

**Soil Management Plan  
FiberMark North America, Inc.  
(Formerly REXAM DSI INC.)  
Bridge Street  
Brownville, NY 13615**

**VCP Site No. V00525-6  
Index No. B6-0610-02-3**

**1. Overview and objectives**

FiberMark North America, Inc. ("FiberMark") owns and operates a facility in Brownville, New York which is located on a rectangular tract of land, approximately 3.8-acres in size on the north side of the Black River and on the east and west sides of Bridge Street. It consists of two (2) buildings. The main plant and paper production operation are located on the west side of Bridge Street on a parcel of real property of about 3.5-acres. A warehouse is located on the east side of Bridge Street on a parcel of real property of about 0.3-acres and is used for finished product storage, shipping, receiving, and raw material storage. The production facility has been in operation for over 100 years and historically has been a cotton mill and a paper mill. The property is located at 44° 01' 00" latitude and 79° 59' 00" longitude and has the following tax map identifier 73.72-2-38 and is shown on Figure 1-1.

The portion of the property subject to this Soil Management Plan (the SMP) and the related Declaration of Covenants and Restrictions dated as of 2/26/07 is depicted on Figure 1-1 and hereafter, is referred to as the Site. The Site is the subject of a Voluntary Cleanup Agreement executed by Rexam Inc. ("Rexam") as part of the Brownfield Cleanup Program. Rexam formerly owned and operated the Brownville facility and sold it to a FiberMark affiliate in 2001. The Site has been characterized during several previous environmental investigations, and the user of this SMP should refer to the previous investigation reports for more detail, as needed.

The objective of this SMP is to set standards for the management of soil during any future activities which would breach the integrity of the cover system at the Site. This SMP has been reviewed and approved by the New York State Department of Environmental Conservation (NYSDEC), as shown in Exhibit 1-1.

## **2. Nature and extent of contamination**

Based on data obtained at the Site while preparing the Phase I Environmental Site Assessment (ESA) Report (August 2000) and from analytical data obtained from environmental media sampling conducted during the Phase II ESA Report (December 2000), a Site Investigation Workplan (SIW) was prepared and implemented under the NYSDEC Voluntary Cleanup Program (now known as the Brownfield Cleanup Program (BCP)). The results of that investigation were presented in a Site Investigation (SI) Report for FiberMark DSI, Inc. (Formerly REXAM DSI Inc.), December 2003, developed by ENVISION ENVIRONMENTAL, INC. (ENVISION). Based on these investigations and findings, no remediation was recommended at the Site.

The constituents of potential concern (COPCs) for Site soil consist primarily of petroleum-based products, semi-volatile organic compounds and metals. Further information regarding Site conditions can be found in the following reports prepared by ENVISION: "Phase I Environmental Site Assessment Report" (August 2000), "Phase II Environmental Site Assessment Report" (December 2000), and "Site Investigation Report" (December 2003).

In order to evaluate surface soil quality at the Site (including background surface soil quality), surface soil samples were collected from fifteen (15) locations for analysis, plus two (2) blind duplicate samples were collected. Soil analytical results were compared to applicable NYSDEC Technical and

Administrative Guidance Memo (TAGM) levels, as follows: RSCOs [Recommended Soil Cleanup Objectives], SCO PGQs [Soil Cleanup Objectives to Protect Groundwater Quality], SSBLs [site-specific background levels] (most and least conservative), and Eastern USA background levels for comparison purposes. Thirteen (13) of the surface soil samples collected were analyzed for polynuclear aromatic hydrocarbons (PAHs) and priority pollutant metals (PPMs) and four (4) of the surface soil samples were analyzed for semi-volatile organic compounds (SVOCs) [base neutrals (BNs) plus the forward library search for fifteen (15) tentatively identified compounds (BN+15)]. Any PAH and/or BN constituents detected were either below their applicable NYSDEC soil levels or were found in the background soil samples at similar concentrations. No BN+15 constituents were found in surface soil to exceed the NYSDEC TAGM #4046 general guideline for individual BN+15 constituents of <50,000 µg/Kg. Therefore, the presence of PAH/BN constituents in the soil samples representative of the Site soil are not considered a threat to human health or the environment. Additionally, these PAH/BN constituents were shown not to be a threat to human health or the environment in groundwater.

Any PPM constituents detected were either below their applicable NYSDEC soil levels or were found in the background soil samples at similar concentrations, except for arsenic and lead. Arsenic was only detected above the SSBLs and the published Eastern USA background levels within one (1) sample of the eleven (11) non-background soil samples collected. Lead was also only detected above the SSBLs and the published Eastern USA background levels within one (1) sample of the eleven (11) non-background soil samples collected. Due to the isolated occurrences of these exceedances for arsenic and lead in soil, and the groundwater analytical data showing these constituents are not above applicable thresholds, the extent of impact by these two (2) PPMs is considered minimal and does not present a potential threat to human health and the environment.

The areas relevant to this SMP which were investigated for the SIW and reported in the December 2003 SI Report consist of the following.

#### **Main Plant Exterior – Dumpster Area**

Dumpsters are staged outside of the northeast corner of the Site. Latex and dye-coated paper scrap and scrap metal are disposed of in them. A stormwater catchbasin was reportedly located next to these dumpsters at one time. A soil sample was collected below a crack in the concrete pad on which the dumpsters are staged and analyzed for VOC+15, BN+15 and PPM during the Phase II ESA. No VOCs or BNs were reported above the TAGM generic soil cleanup objectives. The PPMs (arsenic, beryllium, and nickel) were reported above TAGM generic soil cleanup objectives. This boring contained coal ash, cinders, and other urban fill material to 16-feet below grade. A catchbasin sediment sample was also collected from a nearby stormwater catchbasin and analyzed for VOC+15, BN+15 and PPM during the Phase II ESA. No VOCs were reported above the TAGM generic soil cleanup objectives. One (1) PAH (benzo(a)pyrene) and PPMs (beryllium, chromium, and zinc) were reported above TAGM generic objectives. This catchbasin receives stormwater sheet runoff from asphalt and the adjoining roadway (Bridge Street). During the SI, two (2) additional surface soil sample locations were collected to investigate the area; three (3) bedrock wells were installed and sampled; and an existing deep well was sampled to evaluate this area. The soil and groundwater samples were analyzed for PPMs and PAHs.

Laboratory analysis of the additional soil samples collected in this area reported PAHs benzo (a) pyrene and dibenzo (a,h) anthracene at concentrations slightly exceeding their RSCOs. However, these PAH constituents were reported at higher concentrations in the corresponding background

sample and duplicate sample and did not indicate potential impact to groundwater by exceeding their SCO PGQs, thus the extent of impact by these PAHs is considered minimal and is not a concern for soil for this area. Beryllium, chromium, and zinc in soil exceeded the published numerical RSCO in one (1) or both of the samples, but the Site background concentrations for these PPM constituents were not exceeded. Thus, the presence of beryllium, chromium, and zinc is not considered a soil constituent of concern for this area. Mercury in soil exceeded the published numerical RSCO, but was equal to the maximum Eastern USA background level. Thus, the presence of mercury is not considered a soil constituent of concern for this area.

Groundwater in this area is not considered a concern based on the NYSDEC's acceptance of the reporting levels for the six (6) PAHs (benzo (a) anthracene, benzo (b) fluoranthene, benzo (k) fluoranthene, chrysene, indeno (1,2,3-cd) pyrene, and benzo (a) pyrene) and two (2) PPMs (antimony and thallium). No PAHs were detected and no PPM concentrations exceeded the appropriate NYSDEC standards/guidance values in any of the groundwater samples

#### **Main Plant Exterior – Historic Fill**

The parking lot north of the Main Plant is constructed on demolition debris used to raise the elevation of the area. This area formerly contained water flumes and coal storage bunkers, and was approximately 25 feet lower in elevation. In 1993, the State of New York Department of Transportation (NYSDOT) filled in the area with construction debris. According to the NYSDOT, no contaminated material (hazardous waste, industrial waste, or petroleum products) was used to backfill the area. Two (2) soil borings were advanced and a test pit was excavated in this area during the Phase II ESA. Soil samples collected were analyzed for VOC+15, BN+15, PPM and PCBs. The borings were advanced

from 17.5-feet to 24-feet below grade; and the test pit was excavated to approximately 12-feet below grade. Coal ash, cinders, and construction debris were observed in the sample locations. No groundwater was encountered. No VOCs or PCBs were reported above the TAGM generic objectives in the soil samples collected. PAHs and metals generally associated with coal, ash, and cinders were detected above the TAGM generic soil cleanup objectives in these samples.

Nine (9) soil borings were completed to investigate the historic fill during the implementation of the SIW. In addition, three (3) bedrock wells were installed and sampled, and the existing deep well was sampled to evaluate the area. The soil and groundwater samples were analyzed for PAHs and PPMs.

- Five (5) PAH constituents (benzo (a) anthracene, benzo (a) pyrene, benzo (b) fluoranthene, chrysene, and/or dibenzo (a,h) anthracene) were detected in soil at concentrations exceeding or equal to their RSCOs.
- Two (2) PAH constituents (benzo (b) fluoranthene and/or chrysene) in soil were detected at concentrations exceeding or equal to their SCO PGQs in four (4) soil samples.
- Seven (7) PPM constituents (arsenic, beryllium, chromium, copper, mercury, selenium, and/or zinc) in soil were detected at concentrations equal to or exceeding their respective published numerical RSCO levels.
- Four (4) PPM constituents (arsenic, beryllium, selenium and/or silver) in soil were detected at concentrations exceeding or equal to their most conservative SSBLs.
- Mercury was detected in four (4) soil samples above its RSCO, but below the maximum Eastern USA background value, and below the Site background in this area.

- Chromium was detected above the published numerical RSCO level, but below the lowest Site background concentration in two (2) soil samples.
- Benzo (a) anthracene, benzo (b) fluoranthene, benzo (k) fluoranthene, chrysene, and indeno (1,2,3-cd) pyrene were not detected in groundwater. Although these compounds were not detected by the laboratory analyses, the laboratory analytical method detection reporting levels (lowest concentrations at which the constituents can be detected and reported by the laboratory) for these compounds were all higher than their respective NYSDEC guidance levels of 0.002 ug/l. Based on the July 11, 2003 communications from NYSDEC to ENVISION, these results were determined to be acceptable to the NYSDEC and are therefore not considered a concern. See Exhibit 2-1 for a copy of the July 11, 2003 NYSDEC letter.
- Benzo (a) pyrene was not detected in groundwater but its laboratory reporting level exceeded its closest applicable NYSDEC guidance levels. Although this compound was not detected by the laboratory analyses, the laboratory analytical method detection reporting level (lowest concentration at which the constituent can be detected and reported by the laboratory) for this compound was higher than its respective NYSDEC guidance levels of 0.002 ug/l. Based on the July 11, 2003 communications from NYSDEC to ENVISION, this result was determined to be acceptable to the NYSDEC and is therefore not considered a concern.
- Antimony and thallium were not detected in groundwater. Although these compounds were not detected by the laboratory analyses, the laboratory analytical method detection reporting levels (lowest concentrations at which the constituents can be detected and

reported by the laboratory) for these compounds were all higher than their respective NYSDEC guidance levels. Based on the July 11, 2003 communications from NYSDEC to ENVISION, these results were determined to be acceptable to the NYSDEC and are therefore not considered a concern.

Laboratory analysis of the soil in this area found PAHs benzo (a) anthracene, benzo (a) pyrene, benzo (b) fluoranthene, chrysene, and dibenzo (a,h) anthracene at low to moderate concentrations but which exceed the respective RSCOs, with benzo (b) fluoranthene and chrysene concentrations also exceeding their SCO PGQs. However, due to the detection of these PAH constituents in the background soil samples at similar concentrations, the presence of PAHs in soil samples representative of the area are not considered a concern. Laboratory analysis of the soil in this area reported PPMs arsenic, beryllium, selenium, and silver in soil at concentrations exceeding their RSCO or most conservative SSBL levels. Arsenic, beryllium, and selenium exceeded their RSCO or least conservative SSBL levels. Beryllium, selenium, and silver are not considered a concern as these constituents were detected at concentrations below their Eastern USA background levels or below one (1) of the SSBLs applied. The remaining PPM, arsenic, was only detected in one (1) sample above its RSCO, SSBLs and the Eastern USA background level. Due to the isolated detection of arsenic in soil above its NYSDEC guidance level and the groundwater analytical data indicating that this constituent is not a concern, the extent of impact by arsenic is considered minimal and does not warrant concern for this area.

Groundwater in this area is not considered a concern based on the NYSDEC's acceptance of the reporting levels for the six (6) PAHs (benzo (a) anthracene, benzo (b) fluoranthene, benzo (k) fluoranthene, chrysene, indeno (1,2,3-cd) pyrene, and benzo (a) pyrene) and two (2) PPMs (antimony

and thallium). No PAHs were detected and no PPM exceeded the appropriate standards/guidance values.

#### **Main Plant Exterior – Former No. 6 Fuel Oil Spill/Former Water Flume Area**

A spill of No. 6 fuel oil occurred in 1992 as a result of a pipe leak on the north side of the Main Plant. As part of a remedial action conducted in 1992/93 to address this oil release, soil was excavated, three (3) test pits were excavated, and a monitoring well was installed on the north side of the building. Although NYSDEC issued a No Further Action letter for this release, documentation on the post-excavation sample conditions was not available. A stormwater drainage pipe that conveys stormwater from the property to the Black River was installed in an old water flume on the northwest side of the Site. This flume may have received oil from the fuel oil spill that occurred in 1992. As part of the Phase II ESA, the soil that was used to bury the stormwater pipe in the old water flume was inspected by excavating trenches and collecting soil samples around the pipe. No visual evidence of released oil was observed. Two (2) test pit soil samples were collected and analyzed for VOC+15 and BN+15 during the Phase II ESA. No VOCs were detected above TAGM generic objectives. PAHs were reported greater than TAGM generic objectives. A soil sample collected near the 1992 release area was analyzed for VOC+15, BN+15, PPM and PCBs. Only PAHs and metals generally associated with coal, ash, and cinders were detected above the TAGM generic soil cleanup objectives. The monitoring well was also sampled and analyzed for VOC+15, BN+15 and PPM. No exceedances above the respective groundwater quality criteria were detected in the groundwater sample.

During the SI, six (6) exterior soil borings were completed to investigate this area. Three (3) bedrock wells were installed and sampled, and the existing deep well was sampled to evaluate the area. The soil and groundwater samples were analyzed for PAHs and PPMs.

- Five (5) PAH constituents (benzo (a) anthracene, benzo (a) pyrene, benzo (b) fluoranthene, chrysene, and/or dibenzo (a,h) anthracene) were detected in soil at concentrations exceeding or equal to their RSCOs.
- Two (2) PAH constituents (benzo (b) fluoranthene and/or chrysene) were detected in soil at concentrations exceeding or equal to their SCO PGQs.
- Six (6) PPM constituents (arsenic, beryllium, chromium, copper, mercury and/or zinc) were detected in soil samples equal to or above their respective published numerical RSCO levels.
- Two (2) PPM constituents (beryllium and lead) were detected in soil at concentrations exceeding or equal to their most conservative SSBLs.
- Mercury was detected in three (3) soil samples at a concentration above its RSCO, but below the Eastern USA background value and SSBLs.
- Benzo (a) anthracene, benzo (b) fluoranthene, benzo (k) fluoranthene, chrysene, and indeno (1,2,3-cd) pyrene were not detected in groundwater, but their laboratory reporting levels exceeded their NYSDEC guidance levels. Based on the July 11, 2003 communications from the NYSDEC to ENVISION, these results were determined to be acceptable to the NYSDEC and are therefore not considered a concern.

- Benzo (a) pyrene was not detected in groundwater but its reporting level exceeded its closest applicable NYSDEC guidance levels. Although this compound was not detected by the laboratory analyses, the laboratory analytical method detection reporting level (lowest concentration at which the constituent can be detected and reported by the laboratory) for this compound was higher than its respective NYSDEC guidance levels of 0.002 ug/l. Based on the July 11, 2003 communications from the NYSDEC to ENVISION, this result was determined to be acceptable to the NYSDEC and is therefore not considered a concern.
- Antimony and thallium were not detected in groundwater but their reporting levels exceeded their NYSDEC standard/guidance levels. Although these compounds were not detected by the laboratory analyses, the laboratory analytical method detection reporting levels (lowest concentrations at which the constituents can be detected and reported by the laboratory) for these compounds were all higher than their respective NYSDEC guidance levels. Based on the July 11, 2003 communications from the NYSDEC to ENVISION, these results were determined to be acceptable to the NYSDEC and are therefore not considered a concern.

Laboratory analysis of the soil in this area reported PAHs benzo (a) anthracene, benzo (a) pyrene, benzo (b) fluoranthene, chrysene, and dibenzo (a,h) anthracene at low to moderate concentrations exceeding their RSCOs, with benzo (b) fluoranthene and chrysene concentrations also exceeding their SCO PGQs. However, due to the detection of these PAH constituents in the background soil samples at similar concentrations, the presence of PAHs in the soil samples representative of the area is not considered a concern. Laboratory analysis of the soil in this area also reported PPMs beryllium and

lead in soil to exceed their RSCO or most conservative SSBLs, and their least conservative SSBLs. Lead also exceeded its Eastern USA background level. Of the PPMs reported, beryllium is not considered a concern as this constituent was detected at low concentrations below its Eastern USA background levels. Lead was detected above both the SSBLs and the Eastern USA background levels in only one (1) sample of all the soil samples analyzed. Due to the isolated detection of lead in soil above its NYSDEC guidance level and the groundwater analytical data indicating this constituent is not a concern, the extent of impact by this PPM is considered minimal and does not warrant concern for this area.

Groundwater in this area is not considered a concern based on the NYSDEC's acceptance of the reporting levels for the six (6) PAHs (benzo (a) anthracene, benzo (b) fluoranthene, benzo (k) fluoranthene, chrysene, indeno (1,2,3-cd) pyrene, and benzo (a) pyrene) and two (2) PPMs (antimony and thallium). No PAHs were detected and no PPM concentrations exceeded the appropriate standards/guidance values.

#### **Main Plant Exterior – Wastewater Pipeline**

An aboveground pipeline conveys wastewater from the Site to the adjoining Brownville Wastewater Treatment Plant. In the past, the pipeline at times overflowed onto the underlying pavement. A soil sample was collected below the cracked portion of the pavement and analyzed for VOC+15 and BN+15 during the Phase II ESA. No VOCs were reported above the TAGM generic objectives. PAHs typically associated with petroleum-based material (coal, coal ash, oil, asphalt, etc.) were reported greater than TAGM generic objectives. This boring was completed as a temporary monitoring well. The groundwater sample from the well was analyzed for VOC+15, BN+15 and PPM during the Phase

II ESA. No VOC or BN compounds were detected. One (1) lead result was reported to exceed the NYSDEC Water Quality Standard.

During the SI, four (4) exterior soil borings and one (1) shallow groundwater well were completed to investigate this area. The soil samples were analyzed for PAHs and PPMs, while the groundwater sample was analyzed for lead only.

- Five (5) PAH constituents (benzo (a) anthracene, benzo (a) pyrene, benzo (b) fluoranthene, chrysene, and/or dibenzo (a,h) anthracene) were detected in soil at concentrations exceeding or equal to their RSCOs.
- Two (2) PAH constituents (benzo (b) fluoranthene and/or chrysene) were detected in soil at concentrations exceeding or equal to their SCO PGQs.
- Seven (7) PPM constituents (arsenic, beryllium, chromium, copper, mercury, selenium, and/or zinc) were detected in surface soil samples equal to or above their respective published numerical RSCO levels.
- Five (5) PPM constituents (arsenic, beryllium, lead, selenium, and/or silver) were detected in soil at concentrations exceeding or equal to their most conservative SSBLs.
- Mercury was detected in soil at concentrations equal to or above its RSCO, but below the maximum Eastern USA background value and SSBLs.
- The dissolved PPM constituent lead was not detected in groundwater at a concentration exceeding its NYSDEC standard level.

Laboratory analysis of the soil in this area reported PAHs benzo (a) anthracene, benzo (a) pyrene, benzo (b) fluoranthene, chrysene, and dibenzo (a,h) anthracene at low to moderate concentrations, but which exceeded their respective RSCOs, with benzo (b) fluoranthene and chrysene concentrations also exceeding their SCO PGQs. However, due to the detection of these PAH constituents in the background soil samples at similar concentrations, the presence of PAHs in the soil samples representative of the area is not considered a concern. Laboratory analysis of the soil in this area showed arsenic, beryllium, silver, lead, and selenium in soil to exceed their RSCOs or most conservative SSBLs. Arsenic, beryllium, lead, and selenium also exceeded their RSCOs or least conservative SSBLs, but only lead and arsenic exceeded their Eastern USA background concentration. Of the PPMs reported, beryllium and selenium are not considered a concern as these constituents were detected at concentrations below their Eastern USA background levels. The remaining PPMs, arsenic and lead, were each detected above both their SSBLs and their Eastern USA background levels in only one (1) sample of all the samples analyzed. Such results are believed to be anomalies; while they are above NYSDEC guidance levels, the groundwater analytical data indicate the results are below applicable levels and these constituents are not a concern. The extent of impact by these PPMs is considered minimal.

Shallow groundwater associated with this area does not appear to require further evaluation for lead based upon the reported non-detection. In addition, none of the groundwater samples from the bedrock monitoring wells reported arsenic or lead.

## Groundwater

In order to evaluate groundwater quality at the Site, groundwater samples were collected from five (5) wells; three (3) bedrock wells, one (1) shallow well, and one (1) existing deep well. Additionally, one (1) duplicate groundwater sample was collected from one (1) of the deep wells. Thus a total of six (6) groundwater samples were collected to evaluate groundwater quality at the Site. Groundwater analytical results were compared to NYSDEC Technical and Operational Guidance Series (TOGS) levels (standards or guidance as applicable) for comparison purposes. The groundwater samples collected from the deep wells were analyzed for PAHs and dissolved PPMs. The well installed into the shallow groundwater was analyzed for dissolved lead only.

No PAH concentrations exceeding applicable NYSDEC standards/guidance levels were detected in any of the groundwater samples collected from the bedrock (deep) monitoring wells. The laboratory reporting limits for PAH constituents: benzo (a) anthracene, benzo (b) fluoranthene, benzo (k) fluoranthene, chrysene, indeno (1,2,3-cd) pyrene, and benzo (a) pyrene all exceeded their NYSDEC guidance levels. Although these compounds were not detected by the laboratory analyses, the laboratory analytical method detection reporting levels (lowest concentrations at which the constituents can be detected and reported by the laboratory) for these compounds were all higher than their respective NYSDEC guidance levels. Based on a July 11, 2003 communication from the NYSDEC to ENVISION, the reporting level concentrations for these six (6) PAH constituents were determined to be acceptable to the NYSDEC and are therefore not considered a concern at the Site.

No PPM concentrations exceeding applicable NYSDEC standards/guidance levels were detected in any of the groundwater samples collected from the bedrock (deep) monitoring wells. The reporting

limits for PPM constituents antimony and thallium exceeded their NYSDEC guidance levels in all five (5) deep groundwater samples. Although these compounds were not detected by the laboratory analyses, the laboratory analytical method detection reporting levels (lowest concentrations at which the constituents can be detected and reported by the laboratory) for these compounds were all higher than their respective NYSDEC guidance levels. Based on the July 11, 2003 communications from the NYSDEC to ENVISION, the reporting level concentrations for these two (2) PPM constituents were determined to be acceptable to the NYSDEC and are therefore not considered a concern at the Site.

Dissolved lead was not detected in the groundwater sample collected from the shallow groundwater monitoring well and is therefore not a concern.

In summary, the Site investigation groundwater data for PAHs and PPMs does not indicate these constituents are a concern.

### **3. Contemplated use**

The Site has been identified as being in an area that is zoned C-1 (commercial / industrial) per the Jefferson County Planning Department. The Site is anticipated to continue as an industrial facility and the operations at the Site are not expected to change in any material way. Therefore, the contemplated use of the property is to continue as Restricted Industrial/Commercial, which, absent NYSDEC approval, does not allow the property to be converted to residential uses, and requires the use of engineering or institutional controls.

The area surrounding the Site includes: the Village of Brownville Sewerage Treatment plant and then residential homes to the west; residential and commercial properties to the north including the American Legion Post, Stewart's Shop and Gas Station and Brennon's Grocery; to the south is the Black River and immediately across the Black River is the Brownville Specialty Paper Products Co., some residences and farmland; and the FiberMark DSI warehouse is to the east, then the Philomel Creek, then residential homes, followed by the Village of Glen Park. The General Brown Elementary School is approximately 0.4-miles to the east of the Site.

#### **4. Purpose and description of surface cover system**

With respect to this SMP, the purpose of the surface cover system is to reduce the potential for human contact with fill material and reduce the potential for contaminated runoff from the Site. According to the NYSDEC, the existing surface cover is sufficient to act as a protective barrier. The historic fill area is presently the Site's employee parking area, which is mostly crushed stone and asphalt-covered, and includes the dumpster area, which is concrete-covered. The majority of the area is covered with a mixture of asphalt and crushed stone, while the remainder is concrete paved. The borders of the historic fill area are soil-covered, which is a mixture of soil and crushed stone, and are sparsely vegetated. The employee parking area cover contains up to 6-inches of cover material (asphalt/crushed stone and sub-base material).

#### **5. Management of soils/fill and long term maintenance of cover system**

The purpose of this section is to summarize the standards for managing subsurface soils/fill and the long-term maintenance of the cover system during any future work which will breach the integrity of the cap system.

The standards consist of the following.

- Work relating to the cap system performed at the Site will be performed in accordance with all applicable local, state, and federal regulations to protect worker health and safety, and workers must be notified of relevant Site conditions.
- Any breach of the cover system for construction, repair or utilities work must be repaired using appropriate material. The affected area must be covered with clean soil and reseeded, covered with stone, or covered with impervious material such as concrete or asphalt, as described in Section 4, to prevent erosion and reduce the potential for human contact.
- Surface erosion from the cover system should be controlled at all times, including during construction activities. Such efforts include proper maintenance of any vegetative cover established on the property.
- As described in Section 5.1, Site soil that is excavated and will be removed from the property must be managed, characterized, and properly disposed of in accordance with NYSDEC regulations and directives.
- As described in Section 5.2, soil excavated at the Site may be reused as fill onsite, provided it contains no readily observable (i.e., visual or olfactory) evidence of contamination, and it is placed beneath a cover system component as described in Section 4. Also, any offsite fill material brought to the Site for filling and grading shall be from an acceptable borrow source free of industrial sources of chemical or petroleum contamination.

- The Owner shall have a qualified environmental professional complete and submit to the Department an annual report by January 15<sup>th</sup> of each year. Such report shall contain a certification that: the institutional controls put in place, pursuant to this SMP, are still in place, have not been altered and remain effective; that the engineering controls have been maintained; and that the conditions at the Site are protective of public health and the environment. If the cover system has been breached during the year covered by that annual report, the Site owner shall include in the annual report a certification that all work was performed in conformance with this SMP. In addition, it should be stated in said report that deed restrictions have been implemented in accordance with the requirements of the New York State Brownfield program, limiting the future use of the property to industrial development.
- Notwithstanding any other provision of this SMP, performing activities such as snow removal and routine landscaping (including mowing) shall not constitute breaches of any cap system, so long as these activities are performed in accordance with good managerial and engineering practices. Further, reduced depths of the gravel cap due to snow removal shall not constitute a breach of the cap, so long as such areas are replenished with gravel in accordance with good management and engineering practices after the end of the snow removal season.

## **5.1      Excavated and stockpiled soil/fill for offsite disposal**

- A.      Soil/fill that is excavated at the Site which cannot be reused as fill below the cover system will be characterized prior to proper disposal offsite. For such soil/fill with evidence of contamination (i.e., visual or olfactory indications), one (1) composite sample and one (1)

duplicate sample will be collected for each 100-cubic yards of stockpiled soil/fill. For excavated soil/fill that does not exhibit evidence of contamination but must be sent for offsite disposal, one (1) composite sample and one (1) duplicate sample will be collected for every 2,000-cubic yards of stockpiled soil, and a minimum of one (1) sample will be collected for volumes less than 2,000 cubic yards. Additional characterization sampling for offsite disposal may be required by the disposal facility. To potentially reduce offsite disposal requirements/costs, the owner or Site developer may also choose to characterize each stockpile individually, as described below.

B. The composite sample will be collected from five (5) locations within each stockpile. A duplicate composite sample will also be collected. Soil samples will be composited by placing equal portions of fill/soil from each of the five (5) sample locations into a pre-cleaned, stainless steel (or Pyrex glass) mixing bowl. The soil/fill will be thoroughly homogenized using a stainless steel scoop or trowel and transferred to pre-cleaned jars provided by the laboratory. Sample jars will then be labeled and a chain-of-custody form will be prepared. PID measurements will be recorded for each of the five (5) individual locations. One (1) grab sample (i.e., a discrete sample that is representative of one (1) specific sample site location at a specific point in time) will be collected from the individual location with the highest PID measurement. If none of the five (5) individual sample locations exhibit PID readings, one (1) location will be selected at random. The composite sample will be analyzed by a NYSDOH ELAP-certified laboratory for pH (EPA Method 9045C), Target Compound List (TCL) SVOCs, pesticides, and PCBs, and TAL metals, and cyanide.

C. The grab sample referred to in the preceding paragraph will be analyzed for TCL VOCs.

D. If the analytical results indicate that concentrations exceed the standards for RCRA characteristics, the material will be considered a hazardous waste and must be properly disposed offsite at a permitted disposal facility within 90-days of excavation. If the analytical results indicate that the soil is not a hazardous waste, the material will be properly disposed offsite at a non-hazardous waste facility. Stockpiled soil cannot be transported on or offsite until the analytical results are received.

## **5.2 Soil for use onsite**

Material generated onsite or brought from offsite which will be used to backfill excavations or placed to increase Site grades or elevation shall meet the following criteria.

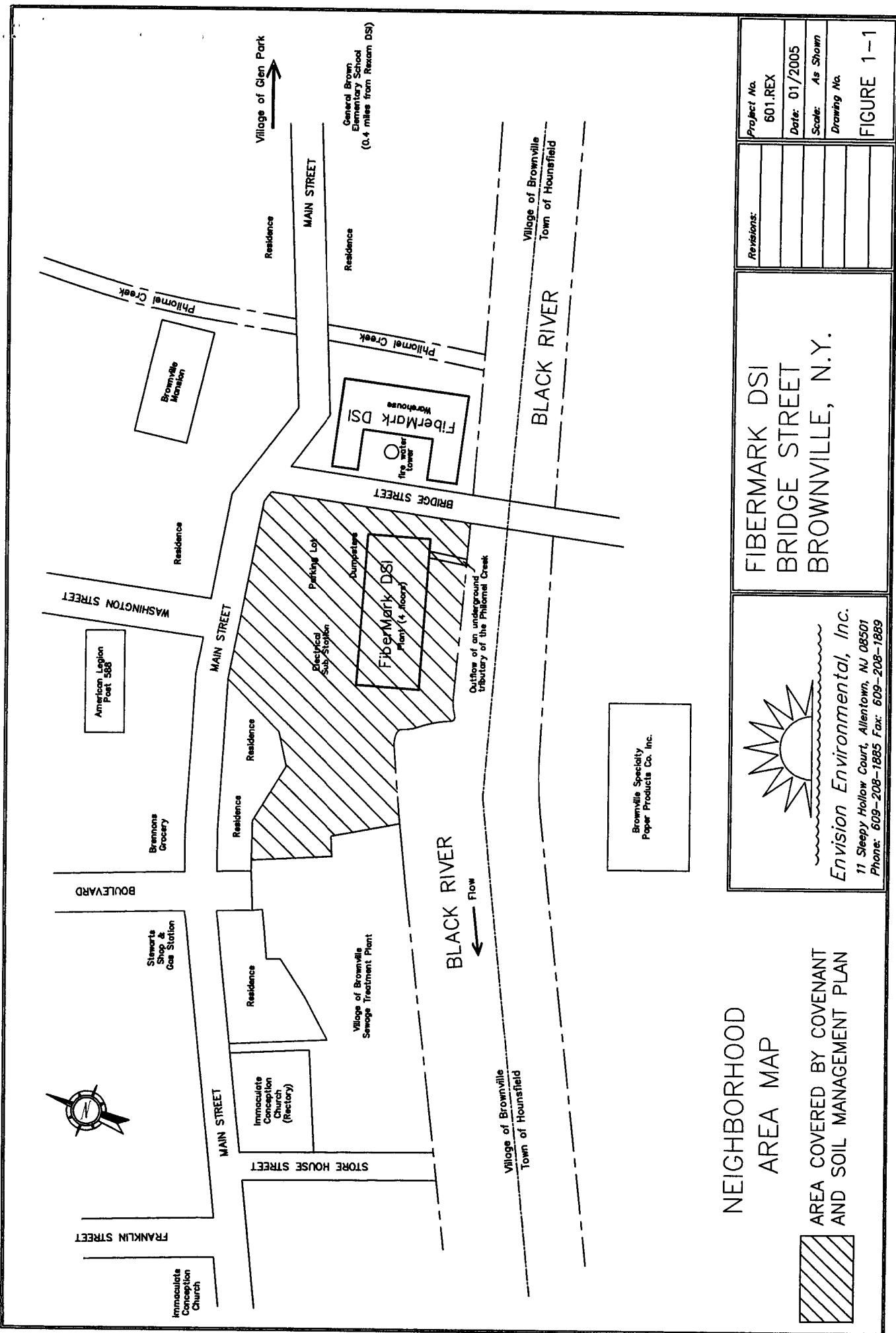
- A. Excavated onsite soil/fill which appears to be impacted with contamination shall be sampled and analyzed for offsite disposal purposes as outlined in Section 5.1.
- B. Any offsite fill material brought to the Site for filling and grading purposes shall be from an acceptable borrow source free of industrial sources of chemical or petroleum contamination; additionally, it cannot otherwise be defined as a solid waste in accordance with 6 NYCRR Part 360-1.2(a). One (1) representative composite sample per source of such material should be collected and analyzed for TCL VOCs, SVOCs, pesticides, PCBs, and TAL metals plus cyanide. Such material shall be suitable for use onsite provided that all results meet the applicable NYSDEC recommended soil cleanup objectives included in TAGM 4046 and/or Site background conditions.

The offsite fill material will be tested via collection of one (1) composite sample per 500-cubic yards of material from each source area. If more than 1,000-cubic yards of soil are borrowed from a given offsite non-virgin soil source area and both samples of the first 1,000-cubic yards meet Site background conditions, the sample collection frequency will be reduced to one (1) composite for every 2,500-cubic yards of additional soils from the same source, up to 5,000-cubic yards. For borrow sources greater than 5,000-cubic yards, sampling frequency may be reduced to one (1) sample per 5,000-cubic yards, provided all earlier samples met the Site background conditions. Site background conditions are listed in the December 2003 SI Report.

If the contractor designates a source as "virgin" soil, it shall be further documented in writing to be native soil material from areas not having supported any known prior industrial or commercial development or agricultural use. Virgin soils shall be characterized by collecting and analyzing one (1) representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, and cyanide. The soil will be acceptable for use as backfill provided that all parameters meet the Site background conditions as listed in the December 2003 SI Report.

**Final  
May 2005**

**FIGURE**



**Final  
May 2005**

**EXHIBIT 1-1**

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation, Region 6**  
Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787  
**Phone:** (315) 785-2513 • **FAX:** (315) 785-2422  
**Website:** [www.dec.state.ny.us](http://www.dec.state.ny.us)



November 14, 2005

Mr. Mark P. Roman, CHMM  
Envision Environmental Inc.  
11 Sleepy Hollow Court  
Allentown NJ 08501

RE: FiberMark DSI, Inc. (Former REXAM DSI INC. Facility)

Dear Mr. Roman:

Thank you for submitting the Soil Management Plan and Declaration of Covenants and Restrictions. Both documents are approved for filing with the Jefferson County Clerk's Office. Please provide a filed and certified copy of both documents to this office as soon as possible so we may finalize the program.

If you have any further questions, please feel free to contact me.

Sincerely,

Peter S. Onderkirk, P.E.  
Project Manager

PSO:als

cc: Darrell M. Sweredoski  
Fay Navratil - NYSDOH - Troy

**Final  
May 2005**

**EXHIBIT 2-1**

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation, Region 6**  
**Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787**  
**Phone: (315) 785-2513 • FAX: (315) 785-2422**  
**Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)**



July 11, 2003

**Mr. Mark P. Roman, CHMM  
ENVISION ENVIRONMENTAL INC.  
21 Priscilla Lane  
Howell, New Jersey 07731**

**RE: FIBERMARK DSI, INC. (FORMER REXAM FACILITY)  
MONTHLY REPORT NO. 9**

Dear Mr. Roman:

The Department has received and reviewed above referenced report dated July 10, 2003. As I discussed with you on the phone, the Department agrees with your interpretation concerning the potential for groundwater contamination and the evaluation of the current results. At this time there does not appear to be any evidence of PAH or metal contamination of significance in site soils or groundwater. Therefore, the groundwater samples should be considered as representative of site conditions even with the several elevated MDL's for those specified compounds.

Thank you for submitting this report for our review. If you have any further questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'PSO' followed by a stylized surname.

**Peter S. Onderkirk, P.E.  
Project Manager**

PSO:kw

**cc: Darrell M. Sweredoski  
Fay Navratil, New York State Department of Health**