

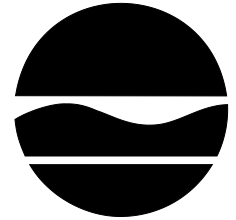
New York State Department of Environmental Conservation

Division of Environmental Remediation, Region 9

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Alexander B. Grannis
Commissioner

April 25, 2007

Mr. James J. Hamula Esq.
Gallagher & Kennedy, P.A.
2575 East Camelback Road
Suite 1100
Phoenix, Arizona 85016-9225

Dear Mr. Hamula,

**Vanadium Corporation of America
Site # 932001 Operable Unit #3
Remedial Design Work Plan
Town of Niagara, Niagara County**

The New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYS DOH) have reviewed the Remedial Design Work Plan for Operable Unit 3 of the Vanadium Corporation of America site. This work plan is acceptable and will be approved after the following requested revisions are made:

1. Section 2.4 SELECTED REMEDIAL ALTERNATIVE - This section refers to the Record of Decision (ROD), therefore please revise the bullet's to match the text found in the ROD;
2. Section 3.0 RA OBJECTIVES - Please define the acronyms such as SCGs and COPCs when they first occur;
3. Section 4.6 CAP CONSTRUCTION - Please indicate the source of the cap material, either an on-site borrow source or off-site commercial source;
4. Section 4.0 CONFIRMATORY SAMPLING - The sampling frequency shall be on a 100' by 100' grid. From the first sentence in the second paragraph please remove "... and protection of ecological resources..";
5. Section 4.9 WETLAND MITIGATION - The last sentence of the paragraph please remove "New York State Fish and Wildlife Department" and replace with NYSDEC Division of Fish and Wildlife;

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6. Section 6.1 DESIGN ELEMENTS - Please a bullet that includes the NYS DOH Community Health and Safety plan (CAMP). A copy of the plan is attached for your reference;
7. Section 6.3 FINAL RD REPORT, PARAGRAPH B, HEALTH AND SAFETY (H&S) PLANS - please add refernce to the include the CAMP monitoring requirements; and
8. Section 6.5 CONSTRUCTION PROGRESS REPORTS - First bullet, we do not need invoices and contract type documents in the monthly reports. Second bullet, test data on confirmatory samples need to be submitted as preliminary data in order to make field decisions on extent of excavation or backfill approval.

Please revise the Remedial Design Work Plan as required and resubmit for approval. If you have any question please call me at 716-851-7220.

Sincerely,

Michael J. Hinton P.E.
Division of Environmental Remediation

MJH:dcg
hinton\hamula-a1.ltr

cc: Mr. Gregory Sutton, Division of Environmental Remediation, Region 9
Maura Desmond Esq., Division of Environmental Enforcement, Buffalo Field Office
Mr. Matthew Forcucci, New York State DOH, Buffalo Region
Mr. Joseph Flynn, c/o Freeport McMoran Inc.
Mr. Mark Malone Esq, New York Power Authority
Mr. Edward Holman, New York Power Authority
Ms. Suzette D. Kosikowski, Niagara Power Project
Mr. William J. Holzhauer, Niagara Mohawk
Mr. Edward Neuhauser Niagara Mohawk
Mr. Jamie Puskas, P. Eng. Conestoga-Rovers & Associates