication on written notice to the other. Additionally, the Department reserves the right to request that the Respondent provide more than one paper copy of any work plan or report.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in this paragraph or in Paragraph I.

V. Miscellaneous

A. Appendix A - "Standard Clauses for All New York State, State Superfund Orders" is attached to and hereby made a part of this Order as if set forth fully herein.

B. In the event of a conflict between the main body of this Order (including any and all attachments thereto and amendments thereof) and the terms of Appendix A, the main body of this Order shall control.

C. The effective date of this Order is the 10th day after it is signed by the Commissioner or the Commissioner's designee.

D. Within twenty (20) days of the effective date of this Order, Respondent shall submit for review and approval a written Fact Sheet describing the IRM and a distribution list setting forth the mailing information for local officials, interested parties and residents living adjacent to the Site, which Respondent shall prepare in consultation with the Department. Upon approval by the Department, the Fact Sheet shall be distributed to local officials, interested parties, and residents adjacent to the Site.

E. In accordance with the schedule set forth in the IRM Work Plan, Respondent (or the owner of the Site) shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36, and 6 NYCRR 375-1.8(h)(2). Upon acceptance of the Environmental Easement by the State, Respondent shall comply with the requirements of 6 NYCRR 375-1.8(h)(2). Respondent shall also submit an Interim Site Management Plan (SMP) for review and approval as set forth in the schedule in the IRM Work Plan.

F. Paragraph I, II, III.E, VII, XII, XIV.A, and XIV.C of Appendix A shall not apply to this Order.

G. This Order shall terminate upon the Department’s written determination that the Respondent has completed the IRM Work Plan, including any supplemental work plans approved by the Department, and an Environmental Easement has been granted and filed as set forth herein. Neither this Order nor its termination shall affect

any liability of Respondent for remediation of the Site and/or for payment of State Costs, including implementation of removal and remedial actions, interest, enforcement, and any and all other response costs as defined under CERCLA, nor shall it affect any defenses to such liability that may be asserted by Respondent. Respondent shall also ensure that it does not leave the Site in a condition, from the perspective of human health and environmental protection, worse than that which existed before any activities under this Order were commenced. Further, the Department's efforts in obtaining and overseeing compliance with this Order shall constitute reasonable efforts under law to obtain a voluntary commitment from Respondent for any further activities to be undertaken as part of a Remedial Program for the Site.

DATED: June 21, 2021

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: _____
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

Village of South Corning

By: James A. Thomas, Sr.

Title: MAYOR

Date: 4-20-2021

STATE OF NEW YORK)
COUNTY OF Steuben) ss:

On the 20th day of April in the year 2021, before me, the undersigned, personally appeared James A. Thomas, SR. *(full name)* personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the _____ day of _____ in the year 20___, before me, the undersigned, personally appeared _____ *(full name)* personally known to me who, being duly sworn, did depose and say that he/she/they reside at _____ *(full mailing address)* and that he/she/they is (are) the _____ *(president or other officer or director or attorney in fact duly appointed)* of the _____ *(full legal name of corporation)*, the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Susan A Edwards
Notary Public, State of New York

EXHIBIT "A"

Map

0 40 80 160
Feet

Region 8 Steuben County

NEW YORK STATE OF OPPORTUNITY
Department of Environmental Conservation

Vine Street

Corning, NY

PARSONS
301 PLAINFIELD ROAD, SUITE 350, SYRACUSE, NY 13212 * 315-451-9560

Plot Date: 12/21/2020 Plotted By: CS

Document Path: Q:\GIS\NYSDEC\Corning\MXDs\Additional Properties\Vine Street.mxd

EXHIBIT "B"

IRM Work Plan

INTERIM REMEDIAL MEASURE WORK PLAN

Vine Street Water Treatment System

Prepared for:

Village of South Corning
Steuben County, NY

Prepared by:

T&R Environmental
691 Addison Rd
Painted Post, NY 14870

Date: April 9, 2021

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PROFESSIONAL ENGINEER CERTIFICATION

INTERIM REMEDIAL MEASURE WORK PLAN

Vine Street Water Treatment System
Village of South Corning, New York

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Albert G. Lyons Jr., P.E. – NYPE #074710

4/19/21
Date

1.0 BACKGROUND

Finger Lakes EnviroTech, LLC. dba T&R Environmental (T&R) has prepared this Interim Remedial Measure Work Plan (Work Plan) for site excavation for construction of a new water treatment system building located on Vine Street in the Village of South Corning, Steuben County, New York (the "Site") as shown a red box on **Figure 1**. The Work Plan was prepared on behalf of and at the request of the Village of South Corning.

The Site is located in a currently empty lot owned by the Village, adjacent to property owned by the State of New York and New York State Flood Control for the Chemung River. The Village is proposing to excavate for installation of foundation footers for a new building structure measuring 24 feet by 44 feet with adjacent ancillary piping to the rear of the building running to nearby pumphouse. In addition, a 6,500-gallon backwash tank shall be installed underground at the front of the building, on the east side of the property. Upon the start of excavation work in November 2020, unknown fill-type materials were encountered including glass shards, fire brick, wood, and various debris with an unknown location source.

1.1 Environmental Screening Results

T&R performed an environmental screening program of the fill in the anticipated excavation areas of the Site. The environmental screening program included a total of four (4) test pit samples, extracted from the excavation depths anticipated to be disturbed throughout construction. Samples were analyzed based on sampling requirements of the Steuben County Landfill for potential non-hazardous alternate operating cover (AOC) use. The locations of these test pits and sample locations are presented on **Figure 2**. The results of the screening program are as follows:

- No staining, odors, elevated photoionization detector (PID) readings, or other indications of contaminant impacts in fill were observed during the environmental screening program.
- Ignitability analysis (EPA 1030) resulted in a "No Burn" result for all four (4) samples.
- Petroleum Hydrocarbons by Gas Chromatography/Total Petroleum Hydrocarbon (TPH) contamination analysis (NYSDOH 310.13) resulted in samples ranging from non-detect in one (1) sample up to 295 mg/kg for a single sample, all meeting acceptable ranges for non-hazardous soil disposal.
- Reactive Cyanide and Reactive Sulfide (EPA 7.3.3.2 and EPA 7.3.4.2 respectively) were not detected above laboratory reporting limits in any samples.
- The Toxicity Characteristic Leaching Procedure (TCLP) for RCRA/ICP metals including Arsenic, Chromium, Mercury, Selenium and Silver all were not detected above laboratory reporting limits in any samples.
- The TCLP for Barium was detected in three (3) samples and detected in concentrations below RCRA Hazardous Waste levels.
- The TCLP for Cadmium was detected in three (3) samples, one of which exceeds RCRA hazardous waste thresholds at 8.29 mg/L with a regulatory limit of 1 mg/L.

- The TCLP for Lead was detected in two (2) samples, both of which exceeds RCRA hazardous waste thresholds at 44.2 mg/L and 18.9 mg/L respectively with a regulatory limit of 5 mg/L.

Refer to **Table 1**, below for detailed environmental screening analytical results. Due to the results of the environmental screening program, the Village has retained T&R to prepare this Work Plan to implement proper worker and public safety requirements for the material management (characterization, disposal, re-use, and cap) during excavation.

Table 1 –Soil Analytical Summary, Vine Street Water Treatment System, RCRA 8 METALS

Detected Compounds	B01	B02	T03	L04	US EPA Allowable Limits
Arsenic	BDL	BDL	BDL	BDL	5.0
Barium	BDL	BDL	BDL	BDL	100
Cadmium	**8.29**	BDL	BDL	BDL	1.0
Chromium	BDL	BDL	BDL	BDL	5.0
Lead	**44.2**	BDL	**18.9**	BDL	5.0
Mercury	BDL	BDL	BDL	BDL	0.2
Selenium	BDL	BDL	BDL	BDL	1.0
Silver	BDL	BDL	BDL	BDL	5.0

Notes:
1. BDL = Below Method Detection Limit
2. NL = Not Listed
3. BOLD = Concentration above applicable Soil Cleanup Standards (SCOs)
4. SCOs are in parts per million (ppm)

1.2 Project Objectives

The objectives of this Work Plan are listed below and generally include actions necessary to complete site work of the project and for the General Contractor to safely construct the proposed water treatment building and associated project elements.

- General Site preparation activities.
- Procedures for screening fill during excavation with a PID.
- Procedures to collect and submit fill samples for waste characterization laboratory analysis.
- Procedures for management and disposal of fill that, per the results of waste characterization testing, falls above hazardous waste contaminant levels (see Section 2.7.1).

- Procedures for management of fill that does not exceed hazardous waste contaminant levels and will be reused on-Site.
- Provide a one (1) foot soil cap for areas disturbed during site construction activities in accordance with the anticipated commercial use of the site and current commercial zoning. A four-inch cap will be provided where site plans call for an overlying impermeable layer (i.e. concrete or pavement).
- Procedures for delineation, cap, and site stabilization for the General Contractor to safely construct water treatment plant structure with no further soil disturbance.
- Recommendations for groundwater and/or stormwater management.
- Recommendations for health and safety procedures and requirements including a Health and Safety Plan (HASP) and Community Air Monitoring Plan (CAMP) for implementation.
- Procedures for Citizen Participation Activities involving the distribution of a Fact Sheet to municipal Officials, interested parties, and adjacent property owners.

2.0 EXCAVATION

All excavation activities shall be performed in general conformance with NYSDEC's DER-10 guidance document. Additional permits that may be required are discussed in Section 2.1 of this document and applicable permits shall be filed for by the General Contractor or T&R, based on the client's preference. A Site-specific HASP and CAMP shall also be created for the excavation work with recommendations for the HASP and CAMP to be found in Sections 2.4 and 2.5, respectively. All excavation activities shall be performed in accordance with this Work Plan, the HASP, and the CAMP.

2.1 Permits

The required permits, if any, shall be obtained from the appropriate agencies or municipalities by the General Contractor or T&R prior to the commencement of work. These may include, but may not be limited to an excavation permit, hydrant use permit, and a water discharge permit. In addition, wastes removed from the Site, whether hazardous or non-hazardous, must be transported by a permitted waste hauler(s) to a properly permitted disposal facility.

2.2 Proposed Sequence of Excavation

The sequence of the environmental portions of the excavation work will include:

- Preparation of stockpile staging area and vehicle decontamination area for segregation and on-Site storage of excavated materials, staging of drums or a water tank for collection and management of excavation water and designation of the route and procedures for eventual egress from the Site and waste container transport vehicles.
- Performance of HASP and CAMP in accordance with this Work Plan.
- Excavation of primary building foundation, parking area, sidewalks including approximately 171 cubic yards (CY) and staged into stockpiles (maximum 175 CY, 250 tons per stockpile) where it will be staged, sampled, and characterized as necessary prior to either reuse in excavation or transportation for disposal off-Site. If any grossly contaminated material is noted, it shall be staged separately from apparently uncontaminated material. Material shall be segregated by both visual means and with the use of a PID to assess the extent of material that may be contaminated (Section 2.3.3).
- Excavation, segregation, and storage process shall be repeated for backwash tank basin, trenching for water, electrical conduit totaling an estimated 339 CY.
- Potential for over-excavation in the event that fill soils in excavation are too unstable to achieve proper compaction for new construction.
- Collection and appropriate management of excavation water and other waste liquids (Section 2.3.4).
- Fill characterization, sampling and analysis for each stockpile to evaluate whether reuse or stabilization (Section 2.7.1) and disposal of the fill is appropriate (Section 2.6.1).

- Import of DER-10 approved base material to place minimum four (4) inch cap beneath an impermeable layer such as asphalt or concrete (or more as directed by General Contractor site plans) and placement of geotextile fabric as delineator. One (1) foot material cap shall be placed on all areas without an engineering control, impermeable layer planned for during construction.
- Off-Site disposal of contaminated fill, liquid wastes and other wastes (Section 2.7).

2.3 Temporary Excavation Facilities

2.3.1 Temporary Fence

A temporary excavation fence shall be erected around the perimeter of the proposed Site-related work, including the excavation and stockpile staging areas as described below. The purpose of the fencing will be to prevent unauthorized entry onto the Site. Backfilling shall be performed as soon as reasonably practicable following completion of the excavation. However, fencing shall be in place at all times until the excavation is brought to grade and Site restoration is complete. Warning signage shall be incorporated on the temporary fencing.

2.3.2 Decontamination Facilities

A temporary decontamination pad shall be used to decontaminate earthwork-related equipment to prevent cross-contamination from the excavation to public areas (roads, highways, support trailer, vehicles etc.). Trucks and equipment leaving the Site that have come in contact with fill must have their tires, undercarriage, tracks, bucket, etc. cleaned to remove any fill materials prior to departing the Site. Decontaminations shall include pressure washing utilizing clean water from a hydrant (a hydrant use permit will be required) or an alternate onsite source of potable water.

The decontamination pad shall be constructed of polyethylene sheeting with a sump for the purpose of collecting wash water. The decontamination pad mush be covered when not in sue to limit the collection of storm water. Wash water shall be stored on-Site in 55-gallon drums or a storage tank.

Stored wash water is to be sampled according to Section 2.6.2 and disposed of on-Site or off-Site in accordance with Section 2.7. If disposed of on-Site, the water shall be discharged to the footprint of the excavation. Accumulated sediments shall be sampled according to Section 2.6.1 and disposed of accordingly (if non-hazardous disposed of on-Site and if hazardous disposed of off-Site). The decontamination pad construction materials will be disposed of off-Site as municipal solid waste at the completion of the project.

2.3.3 Stockpile Staging Area

Staging areas for the excavated fill stockpiled shall be constructed and maintained in the southeastern section of the Site. Each staging area shall be comprised of a 4-inch base

layer constructed of imported gravel with 4-inch by 4-inch timber berms or other approved alternative as its perimeter to prevent runoff of potentially contaminated stormwater. Staging areas will then be lined with ten (10) mil poly sheeting for base and covered daily with six (6) mil poly sheeting prior to placing excavated soils. Each staging area shall not exceed 25-feet by 30-feet (approximately 750 square feet) with a limit of 175 cubic yards (approximately 250 tons) per stockpile. Stockpiles are to be a maximum of 6-feet high. The location of the proposed stockpile staging area is shown on **Figure 2.**

Once a stockpile is started, during non-working hours and during events of heavy rainfall, it must be covered with tarps or additional poly sheeting that are secured or weighed down at the edges and corners. The contractor shall limit the amount of fill exposed at any given time to the greatest extent possible. Stockpiles shall be routinely inspected and damaged covers shall be promptly repaired or replaced. They must be inspected at a minimum of once each week and after each storm event. Results of inspections shall be recorded in a logbook and be made available to NYSDEC for inspection. If sufficient free liquid drains from fill excavated from below the water table, measures shall be taken to collect free liquid and transfer it to the project wastewater storage tank.

Stockpiles covered and bermed as necessary, shall be staged to segregate any grossly contaminated excavated fill from general fill. Segregation of grossly contaminated material will be based on visual observation and field monitoring with Photoionization Detector (PID). For the field monitoring, grab samples shall be collected from every 10th loader/bucket for headspace screening with a PID equipped with a 10.6 eV lamp. Based on the results of the visual and PID screenings, environmental personnel shall direct the excavator whether or not to segregate the excavated materials into a separate stockpile. Environmental field personnel must record the results of the visual observations and PID screenings and the evaluation of general fill or grossly contaminated fill in the Material Management Tracking Table. Separate stockpiles will be used to sort the following classes of material: general fill and grossly contaminated fill. Prior to receiving the results of the waste characterization sampling, segregation of fill will be based on the following criteria:

- Fill exhibiting PID readings of 51 ppm and above and/or fill with an observed sheen and/or odor shall be managed as grossly contaminated fill requiring off-Site disposal at a non-hazardous or hazardous waste landfill until waste characterization laboratory results are reported.
- Fill Exhibiting PID readings of 0 to 50 shall be managed as general fill to be classified as non-hazardous waste until waste characterization laboratory results are reported to evaluate its reuse, or if found to be hazardous, stabilization or disposal off-Site as appropriate.

Based on the results of the environmental screening performed in November 2020, it shall be assumed that all excavated stockpiles will contain fill that does not exceed the standards and SCOs detailed in section 2.6.4. Therefore, fill in all stockpiles shall be listed as non-hazardous unless and until there is analytical data that demonstrated that

the fill contains levels of contaminants that exceed those standards. Fill staged in the stockpiles shall be analyzed as specified in Section 2.6.1 to demonstrate the classification of the fill and evaluate the method in which the fill may be reused or disposed. Disposal methods and facilities for the contaminated fill must be determined by the results of the waste characterization sampling and analysis. Refer to section 2.7 for information on waste characterization and disposal.

2.3.4 Excavation Dewatering

Should groundwater and/or stormwater infiltrate the excavation, it shall be pumped out (as required to allow work to take place) and stored on-Site in a storage tank, similar to the decontamination wash water, but separate from the wash water. Based on excavation depths and average groundwater levels onsite, it is not anticipated that groundwater shall create a disturbance in the excavation schedule.

Excavated fill will be staged on-Site during the excavation activities on a gravel based and poly-covered stockpiles. Measures shall be taken both to collect any stormwater that comes into contact with excavated materials in the staging area and to minimize collection of uncontaminated precipitation water. Stormwater that does collect in the staging area shall be transferred and containerized with water from the excavation.

Steel or poly storage tanks of sufficient capacity shall be kept on-Site during the excavation activities in order to manage the water. All containerized fluids must be sampled using the procedure outlined in Section 2.6.2 and depending on the results, water shall either be discharged to the Site or disposed of off-Site in accordance with the applicable regulations. See Section 2.7 for details.

2.4 Health and Safety Plan

A HASP describes personal safety protection standards and procedures to be followed by excavation personnel and subcontractors during the planned activities. T&R and any other onsite contractors shall be responsible for generating their own Site-specific HASP that includes the following elements:

- OSHA 29 CFR 1910.120 (40-Hour HAZWOPER) trained, qualified and designated personnel.
- Emergency route(s) to local hospital(s).
- Proper personal protective equipment for all personnel coming in contact with the fill and drums or other proper storage for containerizing after use and for the disposal of these items.

It is also recommended that the Contractor address all OSHA excavation-specific rules and regulations in the HASP. The Contractor shall perform all work in accordance with their HASP.

2.5 Community Air Monitoring Plan

The Contractor shall follow the Site-Specific CAMP included as **Appendix B** to this Work Plan. This CAMP and all Contractor activities pertaining to it shall conform to the requirements established by NYSDEC and NYSDOH in DER-10. Air monitoring shall be provided by General Contractor to adhere to DER-10 requirements. Implementation and strict adherence to the CAMP will reduce the likelihood of particulate migrating from the work area. Visual inspection will also help to alert field crews of potential migrating particulate before it reaches the Site's boundaries and exceeds CAMP thresholds.

2.5.1 Dust Control

While the tentative excavation schedule is planned to minimize precipitation during the excavation, this may result in dry conditions that require dust control. If required, T&R shall implement dust suppression measures. In the event that dry, windy and/or heavy traffic conditions increase dust to an unacceptable level according to the CAMP, one or more dust suppression techniques detailed in the CAMP must be utilized to lessen the risk of high particulate levels.

CAMP readings will be provided to NYSDEC and NYSDH on a weekly basis. Particulate exceedances, if any, will be reported to NYSDEC and NYSDOH the same business say with the reason for exceedance (or the next business day if after hours), what was done to correct the issue, and if the corrective measure was effective at reducing airborne particulate concentrations.

2.6 Waste Characterization Samples

2.6.1 Fill Samples

Waste characterization fill samples shall be obtained from each stockpile to demonstrate that it does not contain hazardous waste. Samples shall be obtained at the frequency of one sample per stockpile. Any equipment that is used for fill sampling must either be disposed of as non-hazardous waste or decontaminated by washing with Alconox®, or equivalent, solution and a tap water rinse. Any sediment that accumulated in decontamination facilities shall be sampled at a similar frequency to the stockpiles.

Based upon the analytical results from the environmental screening program, all waste characterization material samples, including the required quality assurance/quality control (QA/QC) samples (See Section 2.6.5) shall be submitted for analysis of TCLP metals (United States Environmental Protection Agency (USEPA) SW-846 method 1331, 3015 and 7470A), PCBs (method 8082A), pH, Ignitability, Total Petroleum Hydrocarbons (TPH) by Gas Chromatography (GC) (NYSDOH 310.13) , Reactive Cyanide (EPA 7.3.3.2), Reactive Sulfide (EPA 7.3.4.2) and percentage solids. Grossly contaminated fill will also require samples for analysis of TCLP volatiles. Laboratory analyses must be

performed by a laboratory accredited pursuant to the New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP).

2.6.1.1 Fill Samples for Reuse

Stockpiles deemed non-hazardous fill material shall be reused as applicable onsite for use as un-regulated fill. Based on stockpile analysis, all materials deemed non-hazardous shall remain staged onsite at completion of remedial activities for backfill usage by General Contractor. Excess fill materials unable to be reused shall be disposed of off-Site in accordance to Section 2.7.

2.6.1.2 Fill Samples Post-Stabilization

Stockpiled soils deemed hazardous based on waste characterization analysis shall be treated with Blastox 215® as determined in Section 2.7.1. A SDS for Blastox is included in **Appendix C**. Following stabilization, soils shall be resampled based on DER-10 sample frequency requirements. Based on a 175 CY stabilized stockpile, this includes one composite soil sample (collected from 3-5 discrete locations). Such samples will then be analyzed at TCLP and Multiple Extraction Method (MEM) digestion methods and the resultant extracts shall be analyzed for the 8 RCRA metals. All TCLP inorganic laboratory analyses will be performed utilizing SW-846 Test Method 1311. All MEM inorganic laboratory analyses will be performed utilizing SW-846 Test Method 1310. In the event that the stockpile requires a reapplication of Blastox®, such sampling shall be repeated but only for the hazardous TCLP contaminant, likely to be lead.

2.6.2 Water Samples

Waste Characterization water samples shall be obtained from each storage vessel to demonstrate if the water will need to be disposed of off-Site or can be discharged to the excavation footprint on-Site. All water samples, including the required QA/QC samples must be submitted to a NYSDOH ELAP-certified laboratory for analysis of Target Compound List (TCL) and Commissioner's Policy (CP)-51 List VOCs.

2.6.3 Clean Imported Soil

The clean imported material shall meet the allowable constituent levels for Commercial use provided in DER-10, Appendix 5, unless the material is determined to be exempt from sampling per DER-10, Section 5.4(e) 5. Exempt materials include washed gravel, rock, stone and recycled concrete and brick not exhibiting fines. Commercial constituent levels specified in DER-10 Appendix 5 are included as **Appendix A** to this Work Plan.

Samples of the clean imported soil shall be collected at the required frequency to confirm that the material meets the levels specified in **Appendix A**. Where a compound is detected which is not on the appended table, the on-Site environmental monitor shall consult with NYSDEC to determine an allowable constituent level. A minimum of one (1) sample shall be collected and analyzed from every new source. To analyze for volatile

organic compounds (VOCs), grab (discrete) samples are allowed. To analyze for semi-volatile organic compounds (SVOCs), inorganics, PCBs and pesticides, composite samples must be collected. The composite samples shall meet the requirements established in DER-10, Section 5.4(e)10. Specifically, composite samples must be comprised of 3-5 discrete samples from different locations in the volume of soil to be tested. Samples shall be collected at the frequency of:

- Seven (7) discrete samples (VOCs) and two (2) composite samples (SVOCs, Inorganics, PCBs and pesticides) for the first 1,000 CY and;
- Two (2) discrete samples and one (1) composite sample for each additional 1,000 CY, as needed.

Imported soil shall also meet the requirements of 6 NYCRR 375-6.7(d) and it must be free of extraneous waste.

2.6.4 Results Evaluation

Sample and analytical results shall be compared to the following criteria:

- Metals: NYSDEC, Title 6 of the New York State Codes, Rules and Regulations (NYCRR) Part 371.3 Characteristics for Hazardous Waste.
- PCBs: SCOs for RR and POGW specified in NYSDEC's Part 375 Environmental Remediation Program regulations and NYSDEC CP-51 Supplemental SCOs.

Any sample (and its related stockpile or water storage vessel) that exceeds the hazardous levels specified in the soil cleanup guidelines shall be classified as hazardous and must be handled, treated and/or disposed of accordingly. Any sample (and its related stockpile) that exceeds 1 ppm for total PCBs but less than 50 ppm total PCBs, will still be considered non-hazardous. Prior to disposal, the PCB exceedance will be discussed with the selected non-hazardous landfill to ensure that they are properly permitted to accept the PCB waste. Analytical reports shall be prepared in accordance with the NYSDEC Analytical Services Protocol (ASP) Category B requirements. A data usability evaluation will not be required for the material management of this excavation.

2.6.5 Quality Assurance/Quality Control Sampling

Field QA/QC samples to be collected include field duplicates. Field duplicates shall be collected at a rate of one per ten (10) stockpile field samples collected.

2.7 Waste Characterization, Stabilization and Disposal

Wastes anticipated include the following:

- Excavated fill that is characterized as hazardous by the waste characterization laboratory analysis.
- Containerized groundwater and/or stormwater resulting from excavation dewatering.
- Decontamination fluids.

- Polyethylene sheeting, sampling materials, and PPE.

Disposal of wastes shall be conducted in accordance with applicable regulations. Analyses performed on each of the waste streams will be dictated by requirements of the disposal facility (s). Excavated fill shall be stockpiled to facilitate discrete sampling for characterization analyses. Wastes shall be transported only be permitted haulers. Contaminated waste disposal will include the following:

- Excavated, staged, and confirmed hazardous waste shall be stabilized on-site and disposed in accordance with Section 2.7.1. All stabilized soils shall be disposed of off-Site at a NYSDEC Part 360 permitted disposal landfill.
- Non-hazardous solid waste generated during remedial activities shall be disposed off-Site at a NYSDEC Part 360 permitted disposal landfill.
- Containerized water (groundwater and stormwater collected from the excavation, decontamination rinse water and free liquids collected from fill staging) that is confirmed non-hazardous shall be discharged to the excavation footprint after subbase installation. If the containerized water is found to be hazardous, it shall be properly transported and disposed of off-Site at a properly permitted facility.
- Non-hazardous excess soil/fill material unable to be reused shall be disposed of off-Site at a NYSDEC Part 360 permitted disposal landfill, potentially as Alternate Operating Cover (AOC) pending a Beneficial Use Determination (BUD).

2.7.1 Soil Stabilization

Stockpile(s) which are confirmed hazardous waste following waste characterization analysis shall be stabilized with Blastox 215® (Blastox®) soil stabilizer for heavy metals. Each of the 175 CY stockpiles shall be stabilized based upon the manufacturer's recommendation of a 3% dosage by weight. The soil additive will be uniformly mixed into the stockpile by way of the excavator bucket and a mixing tub until the stockpile is visually homogenized based on a color change that will be visually lighter. Approximately 7.5 tons (five 1.5-ton supersacks) of Blastox® is anticipated to be sufficient to stabilize each stockpile. Following mixing for stabilization, the stockpile(s) shall be resampled in accordance with Section 2.6.1.2. In the event that the results indicate continued hazardous metal concentrations following stabilization, T&R shall reapply Blastox® at a 1% mixture by weight to the 175 CY stockpile (two (2) 1.5-ton supersacks) by the same process. All stabilized soils shall be disposed of off-Site at a NYSDEC Part 360 permitted disposal landfill.

2.8 Site Restoration/Stabilization

Following the completion of excavation work, T&R shall install a geotextile demarcation layer in all excavated areas. On top of the demarcation, a minimum four-inch cap shall be placed of DER-10 approved material as directed by the General Contractor underlying an impermeable layer (concrete or asphalt). The demarcation fabric and four-inch cap shall serve as a protective buffer for all intended building construction to be completed. The excavation fill that has tested as non-hazardous during waste characterization sampling shall be utilized as backfill as needed by the General Contractor. Any excess soil not used at project completion shall be disposed of

off-Site at a NYSDEC Part 360 permitted disposal landfill. The stockpile staging area shall be removed and restored with proper turf establishment. No further new excavation shall be performed onsite following site stabilization and turnover to General Contractor.

2.8.1 Over-Excavation

Following the excavation work completed per the drawings as specified by the General Contractor, T&R shall evaluate the fill materials immediately below the excavation area to evaluate for compaction abilities and/or future health and safety issues in the event that VOCs are detected at any point during excavation. Evaluation shall include screening soils with a PID to determine if VOCs are present. If PID screening of base soils indicate the presence of VOCs above background levels, T&R shall over-excavate an additional two (2) feet of soils for installation of geotextile fabric demarcation layer and two (2) feet of crusher run material devoid of fines (<10% by weight passing the #80 sieve). This action, if deemed necessary, would serve as a compacted base for future building foundation as well as reducing the risk for potential future soil-vapor intrusion, if any.

2.9 Report

Following the completion of the excavation and restoration activities, a Construction Completion Report (CCR) shall be drafted. The CCR shall include the following:

- Total volumes of fill excavated, reused, disposed of as non-hazardous and hazardous and accompanying laboratory results to support the reuse and disposal options of each stockpile.
- Total volume of clean imported fill and accompanying laboratory results to support its use onsite.
- Locations along excavation boundaries where fill material containing ash, brick, and/or glass were encountered and remain in place.
- Total volume of water (including decontamination, dewatered excavation groundwater, and collected stormwater) contained and discharged, as well as accompanying laboratory date.
- Water treatment techniques, volume treated and discharged and accompanying laboratory results to support its final discharge (if applicable).
- Summary of the CAMP (to be provided as addendum from Site air monitor).
- Field notes and photographs of excavation, stockpiling and filling.
- Any alternative stockpiling, stabilization and/or disposal means undertaken to properly contain and dispose of any grossly contaminated stockpiled (if applicable).
- Summary of Citizen Participation Activities.

The CCR shall be submitted to NYSDEC within 90 days of the completion of excavation and restoration activities.

A Soil Groundwater Management Plan (SGMP) and Interim Site Management Plan (ISMP) shall also be developed upon completion of work to provide guidance for future work at the Site.

3.0 IMPLEMENTATION SCHEDULE

Excavation activities shall be initiated within 90 days of the Department's approval of this Work Plan. It is anticipated that once the Work Plan is approved, approximately 30 days will be needed to obtain required permits and contract any necessary subcontractors. However, on-Site remedial activities shall not begin until winter weather has ceased and frost/snow levels are favorable for construction to start. It is anticipated that on-Site remedial activities would be performed in April-June. It is estimated that the total remedial project duration will be approximately two (2) months. An environmental easement package will be submitted to the Department within 60 days of completion of the on-Site remedial activities.

4.0 PROJECT ORGANIZATION

A Project contact list is provided in **Table 2,** below.

Table 2 – Project Contact List

Name	Organization	Title	Phone	Email
Jim Thomas	Village of South Corning	Mayor	607-936-3642	jimthomas@stny.rr.com
Tim Good	Village of South Corning	Superintendent	607-936-2783	scorningsandw17@gmail.com
Mike O'Connell	Larson Design Group	PE/Project Manager	607-590-6750	MOConnell@larsondesigngroup.com
Lauren Case	T&R Environmental	Project Manager	607-368-1970	caselh@trenviro.com
Kyle Sutton	T&R Environmental	Project Manager	607-725-2855	suttonk@trtowandservice.com
Samantha Salotto	NYSDEC	Division of Environmental Remediation	518-956-3794	Samantha.Salotto@dec.ny.gov
Mark Stirpe	Streeter Associates	General Contractor/ Project Manager	607-857-3732	MS@streeterassociates.com

5.0 CITIZEN PARTICIPATION

Citizen Participation activities will involve generating a Fact Sheet regarding the Interim Remedial Measure and coordinating its distribution with the NYSDEC's Regional Citizen Participation Specialist. The Fact Sheet will be distributed to local officials, interested parties and residents adjacent to the Site.

A certification of mailing will be sent by the Village to the NYSDEC project manager following the distribution of the Fact Sheet and notice that includes:

- Certification that the Fact Sheet was mailed.
- The date it was mailed.
- A copy of the Fact Sheet.
- A list of recipients.

No changes will be made to the Fact Sheet that is approved and authorized for release by NYSDEC without written consent from the NYSDEC. No other information, such as brochures and flyers, will be included with the Fact Sheet mailing.

FIGURES

TOWN OF CORNING

TOWN OF CORNING

CITY OF CORNING

CATON ROAD
BAILEY CREEK RD.
OWEN ST.
SUMMIT STREET
DRIVE
BROWN ROAD
SPEER DRIVE
SOUTH ELM STREET
SOUTH MAPLE STREET
GULLIVER ST.
ORCHARD
BOWER PLACE
SAGE ST.
EMILY DRIVE
CATON ROAD
CLARK STREET
BAILEY CREEK
St. MARY'S ROMAN CATHOLIC CEMETERY
GLEN AVENUE
MALLORY AVE.
ROUSE AVE.
ERIE ST.
ROBERTS AVENUE
TUXILL AVENUE
EVERGREEN DR.
HOPE CEMETERY
BROAD ST.
PARK AVENUE
PARK AVENUE
GARDEN STREET BYLD.
WICKS
FLOWER AVE.
VINE ST.
MAYNARD ST.
ERWIN DRIVE
RIVER ROAD
100 YEAR STORM LIMIT
POWER LINE
FLOODWAY
CHEMUNG RIVER

R-1
R-2
C
PMRD
C
C
R-T
R-2
C-L
R-1
PD
C
R-T
R-2
CO

ZONING DISTRICT LEGEND

R-1	RESIDENTIAL - LOW DENSITY
R-2	RESIDENTIAL - MODERATE DENSITY
R-T	RESIDENTIAL TRANSITION
C	COMMERCIAL
C-L	COMMERCIAL LIGHT INDUSTRIAL
CO	CONSERVATION
PD	PLANNED DEVELOPMENT
PMRD	PLANNED MULTIPLE RESIDENCE DISTRICT

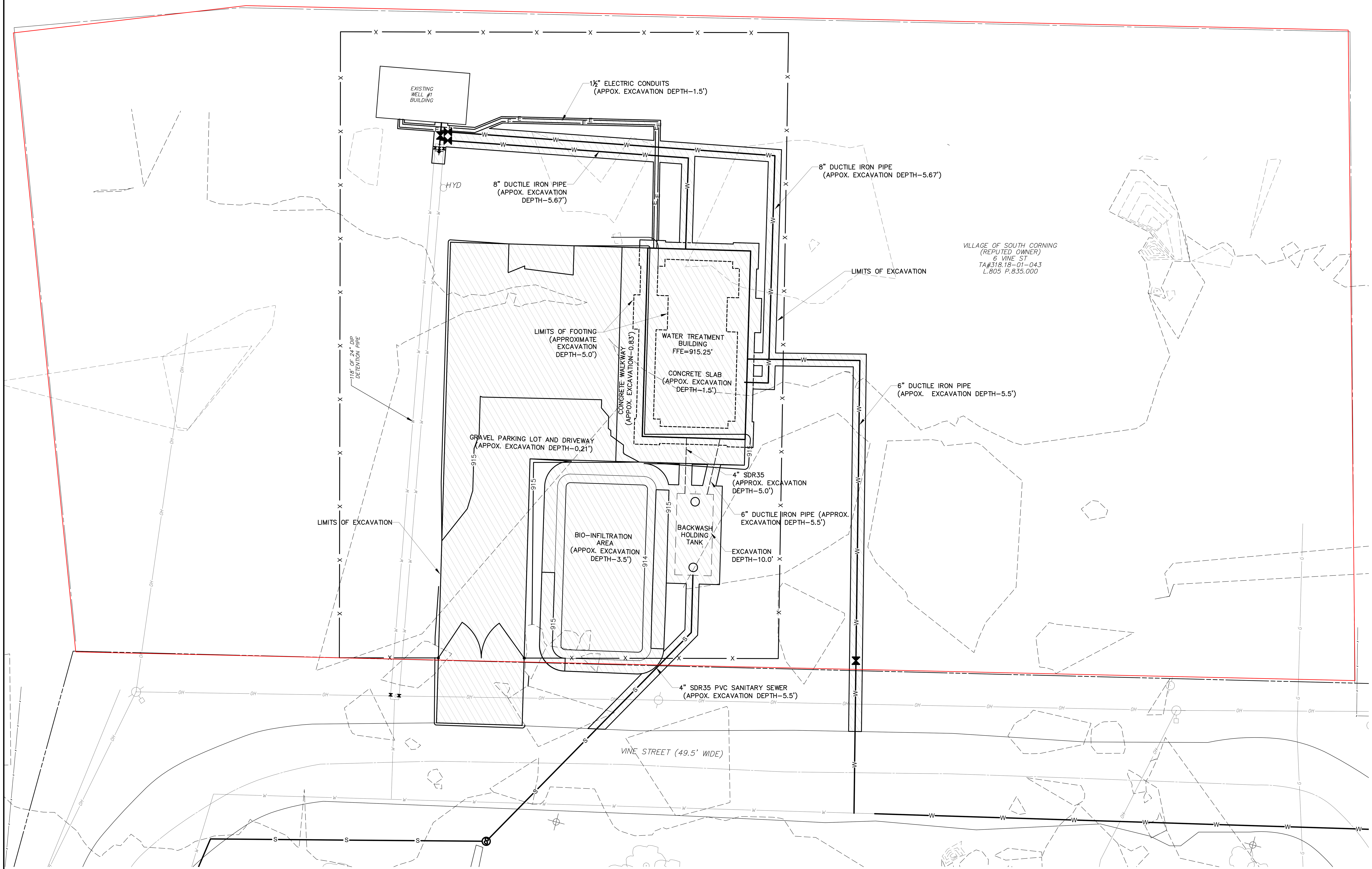
Revised 9/9/2005 by Hunt Engineers, Architects & Land Surveyors, P.C. to change tax map parcel numbers 318.18-03-050.120 & 318.18-03-009.000 from R-2 to Commercial District per the Village of South Corning Local Law No. One (Introductory) 2005.

Revised 04/14/2006 by Hunt Engineers, Architects & Land Surveyors, P.C. to change tax map parcel numbers 336.06-01-22 & 23 from R-1 to Commercial District per the Village of South Corning Local Law No. Three (Tentatively) 2006.

ZONING MAP

CORPORATE LIMITS OF THE
VILLAGE OF SOUTH CORNING

NOVEMBER 1993
REVISED MAY 1998
REVISED SEPTEMBER 2005
REVISED APRIL 2006


EXISTING WELL #1 BUILDING
1½" ELECTRIC CONDUITS (APPOX. EXCAVATION DEPTH–1.5')
8" DUCTILE IRON PIPE (APPOX. EXCAVATION DEPTH–5.67')
HYD
8" DUCTILE IRON PIPE (APPOX. EXCAVATION DEPTH–5.67')
VILLAGE OF SOUTH CORNING (REPUTED OWNER) 6 VINE ST TA#318.18–01–043 L.805 P.835.000
LIMITS OF EXCAVATION
118' OF 24" DIP DETENTION PIPE
LIMITS OF FOOTING (APPROXIMATE EXCAVATION DEPTH–5.0')
CONCRETE WALKWAY (APPOX. EXCAVATION–0.83')
WATER TREATMENT BUILDING FFE=915.25'
CONCRETE SLAB (APPOX. EXCAVATION DEPTH–1.5')
6" DUCTILE IRON PIPE (APPOX. EXCAVATION DEPTH–5.5')
GRAVEL PARKING LOT AND DRIVEWAY (APPOX. EXCAVATION DEPTH–0.21')
4" SDR35 (APPOX. EXCAVATION DEPTH–5.0')
6" DUCTILE IRON PIPE (APPROX. EXCAVATION DEPTH–5.5')
LIMITS OF EXCAVATION
BIO–INFILTRATION AREA (APPOX. EXCAVATION DEPTH–3.5')
BACKWASH HOLDING TANK
EXCAVATION DEPTH–10.0'
4" SDR35 PVC SANITARY SEWER (APPOX. EXCAVATION DEPTH–5.5')
VINE STREET (49.5' WIDE)
915
914
N
10 0 10 20 FEET
SCALE: 1"=10'

EXCAVATION PLAN

SCALE: 1" = 10'

NO.	DATE	ISSUE / REVISIONS	BY	CHKD
1	11/17/20	CONTRACT 1C – FIELD ORDER 1	AWK	MDO
0	07/30/20	CONFORMED CONSTRUCTION DRAWINGS COMMENTS	TWS	AWK

LDG Larson Design Group®

EXCAVATION PLAN
PROPOSED TREATMENT BUILDING
PHASE II WATER SYSTEM IMPROVEMENTS
VILLAGE OF SOUTH CORNING, STEUBEN COUNTY, NEW YORK

Larson Design Group • Architects Engineers Surveyors
1 West Market Street • Suite 301
Corning, NY 14830
PHONE 607.936.7076 TOLL FREE 877.323.6603
FAX 607.936.7086 • www.larsondesigngroup.com

Village of South Corning
7 Clark Street
Corning, NY 14830
PHONE 607.936.3642

SHEET NO.: C2.02A

PROJECT NO.: 6475–009

EXISTING WELL #1 BUILDING

1½" ELECTRIC CONDUITS (APPOX. EXCAVATION DEPTH–1.5')

X T04

8" DUCTILE IRON PIPE (APPOX. EXCAVATION DEPTH–5.67')

8" DUCTILE IRON PIPE (APPOX. EXCAVATION DEPTH–5.67')

HYD

VILLAGE OF SOUTH CORNING
(REPUTED OWNER)
6 VINE ST
TAX#318.18–01–043
L.805 P.835.000

LIMITS OF EXCAVATION

X B01

LIMITS OF FOOTING (APPROXIMATE EXCAVATION DEPTH–5.0')

CONCRETE WALKWAY (APPOX. EXCAVATION–0.83')

WATER TREATMENT BUILDING FFE=915.25'

CONCRETE SLAB (APPOX. EXCAVATION DEPTH–1.5')

X B02

118' OF 24" RIP DETENTION PIPE

6" DUCTILE IRON PIPE (APPOX. EXCAVATION DEPTH–5.5')

GRAVEL PARKING LOT AND DRIVEWAY (APPOX. EXCAVATION DEPTH–0.21')

4" SDR35 (APPROX. EXCAVATION DEPTH–5.0')

6" DUCTILE IRON PIPE (APPROX. EXCAVATION DEPTH–5.5')

X T03

BACKWASH HOLDING TANK

EXCAVATION DEPTH–10.0'

LIMITS OF EXCAVATION

BIO–INFILTRATION AREA (APPOX. EXCAVATION DEPTH–3.5')

4" SDR35 PVC SANITARY SEWER (APPOX. EXCAVATION DEPTH–5.5')

VINE STREET (49.5' WIDE)

915 914

EXCAVATION PLAN

SCALE: 1" = 10'

10 0 10 20 FEET

SCALE: 1"=10'

NO.	DATE	COMMENTS	BY	CHKD
			AWK	MDO
			TWS	AWK
1	11/17/20	CONTRACT 1C – FIELD ORDER 1		
0	07/30/20	CONFORMED CONSTRUCTION DRAWINGS		

ISSUE / REVISIONS

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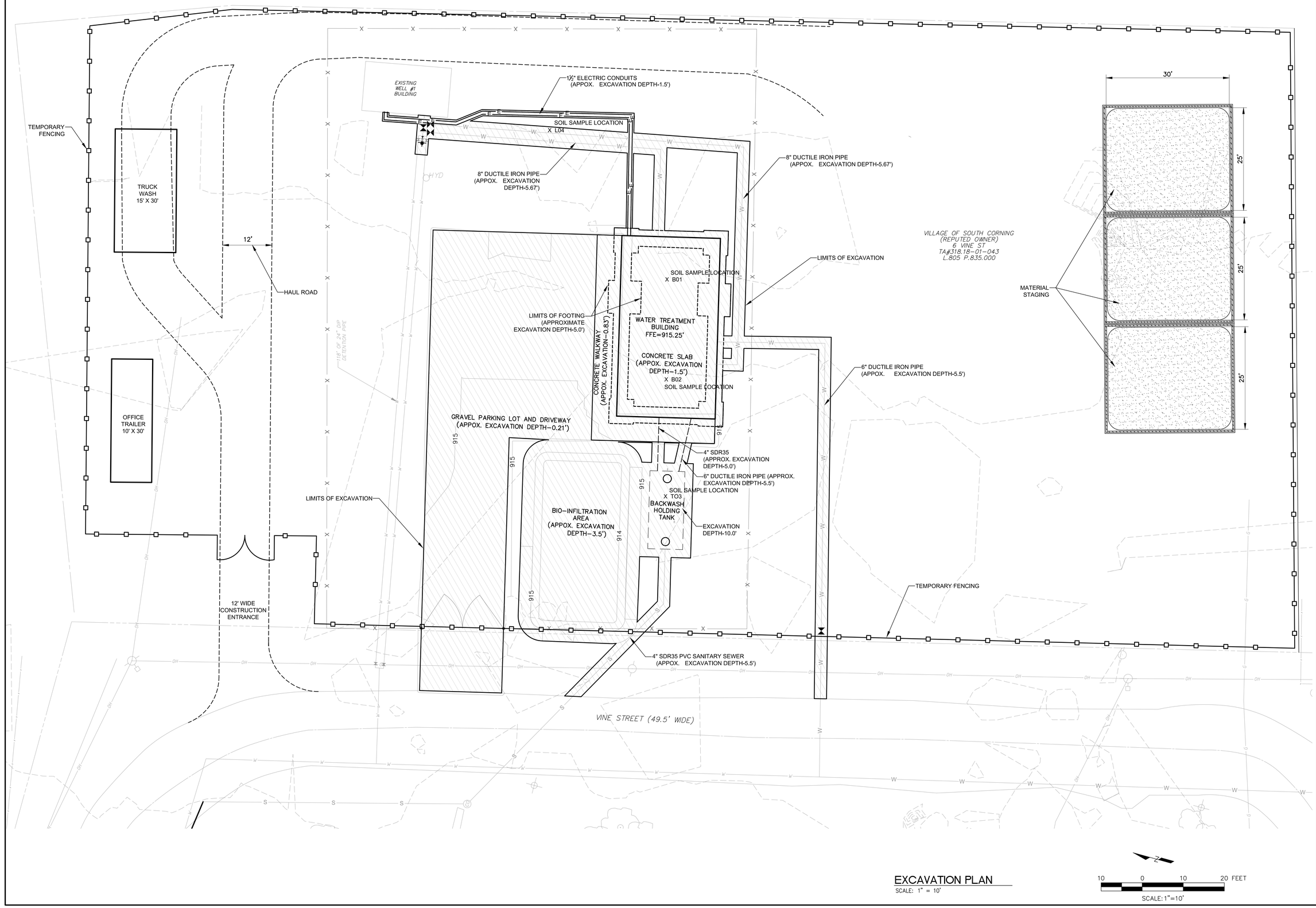
SHEET NO.: C2.02A

PROJECT NO.: 6475–009



EXCAVATION PLAN
SCALE: 1" = 10'

10 0 10 20 FEET
SCALE: 1"=10'

NO.	DATE	ISSUED TO NYSDEC	BY	CHKD
1	03/29/21	COMMENTS	KAB	MDO

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PROJECT NO.: 6475-009

MATERIAL.

4. EXCAVATED MATERIAL SHALL BE LOADED IN MANAGEABLE VOLUMES TO PREVENT SPILLAGE DURING HANDLING ON-SITE AND TRANSPORTING. ANY SPILLED MATERIAL SHALL BE CLEANED UP NO LATER THAN THE END OF DAY IT IS SPILLED. IN THE EVENT OF RAIN, THE SPILLED MATERIAL SHALL BE CLEANED UP IMMEDIATELY.

5. STOCKPILES SHALL BE ROUTINELY INSPECTED AND DAMAGED COVERS SHALL BE PROMPTLY REPAIRED OR REPLACED. STOCKPILES SHALL BE INSPECTED AT A MINIMUM ONCE EACH WEEK AND AFTER EVERY STORM EVENT. RESULTS OF INSPECTIONS SHALL BE RECORDED IN A LOGBOOK AND AVAILABLE FOR INSPECTION BY NYSDEC.

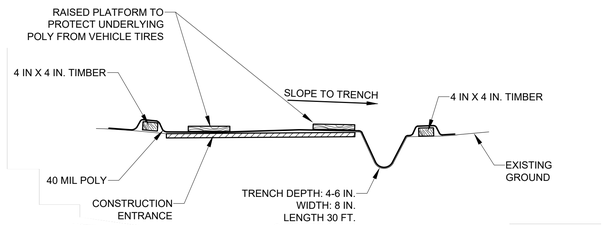
6. SOIL SHALL BE SCREENED WITH PID AND SEGREGATED BASED ON THE FOLLOWING CRITERIA:

   6.A. SOILS EXHIBITING PID READINGS OF 0 TO 50 PPM, SHALL BE PLACED IN GENERAL FILL SOIL CONTAINMENT BERM PILE.

   6.B. SOILS EXHIBITING PID READINGS OF 50 PPM AND GREATER, SHALL BE PLACED IN SEGREGATED "GROSSLY CONTAMINATED" CONTAINMENT BERM PILE.

7. ALL WASTE SHALL BE TRANSPORTED OFF-SITE AS SOON AS POSSIBLE FOLLOWING RECEIPT OF WASTE CHARACTERIZATION LABORATORY RESULTS AS DIRECTED BY ENGINEER. UNDER NO CIRCUMSTANCE SHALL MATERIAL DESIGNATED FOR OFF-SITE DISPOSAL BE STAGED LONGER THAN 2 WEEKS FOLLOWING RECEIPT OF WASTE CHARACTERIZATION RESULTS.

8. RESTORATION OF THE STOCKPILE EXCAVATED SOIL MANAGEMENT AREA SHALL BE INCLUDED IN THE COST OF ITEM 205.0201 - SEGREGATION AND STORAGE OF CONTAMINATED SOILS.

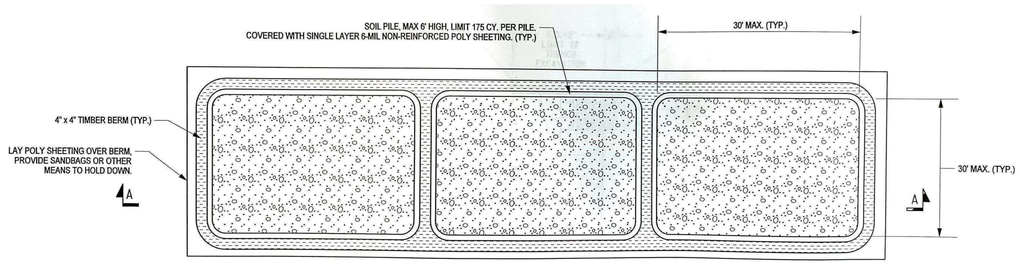


NOTES:

1. PAD SIZE 30 FT. LONG X 24 FT. WIDE.
2. CONTRACTOR WILL BE RESPONSIBLE FOR COLLECTING AND CONTAINERIZING RINSATES ON A DAILY BASIS.
3. RINSATES CONTAINERIZED IN 3,000 GALLON STEEL ABOVE GROUND STEEL TANKS (AST).
4. CONTRACTOR SHALL MAINTAIN DECONTAMINATION PAD FOR DURATION OF PROJECT AS REQUIRED.

DECONTAMINATION PAD DETAIL

NOT TO SCALE

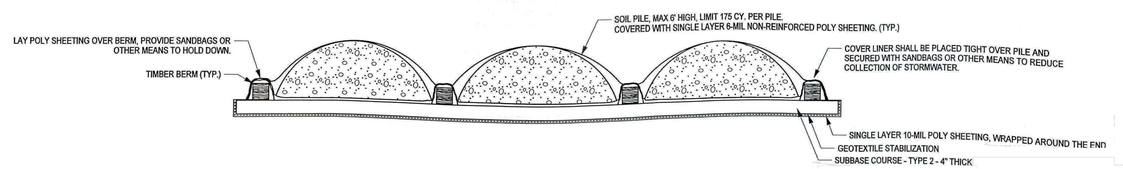


SOIL CONTAINMENT BERM - PLAN VIEW

NOT TO SCALE

NOTES:

1.THREE SOIL PILES SHOWN AS EXAMPLE OF SITE LAYOUT. CONTRACTOR SHALL ADJUST SIZE AND NUMBER OF SOIL PILE BERMS TO ACCOMMODATE VOLUMES ENCOUNTERED BASED ON REQUIRED SOIL SEGREGATION CRITERIA LISTED IN GENERAL NOTES ABOVE.



SOIL CONTAMINATION BERM - SECTION VIEW A-A

NOT TO SCALE

NO.	DATE	COMMENTS	BY	CHKD
1	03/29/21	ISSUED TO NYSDEC	KAB	MDO

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CONLAMINATED SOILS STORAGE DETAILS
PROPOSED TREATMENT BUILDING
PHASE II WATER SYSTEM IMPROVEMENTS
VILLAGE OF SOUTH CORNING, STEUBEN COUNTY, NEW YORK

Village of South Corning
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SHEET NO.: C2.02B

PROJECT NO.: 6475-009

APPENDICES

APPENDIX A - DER-10 ALLOWABLE CONSTITUENT LEVELS FOR IMPORTED FILL OR SOIL

Appendix 5
Allowable Constituent Levels for Imported Fill or Soil
Subdivision 5.4(e)

Source: This table is derived from soil cleanup objective (SCO) tables in 6 NYCRR 375. Table 375-6.8(a) is the source for unrestricted use and Table 375-6.8(b) is the source for restricted use.

Note: For constituents not included in this table, refer to the contaminant for supplemental soil cleanup objectives (SSCOs) in the Commissioner Policy on *Soil Cleanup Guidance*. If an SSCO is not provided for a constituent, contact the DER PM to determine a site-specific level.

Constituent	Unrestricted Use	Residential Use	Restricted Residential Use	Commercial or Industrial Use	If Ecological Resources are Present
Metals					
Arsenic	13	16	16	16	13
Barium	350	350	400	400	433
Beryllium	7.2	14	47	47	10
Cadmium	2.5	2.5	4.3	7.5	4
Chromium, Hexavalent[1]	1 [3]	19	19	19	1 [3]
Chromium, Trivalent[1]	30	36	180	1500	41
Copper	50	270	270	270	50
Cyanide	27	27	27	27	NS
Lead	63	400	400	450	63
Manganese	1600	2000	2000	2000	1600
Mercury (total)	0.18	0.73	0.73	0.73	0.18
Nickel	30	130	130	130	30
Selenium	3.9	4	4	4	3.9
Silver	2	8.3	8.3	8.3	2
Zinc	109	2200	2480	2480	109
PCBs/Pesticides					
2,4,5-TP Acid (Silvex)	3.8	3.8	3.8	3.8	NS
4,4'-DDE	0.0033 [3]	1.8	8.9	17	0.0033 [3]
4,4'-DDT	0.0033 [3]	1.7	7.9	47	0.0033 [3]
4,4'-DDD	0.0033 [3]	2.6	13	14	0.0033 [3]
Aldrin	0.005	0.019	0.097	0.19	0.14
Alpha-BHC	0.02	0.02	0.02	0.02	0.04 [4]
Beta-BHC	0.036	0.072	0.09	0.09	0.6
Chlordane (alpha)	0.094	0.91	2.9	2.9	1.3
Delta-BHC	0.04	0.25	0.25	0.25	0.04 [4]
Dibenzofuran	7	14	59	210	NS
Dieldrin	0.005	0.039	0.1	0.1	0.006
Endosulfan I	2.4[2]	4.8	24	102	NS
Endosulfan II	2.4[2]	4.8	24	102	NS
Endosulfan sulfate	2.4[2]	4.8	24	200	NS
Endrin	0.014	0.06	0.06	0.06	0.014
Heptachlor	0.042	0.38	0.38	0.38	0.14
Lindane	0.1	0.1	0.1	0.1	6
Polychlorinated biphenyls	0.1	1	1	1	1

Constituent	Unrestricted Use	Residential Use	Restricted Residential Use	Commercial or Industrial Use	If Ecological Resources are Present
Semi-volatile Organic Compounds					
Acenaphthene	20	98	98	98	20
Acenaphthylene	100	100	100	107	NS
Anthracene	100	100	100	500	NS
Benzo(a)anthracene	1	1	1	1	NS
Benzo(a)pyrene	1	1	1	1	2.6
Benzo(b)fluoranthene	1	1	1	1.7	NS
Benzo(g,h,i)perylene	100	100	100	500	NS
Benzo(k)fluoranthene	0.8	1	1.7	1.7	NS
Chrysene	1	1	1	1	NS
Dibenz(a,h)anthracene	0.33 [3]	0.33 [3]	0.33 [3]	0.56	NS
Fluoranthene	100	100	100	500	NS
Fluorene	30	100	100	386	30
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.5	5.6	NS
m-Cresol(s)	0.33 [3]	0.33 [3]	0.33 [3]	0.33 [3]	NS
Naphthalene	12	12	12	12	NS
o-Cresol(s)	0.33 [3]	0.33 [3]	0.33 [3]	0.33 [3]	NS
p-Cresol(s)	0.33	0.33	0.33	0.33	NS
Pentachlorophenol	0.8 [3]	0.8 [3]	0.8 [3]	0.8 [3]	0.8 [3]
Phenanthrene	100	100	100	500	NS
Phenol	0.33 [3]	0.33 [3]	0.33 [3]	0.33 [3]	30
Pyrene	100	100	100	500	NS
Volatile Organic Compounds					
1,1,1-Trichloroethane	0.68	0.68	0.68	0.68	NS
1,1-Dichloroethane	0.27	0.27	0.27	0.27	NS
1,1-Dichloroethene	0.33	0.33	0.33	0.33	NS
1,2-Dichlorobenzene	1.1	1.1	1.1	1.1	NS
1,2-Dichloroethane	0.02	0.02	0.02	0.02	10
1,2-Dichloroethene(cis)	0.25	0.25	0.25	0.25	NS
1,2-Dichloroethene(trans)	0.19	0.19	0.19	0.19	NS
1,3-Dichlorobenzene	2.4	2.4	2.4	2.4	NS
1,4-Dichlorobenzene	1.8	1.8	1.8	1.8	20
1,4-Dioxane	0.1 [3]	0.1 [3]	0.1 [3]	0.1 [3]	0.1
Acetone	0.05	0.05	0.05	0.05	2.2
Benzene	0.06	0.06	0.06	0.06	70
Butylbenzene	12	12	12	12	NS
Carbon tetrachloride	0.76	0.76	0.76	0.76	NS
Chlorobenzene	1.1	1.1	1.1	1.1	40
Chloroform	0.37	0.37	0.37	0.37	12
Ethylbenzene	1	1	1	1	NS
Hexachlorobenzene	0.33 [3]	0.33 [3]	1.2	3.2	NS
Methyl ethyl ketone	0.12	0.12	0.12	0.12	100
Methyl tert-butyl ether	0.93	0.93	0.93	0.93	NS
Methylene chloride	0.05	0.05	0.05	0.05	12

Volatile Organic Compounds (continued)					
Propylbenzene-n	3.9	3.9	3.9	3.9	NS
Sec-Butylbenzene	11	11	11	11	NS
Tert-Butylbenzene	5.9	5.9	5.9	5.9	NS
Tetrachloroethene	1.3	1.3	1.3	1.3	2
Toluene	0.7	0.7	0.7	0.7	36
Trichloroethene	0.47	0.47	0.47	0.47	2
Trimethylbenzene-1,2,4	3.6	3.6	3.6	3.6	NS
Trimethylbenzene-1,3,5	8.4	8.4	8.4	8.4	NS
Vinyl chloride	0.02	0.02	0.02	0.02	NS
Xylene (mixed)	0.26	1.6	1.6	1.6	0.26

All concentrations are in parts per million (ppm)
NS = Not Specified

Footnotes:
[1] The SCO for Hexavalent or Trivalent Chromium is considered to be met if the analysis for the total species of this contaminant is below the specific SCO for Hexavalent Chromium.
[2] The SCO is the sum of endosulfan I, endosulfan II and endosulfan sulfate.
[3] For constituents where the calculated SCO was lower than the contract required quantitation limit (CRQL), the CRQL is used as the Track 1 SCO value.
[4] This SCO is derived from data on mixed isomers of BHC.

APPENDIX B - COMMUNITY AIR MONITORING PROGRAM (CAMP)

Appendix J
New York State Department of Health
Generic Community Air Monitoring Plan

Overview

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical- specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for VOCs and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate DEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. “Periodic” monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or

overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

1. If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

2. If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

3. If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

4. All 15-minute readings must be recorded and be available for State (DEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

1. If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

2. If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

3. All readings must be recorded and be available for State (DEC and NYSDOH) and County Health personnel to review.

December 2009

Appendix 1B
Fugitive Dust and Particulate Monitoring

A program for suppressing fugitive dust and particulate matter monitoring at hazardous waste sites is a responsibility on the remedial party performing the work. These procedures must be incorporated into appropriate intrusive work plans. The following fugitive dust suppression and particulate monitoring program should be employed at sites during construction and other intrusive activities which warrant its use:

1. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust.

2. Particulate monitoring must be employed during the handling of waste or contaminated soil or when activities on site may generate fugitive dust from exposed waste or contaminated soil. Remedial activities may also include the excavation, grading, or placement of clean fill. These control measures should not be considered necessary for these activities.

3. Particulate monitoring must be performed using real-time particulate monitors and shall monitor particulate matter less than ten microns (PM10) with the following minimum performance standards:

(a) Objects to be measured: Dust, mists or aerosols;
(b) Measurement Ranges: 0.001 to 400 mg/m3 (1 to 400,000 :ug/m3);
(c) Precision (2-sigma) at constant temperature: +/- 10 :g/m3 for one second averaging; and +/- 1.5 g/m3 for sixty second averaging;
(d) Accuracy: +/- 5% of reading +/- precision (Referred to gravimetric calibration with SAE fine test dust (mmd= 2 to 3 :m, g= 2.5, as aerosolized);
(e) Resolution: 0.1% of reading or 1g/m3, whichever is larger;
(f) Particle Size Range of Maximum Response: 0.1-10;
(g) Total Number of Data Points in Memory: 10,000;
(h) Logged Data: Each data point with average concentration, time/date and data point number
(i) Run Summary: overall average, maximum concentrations, time/date of maximum, total number of logged points, start time/date, total elapsed time (run duration), STEL concentration and time/date occurrence, averaging (logging) period, calibration factor, and tag number;
(j) Alarm Averaging Time (user selectable): real-time (1-60 seconds) or STEL (15 minutes), alarms required;
(k) Operating Time: 48 hours (fully charged NiCd battery); continuously with charger;
(l) Operating Temperature: -10 to 50^{o} C (14 to 122^{o} F);
(m) Particulate levels will be monitored upwind and immediately downwind at the working site and integrated over a period not to exceed 15 minutes.

4. In order to ensure the validity of the fugitive dust measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the remedial party to adequately supplement QA/QC Plans to include the following critical features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and a record keeping plan.

5. The action level will be established at 150 ug/m3 (15 minutes average). While conservative,

this short-term interval will provide a real-time assessment of on-site air quality to assure both health and safety. If particulate levels are detected in excess of 150 ug/m3, the upwind background level must be confirmed immediately. If the working site particulate measurement is greater than 100 ug/m3 above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Corrective measures may include increasing the level of personal protection for on-site personnel and implementing additional dust suppression techniques (see paragraph 7). Should the action level of 150 ug/m3 continue to be exceeded work must stop and DER must be notified as provided in the site design or remedial work plan. The notification shall include a description of the control measures implemented to prevent further exceedances.

6. It must be recognized that the generation of dust from waste or contaminated soil that migrates off-site, has the potential for transporting contaminants off-site. There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM10 at or above the action level. Since this situation has the potential to allow for the migration of contaminants off-site, it is unacceptable. While it is not practical to quantify total suspended particulates on a real-time basis, it is appropriate to rely on visual observation. If dust is observed leaving the working site, additional dust suppression techniques must be employed. Activities that have a high dusting potential--such as solidification and treatment involving materials like kiln dust and lime--will require the need for special measures to be considered.

7. The following techniques have been shown to be effective for the controlling of the generation and migration of dust during construction activities:

(a) Applying water on haul roads;
(b) Wetting equipment and excavation faces;
(c) Spraying water on buckets during excavation and dumping;
(d) Hauling materials in properly tarped or watertight containers;
(e) Restricting vehicle speeds to 10 mph;
(f) Covering excavated areas and material after excavation activity ceases; and
(g) Reducing the excavation size and/or number of excavations.

Experience has shown that the chance of exceeding the 150ug/m3 action level is remote when the above-mentioned techniques are used. When techniques involving water application are used, care must be taken not to use excess water, which can result in unacceptably wet conditions. Using atomizing sprays will prevent overly wet conditions, conserve water, and provide an effective means of suppressing the fugitive dust.

8. The evaluation of weather conditions is necessary for proper fugitive dust control. When extreme wind conditions make dust control ineffective, as a last resort remedial actions may need to be suspended. There may be situations that require fugitive dust suppression and particulate monitoring requirements with action levels more stringent than those provided above. Under some circumstances, the contaminant concentration and/or toxicity may require additional monitoring to protect site personnel and the public. Additional integrated sampling and chemical analysis of the dust may also be in order. This must be evaluated when a health and safety plan is developed and when appropriate suppression and monitoring requirements are established for protection of health and the environment.

APPENDIX C - SAFETY DATA SHEET(S)

Blastox® Safety Data Sheet (SDS)

SECTION 1: PRODUCT AND COMPANY INFORMATION

Manufacturer	TDJ Group, Inc., 760-A Industrial Dr., Cary, IL 60013
Telephone	847-639-1113 FAX: (847) 639-0499 WEBSITE: www.blastox.com - EMAIL: tdj@blastox.com
Product Name(s)	Blastox®
Recommended Uses / Restrictions	Heavy metal stabilizer / Industrial or commercial use only
Emergency Contact / Number	Chemtrec: 800-424-9300; TDJ Group: 847-639-1113

SECTION 2: HAZARD IDENTIFICATION

Hazards

Eye damage/irritation	Category 2B – Causes eye irritation
Skin corrosion/irritation	Category 2 – Causes skin irritation
Specific Target Organ Toxicity (single occurrence)	Category 3 – May cause respiratory irritation

Signal Word WARNING

Precautionary Statements: Wash hands and exposed areas thoroughly after handling. Wear protective gloves. Wear eye and face protection. Avoid breathing dust. Use only outdoors or in a well-ventilated area. **If in eyes:** Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. **If eye irritation persists:** Get medical advice or attention. **If on skin:** Wash with plenty of water. **If skin irritation occurs:** Get medical advice or attention. Take off contaminated clothing and wash before reuse. **If inhaled:** Remove person to fresh air and keep comfortable for breathing. Call a poison center/doctor if you feel unwell. Store in a well-ventilated place. Keep container tightly closed. Dispose of contents or container in accordance with applicable regulations.

SECTION 3: COMPOSITION/INFORMATION ON INGREDIENTS

Component Name	CAS#	Component%
Calcium silicates and aluminates	See note	>80
Magnesium oxide	1309-48-4	<5
Non-hazardous ingredients	Proprietary Mixture	Balance to 100%

Note: Contains CAS 12168-85-3, 10034-77-2, 12042-78-3, and 12068-35-8

SECTION 4: FIRST AID MEASURES

Most Important Symptoms / Effects: Eye contact with powder or solution can cause irritation or mechanical abrasion. Skin irritation can occur from contact with the product. Inhalation may cause coughing or mild irritation.

Skin Contact: Wash exposed areas promptly with water and mild soap. Remove contaminated clothing immediately and launder before reuse. Seek medical advice or attention if irritation occurs.

Eye Contact: Immediately flush eyes with water for at least 15 minutes. Remove contact lenses if easy to do. Seek medical attention if any symptoms persist.

Inhalation: Move to fresh air. Keep at rest and in a position comfortable for breathing. If you feel unwell, seek medical advice.

Ingestion: Do not induce vomiting. Wash out mouth with water. If vomiting occurs naturally, have victim lean forward to reduce the risk of aspiration. Seek immediate medical advice or attention.

Indication of Immediate Medical Attention and Special Treatment, If Necessary: Persistent eye or skin irritation, difficulty in breathing.

Blastox® Safety Data Sheet (SDS)

SECTION 5: FIREFIGHTING MEASURES

Suitable and Unsuitable Extinguishing Media: Product does not burn. Use fire-fighting techniques appropriate to the surrounding fire.
Specific Hazards Arising from the Chemical: None known.
Special Protective Equipment and Precautions for Fire-Fighters: Use equipment and procedures appropriate to the surrounding fire.

SECTION 6: ACCIDENTAL RELEASE MEASURES

Personal Precautions: Isolate release area and keep unnecessary or untrained people away. See Section 8 for personal protection gear.
Environmental Precautions: Contain spill if it can be done with minimal risk. Prevent from entering drains, sewers or waterways. Material is not regulated by DOT or EPA.
Methods for Cleaning Up: Avoid actions such as use of compressed air or vigorous dry sweeping that may cause dusting. Place material into container for later use, recycle or disposal.

SECTION 7: HANDLING AND STORAGE

Handling: Plant processes should be designed to minimize or control airborne dusts. All bags and containers should be properly labeled. Keep bags unopened until use. Keep containers tightly sealed when not in use. Use only with adequate ventilation. Wash hands at end of shift or before eating or using restroom. Wear gloves, goggles and appropriate clothing to avoid repeated or prolonged contact. Use good hygiene practices when handling product, including changing and laundering work clothes after use.
Storage: Keep containers in a dry, cool, well-ventilated area. Keep containers tightly closed.

SECTION 8: EXPOSURE CONTROL AND PERSONAL PROTECTION

Exposure Limits

Component Name	ACGIH TLV-TWA	OSHA PEL-TWA
Particulate material	10 mg/m^3	15 mg/m^3
Calcium silicate	10 mg/m^3	15 mg/m^3 (total) 5 mg/m^3 (respirable)
Magnesium oxide	10 mg/m^3	15 mg/m^3

Engineering Controls: Use appropriate ventilation to maintain airborne concentration limits below exposure limits. Have eye wash stations and safety showers readily available.
Eye and Face Protection: Wear safety glasses or goggles to prevent dust from getting in eyes.
Skin Protection: Wear water-proof gloves to prevent contact. Additional body garments should be used based upon the task being performed.
Respiratory Protection: Use a properly fitted NIOSH respirator in areas where the exposure is unknown or above the OSHA PEL or ACGIH TLV.
General Hygiene: Follow accepted work practices for handling an alkaline material. Do not eat, drink or smoke in areas where this chemical is used or stored. Wash thoroughly with soap and water after task or shift, when using the restroom or before eating.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

Appearance/Physical State	Gray solid (powder)	**Flash Point**	Not Applicable
Specific Gravity (Water=1)	3.15	**Upper Flammability Limits**	Not Applicable
Evaporation Point	Not Applicable	**Lower Flammability Limits**	Not Applicable
pH (in water)	~12	**Auto-ignition Temperature**	Not Applicable
Solubility in Water	Slight (0.1 – 1%)	**Decomposition Temperature**	Not Determined
Odor	No distinct odor	**Vapor Pressure**	Not Applicable
Odor Threshold	Not Determined	**Vapor Density (Air-=1)**	Not Applicable
Melting/Freezing Point	>1000 °C	**Partition Coefficient (n-octanol/water)**	Not Applicable
Boiling Range	Not Applicable	**Viscosity** (cSt , 40 °C)	Not Applicable
Initial Boiling Point	Not Applicable	**Critical Temperature**	Not Determined
Note: Physical and chemical properties are provided for safety, health and environmental considerations and do not fully represent product specifications. Those should be requested separately.			

Blastox® Safety Data Sheet (SDS)

SECTION 10: STABILITY AND REACTIVITY

Reactivity: None
Chemical Stability: Stable when properly stored dry. Contact with water can produce calcium hydroxide.
Possibility of Hazardous Reactions: Will not occur under recommended conditions
Conditions to Avoid: Keep dry.
Incompatible Materials: Acids, ammonia salts or aluminum
Hazardous Decomposition Products: None

SECTION 11: TOXICOLOGICAL INFORMATION

Acute Effects: Aqueous solution can cause serious eye damage due to high alkalinity. Aqueous solution can cause severe skin irritation or burns due to high pH in water. Ingestion may cause burns or irritation to the linings of the mouth, throat, and gastrointestinal tract. Inhalation may be irritating or corrosive to the respiratory tract due to product's alkaline nature.
Target Organ Effects: Lungs and respiratory system: short-term or immediate effects of dust inhalation are expected to be coughing and mild respiratory irritation.
Pre-existing Conditions Aggravated by Exposure: Respiratory or skin disorders
Chronic Effects: Acute symptoms may be aggravated
Carcinogenicity: Contains no components known by IARC, NTP or OSHA to be carcinogenic. Blastox has been analyzed and does not contain detectible amounts (<0.2%) of crystalline quartz which is known to be carcinogenic.

SECTION 12: ECOLOGICAL INFORMATION

Ecotoxicity: Not Determined
Mobility: Not Determined
Degradability: Not Determined
Bioaccumulation: Not Determined

SECTION 13: DISPOSAL CONSIDERATION

Product is not regulated by EPA or DOT. Dispose in compliance with all applicable federal, state and local regulations.

SECTION 14: TRANSPORT INFORMATION

Proper Shipping Name: Not Regulated

SECTION 15: REGULATORY INFORMATION

TSCA Status: All components are listed in the TSCA inventory
SARA 311/312 Reporting Categories: Acute hazard
SARA 313 Reportable Ingredients: No ingredients listed

SECTION 16: OTHER INFORMATION

Department Issuing SDS Health and Safety

Disclaimer
While the information provided in this safety data sheet is believed to provide a useful summary of the hazards of Blastox as it is commonly used, the sheet cannot, and does not, anticipate and provide all of the information that might be needed in every situation. In particular, the data furnished in this sheet does not address hazards that may be posed by other materials mixed with Blastox products. Users therefore, should review other applicable safety data sheets before working with Blastox.

The TDJ Group, Inc. makes no warranty, expressed or implied, concerning the product or the merchantability or fitness thereof for any purpose or concerning the accuracy of any information provided by TDJ Group, Inc., except that the product shall conform to contracted specifications. The information provided herein was believed by TDJ Group, Inc. to be accurate at the time of preparation or prepared from sources believed to be reliable. But it is the responsibility of the user to investigate and understand other pertinent sources of information. To comply with all laws and procedures applicable to the safe handling and use for the product, and to determine the suitability of the product for its intended use.

SDS Blastox 10.15

EXHIBIT "C"

Cost Summary

N/A.

APPENDIX "A"

STANDARD CLAUSES FOR ALL NEW YORK STATE STATE SUPERFUND ORDERS

APPENDIX A

STANDARD CLAUSES FOR ALL NEW YORK STATE SUPERFUND ADMINISTRATIVE ORDERS

The parties to the State Superfund Order (hereinafter "Order") agree to be bound by the following clauses which are hereby made a part of the Order. The word "Respondent" herein refers to any party to the Order, other than the New York State Department of Environmental Conservation (hereinafter "Department").

I. Citizen Participation Plan

Within twenty (20) days after the Department places the site on the registry, Respondent shall submit for review and approval a written citizen participation plan prepared in accordance with the requirements of ECL §27-1417 and 6 NYCRR sections 375-1.10 and 375-3.10. Upon approval, the Citizen Participation Plan shall be deemed to be incorporated into and made a part of this Order.

II. Initial Submittal

Within thirty (30) days after the effective date of this Order, Respondent shall submit to the Department a Records Search Report prepared in accordance with Exhibit "B" attached to the Order. The Records Search Report can be limited if the Department notifies Respondent that prior submissions satisfy specific items required for the Records Search Report.

III. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

All activities at the Site that comprise any element of an Inactive Hazardous Waste Disposal Site Remedial Program shall be conducted pursuant to one or more Department-approved work plans ("Work Plan" or "Work Plans") and this Order and all activities shall be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, as required under CERCLA, 42 U.S.C. § 9600 *et seq*. The Work Plan(s) under this Order shall address both on-Site and off-Site conditions and shall be developed and implemented in accordance with 6 NYCRR § 375-1.6(a), 375-3.6, and 375-6. All Department-approved Work Plans shall be incorporated into and become enforceable parts of this Order. Upon approval of a Work Plan by the Department, Respondent shall implement such Work Plan in accordance with the schedule contained therein. Nothing in this Subparagraph shall mandate that any particular Work Plan be submitted.

The Work Plans shall be captioned as follows:

1. Site Characterization ("SC") Work Plan: a Work Plan which provides for the identification of the presence of any hazardous waste disposal at the Site;

2. Remedial Investigation/Feasibility Study ("RI/FS") Work Plan: a Work Plan which provides for the investigation of the nature and extent of contamination within the boundaries of the Site and emanating from such Site and a study of remedial alternatives to address such on-site and off-site contamination;

3. Remedial Design/Remedial Action ("RD/RA") Work Plan: a Work Plan which provides for the development and implementation of final plans and specifications for implementing the remedial alternative set forth in the ROD;

4. "IRM Work Plan" if the Work Plan provides for an interim remedial measure;

5. "Site Management Plan" if the Work Plan provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy; or

6. "Supplemental" if additional work plans other than those set forth in Subparagraph III.A.1-5 of Appendix A of this Order are required to be prepared and implemented.

B. Submission/Implementation of Work Plans

1. Respondent may opt to propose one or more additional or supplemental Work Plans (including one or more IRM Work Plans) at any time, which the Department shall review for appropriateness and technical sufficiency.

2. Any proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that Work Plan.

i. The Department shall notify Respondent in writing if the Department determines that any element of a Department-approved Work Plan needs to be modified in order to achieve the objectives of the Work Plan as set forth in Subparagraph III.A or to ensure that the Remedial Program otherwise protects human health and the environment. Upon receipt of such notification, Respondent shall, subject to dispute resolution pursuant to Paragraph XV, modify the Work Plan.

ii. The Department may request, subject to dispute resolution pursuant to Paragraph XV, that Respondent submit additional or supplemental Work Plans for the Site to complete the current remedial phase within thirty (30) Days after the Department's written request.

3. A Site Management Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

4. During all field activities conducted under a Department-approved Work Plan, Respondent shall have on-Site a representative who is qualified to supervise the activities undertaken in accordance with the provisions of 6 NYCRR 375-1.6(a)(3).

5. A Professional Engineer licensed and registered in New York State must stamp and sign all Work Plans other than SC or RI/FS Work Plans.

C. Submission of Final Reports and Periodic Reports

1. In accordance with the schedule contained in a Work Plan, Respondent shall submit a final report as provided at 6 NYCRR 375-1.6(b) and a final engineering report as provided at 6 NYCRR 375-1.6(c).

2. Any final report or final engineering report that includes construction activities shall include "as built" drawings showing any changes made to the remedial design or the IRM.

3. In the event that the final engineering report for the Site requires Site management, Respondent shall submit an initial periodic report by in accordance with the schedule in the Site Management Plan and thereafter in accordance with a schedule determined by the Department. Such periodic report shall be signed by a Professional Engineer or by such other qualified environmental professional as the Department may find acceptable and shall contain a certification as provided at 6 NYCRR 375-1.8(h)(3). Respondent may petition the Department for a determination that the institutional and/or engineering controls may be terminated. Such petition must be supported by a statement by a Professional Engineer that such controls are no longer necessary for the protection of public health and the environment. The Department shall not unreasonably withhold its approval of such petition.

4. Within sixty (60) days of the Department's approval of a Final Report, Respondent shall submit such additional Work Plans as is required by the Department in its approval letter of such Final Report. Failure to submit any additional Work Plans within such period shall be a violation of this Order.

D. Review of Submittals

1. The Department shall make a good faith effort to review and respond in writing to each submittal Respondent makes pursuant to this Order within sixty (60) Days. The Department's response shall include, in accordance with 6 NYCRR 375-1.6(d), an approval, modification request, or disapproval of the submittal, in whole or in part.

i. Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be deemed to be incorporated into and made a part of this Order and shall be implemented in accordance with the schedule contained therein.

ii. If the Department modifies or requests modifications to a submittal, it shall specify the reasons for such modification(s). Within fifteen (15) Days after the date of the Department's written

notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(3). If Respondent elects to modify or accept the Department's modifications to the submittal, Respondent shall make a revised submittal that incorporates all of the Department's modifications to the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(3). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

iii. If the Department disapproves a submittal, it shall specify the reasons for its disapproval. Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(4). If Respondent elects to modify the submittal, Respondent shall make a revised submittal that addresses all of the Department's stated reasons for disapproving the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(4). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

2. Within thirty (30) Days after the Department's approval of a final report, Respondent shall submit such final report, as well as all data gathered and drawings and submittals made pursuant to such Work Plan, in an electronic format acceptable to the Department. If any document cannot be converted into electronic format, Respondent shall submit such document in an alternative format acceptable to the Department.

E. Department's Issuance of a ROD

1. Respondent shall cooperate with the Department and provide reasonable assistance, consistent with the Citizen Participation Plan, in soliciting public comment on the proposed remedial action plan ("PRAP"), if any. After the close of the public comment period, the Department shall select a final remedial alternative for the Site in a ROD. Nothing in this Order shall be construed to abridge any rights of Respondent, as provided by law, to judicially challenge the Department's ROD.

2. Respondent shall have 60 days from the date of the Department's issuance of the ROD to notify the Department in writing whether it will implement the remedial activities required by such ROD. If the Respondent elects not to implement the required remedial activities, then this order shall terminate in accordance with Paragraph XIV.A. Failure to make an election or failure to comply with the election is a violation of this Order.

F. Institutional/Engineering Control Certification

In the event that the remedy for the Site, if any, or any Work Plan for the Site, requires institutional or engineering controls, Respondent shall submit a written certification in accordance with 6 NYCRR 375-1.8(h)(3) and 375-3.8(h)(2).

IV. Penalties

A. 1. Respondent's failure to comply with any term of this Order constitutes a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4). Nothing herein abridges Respondent's right to contest any allegation that it has failed to comply with this Order.

2. Payment of any penalties shall not in any way alter Respondent's obligations under this Order.

B. 1. Respondent shall not suffer any penalty or be subject to any proceeding or action in the event it cannot comply with any requirement of this Order as a result of any Force Majeure Event as provided at 6 NYCRR 375-1.5(b)(4). Respondent must use best efforts to anticipate the potential Force Majeure Event, best efforts to address any such event as it is occurring, and best efforts following the Force Majeure Event to minimize delay to the greatest extent possible. "Force Majeure" does not include Respondent's economic inability to comply with any obligation, the failure of Respondent to make complete and timely application for any required approval or permit, and non-attainment of the goals, standards, and requirements of this Order.

2. Respondent shall notify the Department in writing within five (5) Days of the onset of any Force Majeure Event. Failure to give such notice within such five (5) Day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall be deemed to know of any circumstance which it, any entity controlled by it, or its contractors knew or should have known.

3. Respondent shall have the burden of proving by a preponderance of the evidence that (i) the delay or anticipated delay has been or will be caused by a Force Majeure Event; (ii) the duration of the delay or the extension sought is warranted under the circumstances; (iii) best efforts were exercised to avoid and mitigate the effects of the delay; and (iv) Respondent complied with the requirements of Subparagraph IV.B.2 regarding timely notification.

4. If the Department agrees that the delay or anticipated delay is attributable to a Force Majeure Event, the time for performance of the obligations that are affected by the Force Majeure Event shall be extended for a period of time equivalent to the time lost because of the force majeure event, in accordance with 375-1.5(4).

5. If the Department rejects Respondent's assertion that an event provides a defense to non-compliance with this Order pursuant to Subparagraph IV.B, Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and Respondent's position prevails.

V. Entry upon Site

A. Respondent hereby consents, upon reasonable notice under the circumstances presented, to entry upon the Site (or areas in the vicinity of the Site which may be under the control of Respondent) by any duly designated officer or employee of the Department or any State agency having jurisdiction with respect to matters addressed pursuant to this Order, and by any agent, consultant, contractor, or other person so authorized by the Commissioner, all of whom shall abide by the health and safety rules in effect for the Site, for inspecting, sampling, copying records related to the contamination at the Site, testing, and any other activities necessary to ensure Respondent's compliance with this Order. Upon request, Respondent shall (i) provide the Department with suitable work space at the Site, including access to a telephone, to the extent available, and (ii) permit the Department full access to all non-privileged records relating to matters addressed by this Order. Raw data is not considered privileged and that portion of any privileged document containing raw data must be provided to the Department. In the event Respondent is unable to obtain any authorization from third-party property owners necessary to perform its obligations under this Order, the Department may, consistent with its legal authority, assist in obtaining such authorizations.

B. The Department shall have the right to take its own samples and scientific measurements and the Department and Respondent shall each have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled. The Department shall make the results of any such sampling and scientific measurements available to Respondent.

VI. Payment of State Costs

A. Within forty-five (45) days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for State Costs as provided by 6 NYCRR 375-1.5 (b)(3)(i). Failure to timely pay any invoice will be subject to late payment charge and interest at a rate of 9% from the date the payment is due until the date the payment is made.

B. Costs shall be documented as provided by 6 NYCRR 375-1.5(b)(3). The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Each such payment shall be made payable to the "Commissioner of NYSDEC" and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

D. The Department shall provide written notification to the Respondent of any change in the foregoing addresses.

E. If Respondent objects to any invoiced costs under this Order, the provisions of 6 NYCRR 375-1.5 (b)(3)(v) and (vi) shall apply. Objections shall be

sent to the Department as provided under subparagraph VI.C above.

F. In the event of non-payment of any invoice within the 45 days provided herein, the Department may seek enforcement of this provision pursuant to Paragraph IV or the Department may commence an enforcement action for non-compliance with ECL '27-1423 and ECL 71-4003.

VII. Release and Covenant Not to Sue

Upon the Department's issuance of a Certificate of Completion as provided at 6 NYCRR 375-1.9 and 375-2.9, Respondent shall obtain the benefits conferred by such provisions, subject to the terms and conditions described therein.

VIII. Reservation of Rights

A. Except as provided at 6 NYCRR 375-1.9 and 375-2.9, nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights or authorities, including, but not limited to, the right to require performance of further investigations and/or response action(s), to recover natural resource damages, and/or to exercise any summary abatement powers with respect to any person, including Respondent.

B. Except as otherwise provided in this Order, Respondent specifically reserves all rights and defenses under applicable law respecting any Departmental assertion of remedial liability and/or natural resource damages against Respondent, and further reserves all rights respecting the enforcement of this Order, including the rights to notice, to be heard, to appeal, and to any other due process. The existence of this Order or Respondent's compliance with it shall not be construed as an admission of liability, fault, wrongdoing, or breach of standard of care by Respondent, and shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action, which shall inure to the benefit of any third party. Further, Respondent reserves such rights as it may have to seek and obtain contribution, indemnification, and/or any other form of recovery from its insurers and from other potentially responsible parties or their insurers for past or future response and/or cleanup costs or such other costs or damages arising from the contamination at the Site as may be provided by law, including but not limited to rights of contribution under section 113(f)(3)(B) of CERCLA, 42 U.S.C. § 9613(f)(3)(B).

IX. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, the Trustee of the State's natural resources, and their representatives and employees harmless as provided by 6 NYCRR 375-2.5(a)(3)(i).

X. Notice of Transfer

If Respondent proposes to transfer by sale or lease the whole or any part of Respondent's interest in the Site, or becomes aware of such transfer, Respondent shall, not fewer than forty-five (45) Days before the date of transfer, or within forty-five (45) Days after becoming aware of such conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed or actual date of the conveyance, and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order. However, such obligation shall not extend to a conveyance by means of a corporate reorganization or merger or the granting of any rights under any mortgage, deed, trust, assignment, judgment, lien, pledge, security agreement, lease, or any other right accruing to a person not affiliated with Respondent to secure the repayment of money or the performance of a duty or obligation.

XI. Change of Use

Respondent shall notify the Department at least sixty (60) days in advance of any change of use, as defined in 6 NYCRR 375-2.2(a), which is proposed for the Site, in accordance with the provisions of 6 NYCRR 375-1.11(d). In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Respondent of such determination within forty-five (45) days of receipt of such notice.

XII. Environmental Easement

A. If a Record of Decision for the Site relies upon one or more institutional and/or engineering controls, Respondent (or the owner of the Site) shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36, and 6 NYCRR 375-

1.8(h)(2). Upon acceptance of the Environmental Easement by the State, Respondent shall comply with the requirements of 6 NYCRR 375-1.8(h)(2).

B. If the ROD provides for no action other than implementation of one or more institutional controls, Respondent shall cause an environmental easement to be recorded under the provisions of Subparagraph XII.A.

C. If Respondent does not cause such environmental easement to be recorded in accordance with 6 NYCRR 375-1.8(h)(2), Respondent will not be entitled to the benefits conferred by 6 NYCRR 375-1.9 and 375-2.9 and the Department may file an Environmental Notice on the site.

XIII. Progress Reports

Respondent shall submit a written progress report of its actions under this Order to the parties identified in Subparagraph IV.A.1 of the Order by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination date as set forth in Paragraph XIV, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Respondent in connection with this Site, whether under this Order or otherwise, in the previous reporting period, including quality assurance/quality control information; information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XIV. Termination of Order

A. This Order will terminate upon the earlier of the following events:

1. Respondent's election in accordance with Paragraph III.E.2 not to implement the remedial activities required pursuant to the ROD. In the event of termination in accordance with this Subparagraph, this Order shall terminate effective the 5th Day after the Department's receipt of the written notification, provided, however, that if there are one or more Work Plan(s) for which a final report has not been approved at the time of Respondent's notification of its election not to implement the remedial activities in accordance with the ROD, Respondent shall complete the activities required by such previously approved Work Plan(s) consistent with the schedules contained therein. Thereafter, this Order shall terminate effective the 5th Day after the Department's approval of the final report for all previously approved Work Plans; or

2. The Department's written determination that Respondent has completed all phases of the Remedial Program (including Site Management), in which event the termination shall be effective on the 5th Day after the date of the Department's letter stating that all phases of the remedial program have been completed.

B. Notwithstanding the foregoing, the provisions contained in Paragraphs VI and IX shall survive the termination of this Order and any violation of such surviving Paragraphs shall be a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4), subjecting Respondent to penalties as provided under Paragraph IV so long as such obligations accrued on or prior to the Termination Date.

C. If the Order is terminated pursuant to Subparagraph XIV.A.1, neither this Order nor its termination shall affect any liability of Respondent for remediation of the Site and/or for payment of State Costs, including implementation of removal and remedial actions, interest, enforcement, and any and all other response costs as defined under CERCLA, nor shall it affect any defenses to such liability that may be asserted by Respondent. Respondent shall also ensure that it does not leave the Site in a condition, from the perspective of human health and environmental protection, worse than that which existed before any activities under this Order were commenced. Further, the Department's efforts in obtaining and overseeing compliance with this Order shall constitute reasonable efforts under law to obtain a voluntary commitment from Respondent for any further activities to be undertaken as part of a Remedial Program for the Site.

XV. Dispute Resolution

A. In the event disputes arise under this Order, Respondent may, within fifteen (15) Days after Respondent knew or should have known of the facts which are the basis of the dispute, initiate dispute resolution in accordance with the provisions of 6 NYCRR 375-1.5(b)(2).

B. All cost incurred by the Department associated with dispute resolution are State costs subject to reimbursement pursuant to this Order.

C. Nothing contained in this Order shall be construed to authorize Respondent to invoke dispute resolution with respect to the remedy selected by the Department in the ROD or any element of such remedy, nor to impair any right of Respondent to seek judicial review of the Department's selection of any remedy.

XVI. Miscellaneous

A. Respondent agrees to comply with and be bound by the provisions of 6 NYCRR Subparts 375-1 and 375-2; the provisions of such Subparts that are referenced herein are referenced for clarity and convenience only and the failure of this Order to specifically reference any particular regulatory provision is not intended to imply that such provision is not applicable to activities performed under this Order.

B. The Department may exempt Respondent from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Order in accordance with 6 NYCRR 375-1.12(b), (c), and (d).

C. 1. Respondent shall use best efforts to obtain all Site access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform Respondent's obligations under this Order, including all Department-approved Work Plans and the schedules contained therein. If, despite Respondent's best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, Respondent shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Respondent in obtaining same.

2. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Respondent to modify the Work Plan pursuant to 6 NYCRR 375-1.6(d)(3) to reflect changes necessitated by Respondent's inability to obtain such interest.

D. The paragraph headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Order.

E. 1. The terms of this Order shall constitute the complete and entire agreement between the Department and Respondent concerning the implementation of the activities required by this Order. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order. In the event of a conflict between the terms of this Order and any Work Plan submitted pursuant to this Order, the terms of this Order shall control over the terms of the Work Plan(s). Respondent consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Order.

2. i. Except as set forth herein, if Respondent desires that any provision of this Order be changed, Respondent shall make timely written application to the Commissioner with copies to the parties listed in Subparagraph IV.A.1.

ii. If Respondent seeks to modify an approved Work Plan, a written request shall be made to the Department's project manager, with copies to the parties listed in Subparagraph IV.A.1.

iii. Requests for a change to a time frame set forth in this Order shall be made in writing to the Department's project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Respondent promptly.

F. 1. If there are multiple parties signing this Order, the term "Respondent" shall be read in the plural, the obligations of each such party under this Order are joint and several, and the insolvency of or failure by any Respondent to implement any obligations under this Order shall not affect the

obligations of the remaining Respondent(s) under this Order.

2. If Respondent is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Order are joint and several and the insolvency or failure of any general partner to implement any obligations under this Order shall not affect the obligations of the remaining partner(s) under this Order.

3. Notwithstanding the foregoing Subparagraphs XVI.F.1 and 2, if multiple parties sign this Order as Respondents but not all of the signing parties elect to implement a Work Plan, all Respondents are jointly and severally liable for each and every obligation under this Order through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Respondents electing to perform additional work shall be jointly and severally liable under this Order for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no obligations under this Order relative to the activities set forth in such Work Plan(s). Further, only those Respondents electing to implement such additional Work Plan(s) shall be eligible to receive the release and covenant not to sue referenced in Paragraph VII.

G. Respondent shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL 27-1421(6) and 6 NYCRR 375-1.5(b)(5).

H. Unless otherwise expressly provided herein, terms used in this Order which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations.

I. Respondent's obligations under this Order represent payment for or reimbursement of response costs, and shall not be deemed to constitute any type of fine or penalty.

J. Respondent and Respondent's successors and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent shall in no way alter Respondent's responsibilities under this Order.

K. This Order may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same