

Former Mill No. 2 Site
NIAGARA COUNTY, NEW YORK

Final Engineering Report

NYSDEC BCP Site Number: C932150

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Prepared for:

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JUNE 2012

CERTIFICATIONS

I, John Mohlin, am currently a registered professional engineer licensed by the State of New York, I had primary direct responsibility for implementation of the remedial program activities (except as noted below), and I certify that the *Soil Excavation Interim Remedial Measure (IRM) Work Plan (ERM, 2011b)* was implemented and that all construction activities were completed in substantial conformance with the Department-approved Work Plan.

I certify that the data submitted to the Department with this Final Engineering Report (FER) demonstrates that the remediation requirements set forth in the *Soil Excavation IRM Work Plan (ERM, 2011b)* and in all applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established in for the remedy.

I certify that all use restrictions, Institutional Controls (ICs), Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan (SMP) has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells (MW), and that such plan has been approved by Department (ERM, 2012b).


I certify that all documents generated in support of this report have been submitted in accordance with the Division of Environmental Remediation's (DER's) electronic submission protocols and have been accepted by the Department.

I certify that all data generated in support of this report have been submitted in accordance with the Department's electronic data deliverable (EDD).

This certification statement, however, does not constitute certification of work completed by others. The completion of work set forth in the *Revised Addendum to the Soil Excavation IRM Work Plan (ERM, 2011d)* is certified by Los Alamos Technical Associates, Inc. (LATA) in their report provided as Appendix B of the

Remedial Alternatives Analysis (AA) and IRM Construction Completion Report (ERM, 2012a). The completion of work set forth in the *IRM Work Plan – Demolition of Mill No. 2 (C&S, 2010)* and *IRM Work Plan for Demolition of Building No. 10 and the Wastewater Pre-Treatment Plant (ERM, 2011a)* is certified by Ontario Specialty Contracting, Inc. (OSC) in their letter and documentation provided as Appendix E of the *Remedial AA and IRM Construction Completion Report (ERM, 2012a).*

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, John Mohlin, of ERM Consulting & Engineering, Inc. (ERM), am certifying as Volunteer's Designated Site Representative.



John Mohlin, P.E.
License No. 077921



6/14/12

Date

Warning: It is a violation of the NYS Education Law Article 145 for any person, unless he is acting under the direction of a licensed Professional Engineer, to alter this item in any way.

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LIST OF ACRONYMS

| Acronym | Definition |
|----------|---------------------------------------|
| AA | Alternatives Analysis |
| AFI | AFI Environmental |
| Allied | Allied Waste Services |
| BCA | Brownfield Cleanup Agreement |
| BCP | Brownfield Cleanup Program |
| BDA | Beardsley Design Associates |
| C&D | Construction & Demolition |
| C&S | C&S Engineers, Inc. |
| CAMP | Community Air Monitoring Program |
| Cerrone | Mark Cerrone, Inc. |
| CME | CME Associates, Inc. |
| COPCs | Chemicals of Potential Concern |
| DER | Division of Environmental Remediation |
| EDD | Electronic Data Deliverable |
| EQ | Environmental Quality Landfill |
| ERM | ERM Consulting and Engineering, Inc. |
| ETA | Existing Transformer Area |
| EVS | Environmental Visualization Software© |
| FER | Final Engineering Report |
| GRD | Greater Radiological Dimensions, Inc. |
| Greenpac | Greenpac Mill, LLC |
| HASP | Health and Safety Plan |
| Ingalls | Ingalls Site Development, Inc. |
| ICs | Institutional Controls |
| IRM | Interim Remedial Measure |
| LATA | Los Alamos Technical Associates, Inc. |
| Metzger | Metzger Construction |
| MMT | MiniMill Technologies, Inc. |

| | |
|-------------------|---|
| Modern | Modern Corporation |
| MW | Monitoring Well |
| NFWB | Niagara Falls Water Board |
| Norampac | Norampac Industries, Inc. |
| NYCRR | New York Codes, Rules, and Regulations |
| NYSDEC | New York State Department of Environmental Conservation |
| OSC | Ontario Specialty Contracting, Inc. |
| OSEA | OSEA, Inc. |
| PCBs | Polychlorinated Biphenyls |
| PID | Photoionization Detector |
| PM-10 | Particulate emissions less than 10 micrometers in size |
| ppm | Parts per million |
| PRR | Periodic Review Report |
| RAD | Radiologically affected |
| RAOs | Remedial Action Objectives |
| RI | Remedial Investigation |
| SCOs | Soil Cleanup Objectives |
| SMP | Site Management Plan |
| SVOCs | Semivolatile Organic Compounds |
| SWPPP | Storm Water Pollution Prevention Plan |
| TAL | Target Analyte List |
| TCL | Target Compound List |
| TCLP | Toxicity Characteristic Leaching Procedure |
| µg/m ³ | Micrograms per Cubic Meter |
| VOCs | Volatile Organic Compounds |
| WWTP | Wastewater Treatment Plant |
| Yarussi | Yarussi Construction, Inc. |
| | |

FINAL ENGINEERING REPORT

1.0 BACKGROUND AND SITE DESCRIPTION

Greenpac Mill, LLC (Greenpac) entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) in April 2010 to investigate and remediate an 18.52-acre property located at 4400 Royal Avenue in Niagara Falls, Niagara County, New York (hereinafter referred to as the “Site”; see Figure 1-1). The property was remediated to industrial use and is intended for continued industrial use.

The Site is located in the County of Niagara, New York and is designated on the Tax Map of the County Clerk of Niagara as tax map parcel numbers: Section 160.09 Block 1 Lot 3 and Section 700.00 Block 41 Lot 2. The Site is an approximately 18.52-acre area bounded by an active paper mill (Mill No. 1) operated by Norampac Industries, Inc. (Norampac) to the north, National Grid property to the west; Royal Avenue, Former Frontier Chemical Site (NYSDEC Inactive Hazardous Waste Disposal Site No. 9-32-110), and additional property owned by Greenpac (not part of BCP Site and currently occupied by Frank’s Vacuum Service) to the south; and the former Frontier Chemical Site, 47th Street, and Sentry Metal Services to the east (see Figure 1-2). The Site is comprised of four tax map parcels as summarized below:

| | |
|---------------------------------|---|
| Tax Map Parcel No. 160.09-1-3 | Located entirely within Site boundary |
| Tax Map Parcel No. 160.09-1-5 | Located entirely within Site boundary |
| Tax Map Parcel No. 700.00-41-2 | Located entirely within Site boundary |
| Tax Map Parcel No. 160.05-2-5.1 | Boundary of parcel extends beyond Site boundary |

The boundaries of the Site are more fully described in the survey map and the metes & bounds descriptions that are part of the Environmental Easement and included as Appendix A.

There are no remaining permanent survey markers on-Site.

An electronic copy of this FER with all supporting documentation is included as Appendix B.

2.0 SUMMARY OF SITE REMEDY

2.1 REMEDIAL ACTION OBJECTIVES

Based on the results of the Remedial Investigation (RI), the following Remedial Action Objectives (RAOs) were identified for this Site.

2.1.1 *Ground Water RAOs*

RAOs for Public Health Protection

- Prevent ingestion of ground water with contaminant levels exceeding drinking water standards.

2.1.2 *Soil RAOs*

RAOs for Public Health Protection

- Prevent ingestion/direct contact with soil that poses a risk to public health and the environment given the current and future intended industrial use of the Site; and
- Prevent inhalation of or exposure to contaminants volatilizing from contaminants in soil.

2.2 DESCRIPTION OF SELECTED REMEDY

The Site was remediated in accordance with the remedy selected by the NYSDEC in the Remedial Alternatives Analysis (AA) and Interim Remedial Measure (IRM) Construction Completion Report (ERM, 2012a) dated May 2012. An electronic copy of this document is provided in Appendix C.

The factors considered during the selection of the remedy are those listed in 6 New York Codes, Rules, and Regulations (NYCRR) 375-1.8. The following are the components of the selected remedy:

1. Excavation of soil/fill exceeding Industrial Soil Cleanup Objectives (SCOs), and Site-specific screening criteria listed in Table 1-1, and as shown in Figure 2-1, to a depth of 15 feet or bedrock, whichever was shallower;
2. Demolition of the Former Mill No. 2, Building 10, and the two southernmost tanks for the Wastewater Treatment Plant (WWTP).

3. Execution and recording of an Environmental Easement to restrict land use to industrial, as well as to restrict the use of ground water from beneath the Site without treatment rendering it safe for the intended use, and thereby prevent future exposure to any contamination remaining at the Site.
4. Development and implementation of a SMP for long term management of any remaining contamination as may be required by the Environmental Easement, which includes plans for: (1) ICs, (2) sampling (as needed), and (3) reporting; and
5. Periodic certification of the ICs listed above.

Remedial activities were substantially completed at the Site in December 2011. An electronic version of the NYSDEC-approved SMP is provided in Appendix D.

3.0 SUMMARY OF INTERIM REMEDIAL MEASURES

Between December 2010 and February 2012, the structures on the Site were demolished based on the following work plans:

- IRM Work Plan – Demolition of Mill No. 2 (C&S Engineers, Inc. (C&S), 2010); and
- IRM Work Plan for Demolition of Building No. 10 and Wastewater Pre-Treatment Plant (ERM, 2011a).

Between July 2011 and December 2011, a soil excavation IRM was conducted in accordance the following documents:

- Soil Excavation IRM Work Plan (ERM, 2011b); and
- Revised Addendum to the Soil Excavation IRM Work Plan (ERM, 2011d).

Documentation of NYSDEC approval of these work plans is provided in Appendix E.

The Soil Excavation IRM consisted of:

- Excavation of soil above Industrial SCOs and other Site-specific screening criteria (referred to as Chemical Hot Spots);
- Excavation of radiologically affected (RAD) soil (referred to as RAD Hot Spots); and
- Excavation of soil as part of the construction and installation of foundations for the new recycling facility building (i.e., the new building footprint, also referred to as the Main Excavation) and all other required foundation areas within the Site (e.g., the WWTP).

Table 3-1 summarizes the handling and disposal of soil excavated during the Soil Excavation IRM. In summary, the following approximate quantities of soil were shipped off-Site:

- 67,827 tons to Allied Waste Services (Allied) Landfill in Niagara Falls, New York for reuse;
- 108,389 tons to Allied Landfill in Niagara Falls, New York for disposal; and
- 27,450 tons to Modern Landfill in Niagara Falls, New York for disposal; and

- 20,087 tons of RAD soil to Environmental Quality (EQ) Landfill in Belleville, Michigan for disposal.

Upon completion of these IRM activities, the Remedial AA and IRM Construction Completion Report (ERM, 2012a) was prepared documenting these activities and certifying that a Track 2 Cleanup meeting Industrial SCOs was achieved. In combination with ICs, this report noted that the IRM activities would comprise the final remedy for the Site. In the May 2012 Decision Document (NYSDEC 2012b), NYSDEC confirmed that the remedy was complete and no further remediation was necessary.

The information and certifications made in the Remedial AA and IRM Construction Completion Report (ERM, 2012a) were relied upon to prepare this FER, and certify that the remediation requirements for the Site have been met. The following table summarizes the certifying entities for the various IRM activities:

| Work set forth in: | Certifying Entity: |
|---|--------------------|
| Soil Excavation IRM Work Plan (ERM, 2011b) | ERM |
| Revised Addendum to the Soil Excavation Work Plan (ERM, 2011d) | LATA |
| IRM Work Plan – Demolition of Mill No. 2 (C&S, 2010) | OSC |
| IRM Work Plan for Demolition of Building No. 10 and Wastewater Pre-Treatment Plant (ERM, 2011a) | OSC |

The following sections summarize the work performed as IRMs.

3.1 REMEDIAL MOBILIZATION

Prior to initiating excavation work, all underground utilities potentially affected by the project were identified by MiniMill Technologies, Inc. (MMT) using public

and private utility clearance methods. Because the soil disturbance at the Site exceeded five acres, a full Storm Water Pollution Prevention Plan (SWPPP) was prepared by Beardsley Design Associates (BDA) of Dewitt, New York. In addition, a Notice of Intent for storm water discharges from construction activities in New York was filed with the NYSDEC. The SWPPP was implemented by the excavation contractors in a manner consistent with the New York State Standards and Specifications for Soil Erosion and Sediment Control. The SWPPP requires weekly inspections and inspections after rain events. The records show the inspections performed by CME Associates, Inc. (CME) were all rated "satisfactory".

Pre-construction and periodic meetings were held at the Site to review site work performed, problems encountered and proposed resolutions, data received, BCP requirements, and regulatory review and input. The meetings were typically attended by representatives of Greenpac, the NYSDEC, and ERM. The standard agenda for these meetings included the following topics:

- demolition operations and status;
- excavation operations and status;
- on-Site reuse;
- off-Site reuse;
- RAD investigation and remediation status;
- hotspot delineations and excavations;
- BCP Site boundary definition; and
- reporting requirements.

Formal progress meetings with the NYSDEC were held at the Site on the following dates in 2011:

- 3 May;
- 7 June;
- 10 August;
- 17 August;
- 25 August;
- 31 August;
- 7 September;

- 14 September;
- 21 September;
- 28 September;
- 5 October;
- 12 October;
- 19 October;
- 25 October;
- 2 November;
- 9 November;
- 17 November;
- 30 November;
- 7 December;
- 14 December; and
- 20 December.

A meeting summary was prepared to describe specific issues addressed at individual meetings. Copies of the summaries for meetings listed above are provided in Appendix F. Additionally, Monthly Progress Reports were prepared as required by the BCA to further summarize the progress of Site remediation activities. These reports were submitted to the NYSDEC on a monthly basis. Copies of Monthly Progress Reports for May 2011 through December 2011 are presented in Appendix G.

Access to the Site was restricted and general Site security was maintained through perimeter fencing and the establishment of two secured access gates to the Site; one at the Packard Road entrance and the other at the Royal Avenue entrance. Both gates were manned with dedicated security personnel at times when the gates were not locked. NYSDEC BCP project signs consistent with NYSDEC guidance were erected at both the Packard Road and Royal Avenue Site entrances. The project sign at the Packard Road entrance was subsequently moved to its current location at the 47th Street entrance after the Packard Road entrance was closed and the 47th Street entrance was opened. Site security incidents were not encountered during implementation of the remedial action.

Observations of site remedial work were documented and recorded by ERM in dedicated field notebooks, on sampling forms, or in photographs. A bill of

loading, ticket, or non-hazardous manifest was generated for each load of soil that was transported from the Site.

Areas were established for the decontamination of equipment as appropriate based on Site conditions in order to facilitate the collection of representative samples, associated laboratory analytical data, and to facilitate the protection of Site work health and safety. Equipment arriving at the Site was inspected to ensure it appeared to be clean prior to entrance into the Site. The amount of equipment decontamination required at the Site during the remedial construction was significantly minimized through the use of dedicated equipment for contaminated and clean soil (e.g., excavator buckets, trucks, etc. being used exclusively for contaminated or clean soil). Excavation and other equipment were cleaned prior to exit from the Site. The following procedures were generally used for decontamination of remedial excavation equipment over contaminated soil piles or at dedicated cleaning areas (e.g., at truck-washing stations) as appropriate based on Site conditions:

- scrape or power-wash visible soil or other material from the surface;
- steam cleaning or power-washing using potable water; and
- visual inspection and assessment of cleaned equipment using appropriate field meters (PID or Ludlum RAD meter).

Chemical-resistant gloves or other PPE used by Site workers was disposed with contaminated soil leaving the site for disposal at a permitted landfill.

Rinse waters from Site decontamination activities in non-RAD areas that lacked visual, olfactory, or PID evidence of contamination were discharged on-Site. Rinse waters that possessed visual, olfactory, or PID evidence of contamination were pumped into temporary wastewater storage containers for subsequent sampling and analysis for waste characterization purposes.

Soil excavation work for the new building foundation was initiated on 9 July 2011 according to the plan and approach prepared by the excavation contractor, Ingalls Site Development, Inc. (Ingalls) of West Seneca, New York. Ingalls performed soil excavation work from the 9 July 2011 through 7 November 2011. Yarussi Construction, Inc. (Yarussi) of Niagara Falls, New York and Mark Cerrone, Inc. (Cerrone) of Niagara Falls, New York performed soil excavation work from 1 November 2011 until 31 December 2011. Throughout this period, additional excavation was conducted as part of the site redevelopment (e.g., the WWTP Area), as well as to address Chemical and RAD hot spots. ERM field

representatives were on-site whenever excavation work was being performed between 9 July 2011 and 31 December 2011. ERM field representatives were also on-Site after this date to observe other soil excavation activities associated with Site redevelopment (see Section 7.0 for further detail).

3.2 EXCAVATION OF SOIL FROM NEW BUILDING FOOTPRINT

As part of the Site redevelopment, a new building is being constructed. As part of the IRM, excavation of the foundation within the new building footprint was divided into five phases. Soil in Phases 1 through 4 was excavated to bedrock which occurs at approximately 12 feet. Therefore, all soil above Industrial SCO was removed from Phases 1 through 4. In Phase 5, the target depth for the foundation of this building was six feet. For structural reasons, the excavation proceeded to greater depths (and to bedrock in some areas). Furthermore, soil above Industrial SCO in Phase 5 was excavated to depths of 9 to 12 feet in order to achieve the Track 2 Brownfield Cleanup Program (BCP) cleanup requirements. Figure 3-1 presents the extent of excavation with the footprint of the new building.

Excavated soil (all non-hazardous) was direct-loaded without stockpiling into trucks for transport to Allied or Modern Corporation (Modern) landfills in Niagara Falls, New York in accordance with Table 3-1. Any RAD soil was temporarily staged before loading and sent off-site to EQ Facility in Belleville, Michigan. Clean soil determined by modeled delineations as below Residential SCO and meeting field screening criteria was sent to Allied or Modern for reuse, or reused on-site if determined structurally suitable.

In areas where Industrial SCO were exceeded, confirmation and documentation samples were collected from excavation walls and the excavation floor in areas which did not reach bedrock. Depths for wall and floor samples varied in order to target specific areas (i.e., intervals with greatest impacts during previous sampling in these areas). The sampling results confirmed that all soil above the Industrial SCO within the new building footprint was excavated to the appropriate extents, thereby meeting the Track 2 cleanup requirements for this area.

As necessary for structural reasons, some backfill was placed within this area. This material consisted of crushed concrete from on-Site building demolition operations, and two-inch crushed rock from LaFarge Quarry in Niagara Falls, New York. In addition, small areas within Phase 5 were excavated and backfilled

with flowable fill (which does not contain fly ash). Additional information regarding on-site reuse of crushed concrete is provided in Section 3.6. Additional information regarding crushed rock backfill is provided in Section 3.8.1.

3.2.1 PROBLEMS ENCOUNTERED

During implementation of the Soil Excavation IRM, radiologically-impacted soil was detected within the footprint of the proposed new building. Additional detail on the actions taken to address this issue is presented in Section 3.4 and Section 3.14.

3.3 EXCAVATION OF SOIL FROM CHEMICAL HOT SPOTS

During the RI, 10 Chemical Hot Spots were identified outside the Main Excavation where soil contained constituents above the Industrial SCOs, and/or the 5 parts per million (ppm) screening level as measured with a photoionization detector (PID). The locations of these hot spots are provided in Figure 2-1. Chemical hot spot excavation began in early November 2011. Hot spot locations for C-1 through C-9 were marked out in the field prior to digging and excavated to the approximate horizontal and vertical extents identified in Figure 2-1. For C-10, the final extents were based on field screening results with a PID. The overall extents of all Chemical Hot Spot excavations are provided in Figure 3-1. The soil (all non-hazardous) from Chemical Hot Spots was direct-loaded without stockpiling into trucks for transport to Allied and Modern waste facilities in Niagara Falls, New York.

Confirmation sampling was conducted in general conformance with DER-10 Section 5.4(b) 5, and was approved by NYSDEC prior to implementation. Confirmation samples were collected from the walls and floors of the excavations. The frequency of samples varied from DER-10 and was approved by NYSDEC. Sample depth was biased towards zones of previous contamination and analyzed for area specific contaminants that were previously found above Industrial SCOs. Additional soil excavation was conducted if any sampling results exceeded Industrial SCOs, and followed by additional confirmation samples. One sample, CONF-110, contains constituents above Industrial SCOs, but the surrounding area is inaccessible due to the presence of an active steam. Further details regarding this area are provided in Section 4.2. Other areas

where soil contains constituents above Industrial SCOs are also discussed in Section 4.2.

Chemical hot spots were backfilled with crushed concrete from on-Site building demolition operations, and virgin two-inch crushed rock from LaFarge Quarry in Niagara Falls, New York. Additional information regarding on-site reuse of crushed concrete is provided in Section 3.6. Additional information regarding crushed rock backfill is provided in Section 3.8.1.

3.4 EXCAVATION OF RADIOLOGICALLY-AFFECTED SOIL

RAD soil requiring excavation was identified during the remedial investigation (RI) and noted as RAD Hot Spots (see Figure 2-1). In addition, screening for RAD soil was conducted during other excavation activity at the Site. In addition to the RAD Hot Spots, other areas screened included:

- Phase 3, 4, and 5 of the footprint of the new building;
- Chemical Hot Spots; and
- Beneath the Building 10 pad.

Phases 1 & 2 were not screened for RAD soil because material had already been excavated from these areas. The initial detection of RAD soil was based on screening of soil from Phase 3 by the Allied facility. Phases 1 & 2 had previously been screened for RAD material at Allied Landfill, and screening never indicated RAD issues with this soil.

Excavation of RAD soil was performed under the direction of LATA. The excavations proceeded until post-excavation screening indicated RAD-affected material had been removed to the NYSDEC-approved excavation screening guidance value. No confirmation sampling was performed as RAD excavation extents were delineated with these field screening techniques. Figure 3-1 presents the excavation of RAD Hot Spots.

RAD soil was transported off-Site to EQ in Belleville, Michigan. Before leaving the Site, all transport vehicles were scanned by Greater Radiological Dimensions, Inc. (GRD) using a Ludlum 2241-3 meter with a 44-38 probe to ensure all contamination levels and dose rates were acceptable for containers leaving the Site.

RAD Hot Spot excavations were backfilled with crushed concrete from on-Site building demolition operations, and virgin two-inch crushed rock from LaFarge

Quarry in Niagara Falls, New York. Additional information regarding on-site reuse of crushed concrete is provided in Section 3.6. Additional information regarding crushed rock backfill is provided in Section 3.8.1.

3.5 BUILDING DEMOLITION ACTIVITIES

Demolition work performed at the BCP Site was under the direction of OSC under contract to MMT. Asbestos surveys and sampling were performed by AFI Environmental (AFI). Air monitoring during building demolition was provided by OSEA, Inc. (OSEA).

The significant structures that were demolished at the site were the Former Mill No. 2, Building 10, and the two southernmost tanks for the WWTP. The demolition of these structures was based on the following work plans:

- IRM Work Plan – Demolition of Mill No. 2 (C&S, 2010); and
- IRM Work Plan for Demolition of Building No. 10 and Wastewater Pre-Treatment Plant (ERM, 2011a).

3.6 HANDLING OF CRUSHED CONCRETE & BRICK

OSC performed demolition work at the BCP Site at the same time excavation work was proceeding. OSC would stage concrete and brick debris containing rebar and other associated metal material in large piles at the northeastern portion of the BCP Site. Due to the estimated large quantity of material available for recycling and reuse (approximately 60,000-tons; 42,000-tons of concrete and 18,000-tons of brick), MMT proposed crushing of the concrete and brick material to use as backfill after the removal of the rebar and associated metal debris. The NYSDEC stated crushing of the concrete and brick for use as backfill on the BCP Site was acceptable provided analytical testing was performed according to DER-10 Table 5.4(e)10.

OSC used hydraulic hammer drill equipment to remove rebar from the staged concrete and brick. The rebar and any other associated metal were staged for recycling. The concrete and brick was segregated into separate piles for handling by Metzger Construction (Metzger) of Niagara Falls, New York.

Metzger mobilized a crushing machine, the associated conveyor belts and the appropriate support equipment (i.e., loaders, hand tools, etc.), and initiated crushing activities on 22 July 2011. Concrete and brick materials were segregated

after crushing operations. ERM performed initial sampling based on the guidance presented in DER-10 Table 5.4(e)10. After the initial set of sampling results was received, NYSDEC approved a modified frequency of sampling.

Sampling results were compared to Industrial SCOs. Crushed brick samples contained benzo(a)pyrene above Industrial SCOs and was not used for backfill. The crushed brick was temporarily used for roadway construction during IRM soil removal operations. After soil removal was completed in an area, these roadways were excavated and shipped off-site for disposal at Allied as “contaminated” material. Crushed concrete was only used for backfill if results were below Industrial SCOs, or variances were granted by NYSDEC. Otherwise, the material was shipped off-Site for disposal at Allied Landfill, or used off-Site at the Norampac property given NYSDEC’s determination summarized in an e-mail dated 14 September 2011 that crushed brick is an unregulated construction and demolition (C&D) debris material and as such can be sent off-Site without any restrictions.

3.7 HANDLING OF WATER FROM EXCAVATIONS

During the course of the soil excavation work, there were three significant excavations that were not completely backfilled prior to rain events occurring. Runoff water from these rain events accumulated in these three excavations and had to be pumped out to frac tanks. Following sampling, the Niagara Falls Water Board (NFWB) approved the discharge of this water to their waste water treatment system via the Norampac waste water system. A total of 24,987 gallons was discharged to the NFWB system.

3.8 OTHER SOIL HANDLING & MANAGEMENT

3.8.1 IMPORTED MATERIALS USED FOR SITE BACKFILL

A teleconference call regarding the use of backfill materials at the Site was held on Friday, 13 May 2011 at 11:00AM. Based on this meeting and follow-up discussions, these materials were ultimately used as backfill at the Site

| Material Type | Source | Approved by | % Fine through Sieve No. 80 | Special Notes | Analysis Required (Y/N) NYSDEC Approval (Y/N) |
|----------------|---|-------------|-----------------------------|-------------------------------|---|
| 2" Crusher Run | LaFarge North America 8875 Quarry Road | NYSDOT | 10 | Crushed rock from a permitted | Analysis Required - N NYSDEC Approval |

| | | | | | |
|-----------|--|--------|----|--|---|
| | - Niagara Falls, New York 14304 Tel: 716-439-1300 | | | quarry in Niagara Falls | - Y |
| Dura-Fill | LaFarge North America, Inc. (Local Distributor) 8875 Quarry Road - Niagara Falls, New York 14304 Tel: 716-439-1300 | NYSDEC | NA | Commercial Product - Tested Once by ERM - no industrial exceedances | Analysis Required - No Additional Analyses required NYSDEC Approval - Given at Site Meeting 8-3-11 as it is a commercial product |

These materials are in addition to the crushed concrete obtained from building demolition as discussed in Section 3.6.

3.8.2 PIPING, TANKS, AND VOC-AFFECTED SOIL ENCOUNTERED

On 28 July 2011, while excavation was being performed along the northern portion of Phase 5 in the footprint of the new facility to assist in the construction of site access roads, an abandoned cast iron pipe line was encountered. The purpose of this line was unknown but anticipated to be associated with wastewater disposal. An ERM representative obtained a sample of the material coating the inside of the pipe (pipe scrapings) for laboratory analyses (target compound list (TCL) volatile organic compounds (VOCs), TCL semivolatile organic compounds (SVOCs), target analyte list (TAL) Metals, TCL Pesticides and polychlorinated biphenyls (PCBs)). The results were all below unrestricted SCOs and would not restrict the cast iron piping from being recycled.

OCS was the demolition contractor for MMT at the site and at the end of July 2011 was working on the demolition of the WWTP in the northwest portion of the Site. They encountered two settling tanks containing solidified sludge material and requested two samples were collected on 28 July 2011 and analyzed for toxicity characteristic leaching procedure (TCLP) VOCs, TCLP SVOCs, TCLP Metals, Reactivity, and Ignitability. Laboratory Test Results associated with these samples indicated the material in the settling ponds was not a hazardous waste.

On 28 September 2011, ERM personnel noted elevated PID readings above the action level of 5-ppm in Grid (Quad) 88 in the southeast corner of the BCP Site. ERM obtained a sample of the VOC-affected soil in an effort to determine appropriate disposal characteristics and to determine if it could be a potential hazardous waste. Elevated chlorobenzene compounds were detected in the original round of sampling results received on 12 October 2011. These results

were followed by additional analysis for TCLP metals, TCLP SVOCs, and TCLP VOCs. Results indicated the material was non-hazardous. ERM also oversaw the excavation and stockpiling of these VOC-affected soils in the southeast corner of the BCP site until the lab results were received. Upon receipt of all data, it was determined that the VOC-affected soil would be transported to Allied for disposal as contaminated material.

3.9 HEALTH & SAFETY AND AIR MONITORING

All remedial activities were performed in accordance with the project Health and Safety Plan (HASP) provided as Appendix A of the Soil Excavation IRM Work Plan (ERM, 2011b). On-Site air monitoring was conducted consistent with the requirements of the Community Air Monitoring Plan (CAMP) and the project HASP. In accordance with the CAMP, air monitoring stations were established on the northeast and southwest corners of the excavation area. Each monitoring station was equipped with a PID to measure VOCs, and a Mini-Rae dust monitor to measure for particulate emissions less than 10 micrometers in size (PM-10). Readings were collected approximately every 10 minutes during intrusive activities, and recorded. Due to the dynamic project schedule and excavation extent, the locations of the air monitoring equipment changed with the scope of the excavation. The Remedial AA and IRM Construction Completion Report (Section 5.0 and Appendix F) contain the dust and VOC data collected by the monitoring stations.

The PM-10 level exceeded the 100 microgram per cubic meter ($\mu\text{g}/\text{m}^3$) action level sporadically throughout the excavation period and measures including watering down the excavation area were taken to control dust. There were also sporadic PM-10 levels above the 150 $\mu\text{g}/\text{m}^3$ action level, and additional spraying of water and/or modifying work activities was utilized to reduce these levels. Visible dust was not observed leaving the Site. There were limited occurrences where the NE and SW PID readings exceeded the 5 ppm action level established in the CAMP, but the durations were short-term (less than 15 minutes), and the time-weighted average (TWA) for each day was less than 5 ppm.

PID monitoring was also conducted within the work zone to monitor for potential worker exposure and satisfy the requirements of the HASP. The HASP established a PID action level of 5 ppm sustained for 15 minutes. While there were PID readings in the work zone that exceeded 5 ppm, these were all of short

duration (less than 15 minutes). In summary, the HASP was complied with for all remedial work performed at the Site.

During excavations, a PID was used by an inspector to screen every three to five buckets of soil excavated. There were occasional exceedances of the 5 ppm action level for VOCs in soil in some areas. This was addressed by segregating the soil with readings greater than the action level and transporting it to Allied or Modern as “contaminated” soil for disposal. In these VOC areas, every bucket of soil was screened by an inspector with a PID until readings reached below 5 ppm. Then inspection of every third to fifth bucket with the PID for VOC readings resumed.

3.10 NUISANCE CONTROLS

Nuisance controls associated with soil excavation work at the Site generally consisted of the following: dust and odor control; truck routing and egress housekeeping; responding to complaints; and truck washing.

Dust control was performed as discussed above in Section 3.9 above and all data relating to these efforts is provided in the Remedial AA and IRM Construction Completion Report (Section 5.0 and Appendix F) that contains the dust and VOC data collected by the monitoring stations. To limit odors from the Site, the following activities were performed:

- Limiting the size of soil stockpiles;
- Direct loading of trucks;
- Monitoring for odors at the boundaries of excavation work areas.

The original truck routing was north through the Site exiting on Packard Road and heading northeast toward Niagara Falls Blvd. At Niagara Falls Blvd., the trucks turned southeast for approximately ½ mile to the Allied Waste Services Facility. This route was chosen as it was the route which had the least amount of residential areas that would be affected. Egress housekeeping associated with truck traffic on Packard Road consisted of the use of street sweepers to sweep and collect any soil material left behind as a result of the transportation activities. Street sweeping on Royal Avenue adjacent to the Site entrance was also performed to collect any soil material left behind as delivery and service vehicles demobilized the Site.

The NYSDEC informed Greenpac in late November 2011 of several complaints relating to soil buildup along Packard Road. The initial response by Greenpac was an increase in the effort of the street sweeping activities along with a re-routing of the truck traffic leaving the Site. During mid-December 2011, truck traffic leaving the Site was re-routed along the old railroad alignment on the northeastern portion of the Site and exited to 47th Street where the traffic turned north for about 1,500-feet and then turned southeast onto Niagara Falls Blvd. Although the Soil Excavation IRM was substantially complete on 31 December 2011, additional soil disturbance work associated with Site redevelopment continued after this date. In mid-January 2012, a truck washing facility was constructed by Greenpac at the east end of the Site just prior to the trucks exiting the Site onto 47th Avenue. This truck washing facility was initially used on 1 February 2012 and has operated as needed since that time. Street sweeping activities on 47th Street and Royal Avenue continue on an as-needed basis.

3.11 REMEDIAL ACTION CONTRACTORS

The following contractors, transporters, and laboratories were utilized during the remedial activities:

Remedial Contractors

Allied Waste Services

American Radiation Services, International

Cerrone, Inc.

Greater Radiological Dimensions, Inc.

Ingalls Site Development, Inc.

Metzger Construction

Modern Corporation

Ontario Specialty Contracting (OSC)

Los Alamos Technical Associates, Inc.

Yarussi Construction, Inc.

AFI Environmental

OSEA, Inc.

Shawnee

LaFarge

National Vacuum Service

Frank's Vac Truck

Swift River

EQ Michigan

Transporters

Walck

Doran

B. Pariso

Pariso Trucking

Buscaglia

L.J. Quigliaro

AT&A

Ingalls

Pariso Logistics

C. Bell

GAM

Marran

Oneida

Fournier

Iroquois

Boulevard

Serafini

Dig It

Laboratories

Test America

3.12 CONTRACTOR SITE OPERATIONS PLANS

A specific Contractor Site Operations Plan was not prepared for the remedial work. Soil excavation activities, including excavation to the required extents and placement of backfill, were performed in accordance with the following work plans:

- Soil Excavation IRM Work Plan (ERM, 2011b); and
- Revised Addendum to the Soil Excavation Work Plan (ERM, 2011c).

Oversight for the excavation of chemically-affected soil and backfill activities was performed by ERM. Oversight for the excavation of radiologically-affected soil was performed by LATA and GRD. Demolition activities were performed by others and additional detail may be found in the Remedial AA and IRM Construction Completion Report (ERM, 2012a).

3.13 PROJECT RECORDKEEPING & REPORTING

As discussed in Section 3.1, periodic meetings were conducted with Greenpac, NYSDEC, and ERM, and meeting summaries were generally distributed to relevant parties. Monthly Progress Reports were also prepared and submitted to the NYSDEC documenting the progress of remedial activities. Copies of the weekly and monthly reports are provided in Appendix F and Appendix G, respectively. A photographic log identifying key project activities is provided in Appendix H.

3.14 DEVIATIONS FROM IRM WORK PLAN

During implementation of the Soil Excavation IRM, some fill material with elevated radioactivity levels was detected at the Site. The presence of this material on Site was not previously known and therefore was not addressed in the Soil Excavation IRM Work Plan (ERM, 2011b). Therefore, an Addendum to the RI Work Plans was requested by the NYSDEC and was prepared by ERM and subsequently approved by NYSDEC (ERM, 2011c). SCGs for radiation are not contained within 6 NYCRR Part 375. Therefore, the radiological investigation results were evaluated against measured background levels at the Site at the instruction of the NYSDEC and the NYSDOH. Based on measured

background levels, the NYSDEC approved an excavation screening criteria of 10,000 cpm for the Site as listed in the Addendum to the RI Work Plans (ERM, 2011c). As required by the NYSDEC, the excavation screening criteria were locally modified if necessary based on the professional judgment of GRD's technician and NYSDEC and NYSDOH specialists in radioactive materials remediation. Following completion of the additional RAD investigation, and in consultation with NYSDEC and NYSDOH, an Addendum to the Soil Excavation IRM Work Plan (ERM, 2011d) was prepared and approved by NYSDEC. Excavation and off-Site disposal at a permitted disposal facility located out-of-state was selected to address areas of elevated radiation within the BCP Site Boundary. Excavation continued until excavation guidance values for radiation were achieved as determined by the NYSDEC. Details of the excavation activities are provided in Section 3.4.

4.0 CONTAMINATION REMAINING AT THE SITE

4.1 SOIL EXCEEDING UNRESTRICTED USE SCOs

As identified in the RI, historic fill material is present across much of the Site. The majority of this material contains chemical constituents in excess of the Unrestricted SCOs. For this reason, all historic fill material is anticipated to exceed the Unrestricted SCOs, and additional tables and maps identifying these areas are not provided in this document.

4.2 SOIL EXCEEDING INDUSTRIAL SCOs

While the remedial action has achieved a BCP Track 2 cleanup for the Industrial SCOs, some areas remain where soil contains chemical constituents above the Industrial SCOs. Table 4-1 summarizes the results of all soil samples remaining at the Site after completion of Remedial Action that exceed the Industrial SCOs. The data from these and other sample locations remaining at the Site, were input into a geostatistical software program Environmental Visualization Software © (EVS) to generate the lateral and vertical delineation of areas of soil that contain one or more chemicals of potential concern (COPCs) at concentrations above the Industrial SCOs. This mapping is presented as Figures 4-1a through 4-1e. Further details regarding the sample locations and adjacent areas are detailed below.

B-01 and B-01F (Existing Transformer Area)

These samples are part of the area referred to as Chemical Hot Spot C-1 in the Soil Excavation IRM Work Plan. These samples are also located in the Existing Transformer Area (ETA) which is presented in Figure 1-2. A portion of RAD Hot Spot R-1 is also located within the ETA (see Figure 4-1a). During the Soil Excavation IRM, these areas were not accessible, and soil was not excavated. Once the existing electrical substation within the ETA is accessible, these areas will be addressed within 90 days. Soil will be excavated to the extents shown in Figures 4-1a through 4-1e, and in accordance with the requirements of the SMP.

B-201E

Sample location B-201E is located just outside the ETA. After consultation with NYSDEC, it was agreed that soil in the vicinity of this sample location would be excavated at the same time as soil within the ETA was addressed. The excavation of this area will proceed as described above for the ETA.

CONF-110

At confirmation soil sample CONF-110, arsenic and mercury were detected at concentrations above the Industrial SCOs. This sample is located beneath an active steam line in an area that cannot be further excavated without removing the active steam line, which is necessary for ongoing Norampac production operations. Greenpac has submitted a demonstration to the NYSDEC of the technical impracticability of additional soil excavation in this area as a basis for preservation of a BCP Track 2 cleanup for the Site. In a letter dated 4 May 2012, NYSDEC has approved this document (NYSDEC, 2012a), and indicated that no further remediation is required in this area. However, if the steam line is relocated or de-energized, or soil is disturbed in this area, soil excavation activities must be conducted in accordance with the SMP.

SB-11

Mercury was detected from this sample above the Industrial SCO at a depth of 16 to 20 feet. As part of the BCP Track 2 cleanup, only soil at depths of 15 feet or less was required to be addressed. If soil is disturbed in this area, soil excavation activities must be conducted in accordance with the SMP.

Since contaminated soil and ground water remain beneath the Site after completion of the Remedial Action, ICs are required to protect human health and the environment. These ICs are described in the following section. Long-term management of these ICs and residual contamination will be performed under the SMP approved by the NYSDEC.

The remedy for the Site did not require the construction of engineering control systems.

5.0 COMMUNITY PARTICIPATION PLAN

Community Participation activities were guided by standard NYSDEC citizen participation procedures of the BCP and specifically the Citizen Participation Plan provided as Appendix D of the IRM Work Plan (C&S, 2010). As part of the process, a Fact Sheet was prepared after submission of RI work plans and remedial action work plans, and the Remedial AA and IRM Construction Completion Report (ERM, 2012a). After issuance of the Fact Sheets, 30-day (for RI Work Plans) and 45-day (for other documents) public comment periods followed. To date, no public comments have been received by NYSDEC.

6.0 INSTITUTIONAL CONTROLS

The Site remedy requires that an environmental easement be placed on the property to (1) prohibit groundwater use for potable purposes; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and, (3) limit the use and development of the Site to industrial uses only.

The environmental easement for the Site was executed by the Department on 4 June 2012, and filed with the Niagara County Clerk on 6 June 2012. The County Recording Identifier number for this filing is 2012-11402. A copy of the easement and proof of filing is provided in Appendix A.

7.0 SOIL DISTURBANCES SINCE COMPLETION OF REMEDY

As discussed previously, the Soil Excavation IRM was substantially complete on 31 December 2011. All soil disturbance work prior to this date was discussed in detail in the Alternatives Analysis and Interim Remedial Measure Construction Completion Report (ERM, 2012a, March 2012). Additional soil disturbance work continued after this date for purposes of Site redevelopment. This soil disturbance work performed after 31 December 2011 will be detailed in the first Periodic Review Report (PRR) as discussed in the Site Management Plan (ERM, 2012b, April 2012).

The soil disturbance work performed between 3 January 2012 and 30 April 2012 generally consisted of infrastructure work for site utilities such as water, sewer and electric lines. The infrastructure work was generally performed in the areas identified below:

- Utilities and Access Road construction along the western property line;
- Utilities and Access Road construction north of Phases 1 and 5;
- Removal of the old railroad appurtenances north of Phases 1 and 5;
- Utility lines in the northeast portion of the BCP Site;
- Utility lines and Access Roads in the southeast corner of the BCP Site;
- Sewer and water tie ins associated with the WWTP;
- Steam Line construction;
- Construction of the new Substation at the southwest portion of the Site;
- Construction associated with the sewer vault building (valve replacement to 20 ft below grade); and
- Construction of the Wheel Washing Station at the east end of 47th Avenue.

Water from construction excavations on the BCP Site was pumped into 21,000-gallon holding tanks, sampled and analyzed prior to discharging to the NFWB waste water system as described in Alternatives Analysis and Interim Remedial Measure Construction Completion Report (ERM, 2012a, March 2012). During March and April 2012, approximately another two 21,000-gallon tanks were filled with excavation and standing water from the BCP Site. This water was sampled and analyzed and is awaiting disposal to the NFWB waste water system. The handling of this water in March and April 2012 will also be documented in the first PRR.

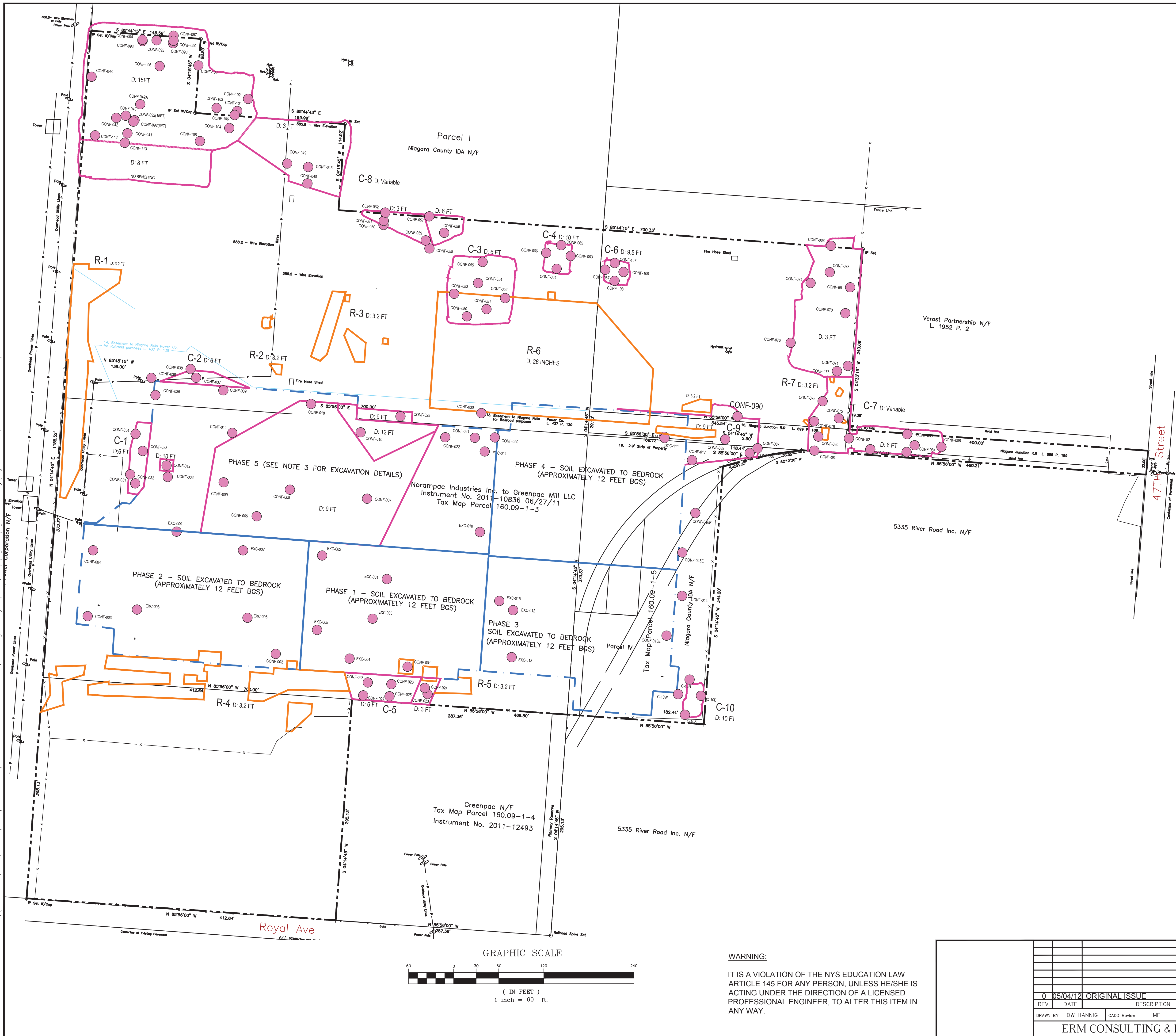
8.0 REFERENCES

- C&S, 2010. Interim Remedial Measure Work Plan. Site Number C932150, April, 2010 (Revised August, 2010).
- ERM, 2011a. IRM Work Plan for Demolition of Building No. 10 and the Wastewater Pre-Treatment Plant. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, June 2011.
- ERM, 2011b. Soil Excavation Interim Remedial Measure Work Plan. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, June 2011.
- ERM, 2011c. Addendum to Remedial Investigation Work Plans. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, December 2011.
- ERM, 2011d. Revised Addendum to the Soil Excavation Interim Remedial Measure Work Plan. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, December 2011.
- ERM, 2012a. Remedial Alternatives Analysis and Interim Remedial Measure Construction Completion Report. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, May 2012.
- ERM, 2012b. Site Management Plan. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, June 2012.
- NYSDEC, 2012a. Technical Memorandum – CONF-110. Former Mill No. 2 Site, Niagara Falls, New York; NYSDEC BCP Site Number C932150, 4 May 2012.

NYSDEC, 2012b. Decision Document. Former Mill No. 2,
Brownfield Cleanup Program, Niagara Falls, Niagara County,
BCP Site Number C932150, May 2012.

Figures

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- LEGEND**
- MAIN EXCAVATION EXTENT
 - PHASE BOUNDARY FOR MAIN EXCAVATION
 - CHEMICAL HOTSPOT EXCAVATION EXTENT
 - RADIOLOGICAL HOTSPOT EXCAVATION EXTENT
 - D: X FT FINAL EXCAVATION DEPTH
 - CONF-000 APPROXIMATE CONFIRMATION/EXCAVATION DOCUMENTATION SAMPLE LOCATION
 - BCP BOUNDARY
 - PROPERTY LINE
 - ACTIVE STREAM LINE
 - FENCE LINE
 - POWER POLE
 - OVERHEAD UTILITY
 - HYDRANT
- NOTES:**
- ALL EXCAVATIONS GREATER THAN 4 FEET IN DEPTH WERE BENCHED AT APPROXIMATELY A 1:1 HORIZONTAL TO VERTICAL RATIO, UNLESS OTHERWISE INDICATED.
 - THE PRESENTED DEPTHS OF SOIL EXCAVATION BELOW THE GROUND SURFACE WERE BASED ON MODELED DATA FROM THE RI THAT UTILIZED APPROXIMATE SITE ELEVATIONS TO DESIGNATE THE DEPTH OF SOILS EXCEEDING SOIL CLEANUP OBJECTIVES. CONFIRMATION SAMPLES WERE TAKEN TO VERIFY THE FINAL EXCAVATION DEPTH WAS SUFFICIENT FOR REMOVAL OF IMPACTED SOIL.
 - THE PRESENTED MAIN EXCAVATION EXTENTS WERE DELINEATED FROM SURVEY DATA PERFORMED BY D.W. HANNIG. THE BOUNDARIES OF PHASE 1 THRU 5 WERE BASED ON FIELD MARKINGS BY MINIMILL. ALL SOIL WITHIN PHASES 1 THRU 4 OF THE MAIN EXCAVATION EXTENTS WAS REMOVED TO BEDROCK AT A DEPTH OF APPROXIMATELY 12 FEET. THE TARGET DEPTH WAS 6 FEET FOR PHASE 5. SOIL WAS REMOVED TO THE EXTENTS SHOWN TO ACHIEVE INDUSTRIAL SCOs IN THOSE AREAS OF PHASE 5. THESE EXTENTS WERE DELINEATED BASED ON FIELD MEASUREMENTS AND OBSERVATIONS RECORDED BY ERM AND MINIMILL. ADDITIONAL SOIL WAS REMOVED FROM PHASE 5 FOR STRUCTURAL PURPOSES AND THOSE EXTENTS ARE NOT PRESENTED.
 - THE PRESENTED CHEMICAL HOTSPOT EXTENTS WERE DELINEATED FROM FIELD MEASUREMENTS AND OBSERVATIONS RECORDED BY ERM.
 - THE PRESENTED RADIOLOGICAL HOTSPOT EXTENTS WERE DELINEATED FROM FIELD MEASUREMENTS RECORDED BY ERM AND FIELD MARKINGS BY MINIMILL.
 - CONFIRMATION AND DOCUMENTATION SAMPLE LOCATIONS WERE DOCUMENTED BY ERM USING GPS EQUIPMENT AND FIELD OBSERVATIONS.
 - THE BASE INFORMATION SHOWN HEREIN IS FROM AN ALTA/ASCM LAND TITLE SURVEY PREPARED BY D.W. HANNIG L.S., P.C., AND COMPLETED 08 MARCH 2011 AND REVISED ON 13 FEBRUARY 2012. ADDITIONAL FEATURES INCLUDING EXCAVATION EXTENTS, PHASE DELINEATION, AND CONFIRMATION SAMPLE LOCATIONS WERE PROVIDED BY ERM.

WARNING:

IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE/SHE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

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Tables

Table 1-1
Soil Cleanup Objectives and Screening Criteria
Former Mill No. 2 Site
Niagara Falls, New York
NYSDEC BCP Site No. C932150

Soil Cleanup Objectives for Contaminants Exceeding Industrial SCOs

| CONSTITUENT | 6NYCRR Part 375 Industrial SCO |
|------------------------|---|
| SVOCs (µg/kg) | |
| Benzo(a)anthracene | 11,000 |
| Benzo(a)pyrene | 1,100 |
| Benzo(b)fluoranthene | 11,000 |
| Dibenzo(a,h)anthracene | 1,100 |
| Indeno(1,2,3-cd)pyrene | 11,000 |
| Metals (mg/kg) | |
| Arsenic | 16 |
| Manganese | 10,000 |
| Mercury | 5.7 |

Soil Screening Criteria

During the RI or soil excavation activities, soil exhibiting any of the following characteristics required excavation and off-Site disposal:

- PID readings above 5 ppm; or
- Radiation Scanning on Ludlum 2221 with a 44-10 probe > 10,000 counts per minute (cpm)

TABLE 3-1
Summary of Soil Excavation, Handling, & Disposal During the Soil IRM
Former Mill No. 2 Site
Niagara Falls, New York
NYSDEC BCP Site No. C932150

Excavation Requirements for Selected BCP Track 2 Cleanup

| |
|---|
| To achieve the Selected Track 2 Cleanup for the Site, soil exhibiting any of the following characteristics was excavated and disposed off-Site: |
| - Chemical constituents exceeding the Industrial SCOs in soil above a depth of 15 ft, or top of bedrock, whichever is shallower (i.e., Chemical Hot Spots C-1 thru C-5 and C-7 thru C-9); |
| - PID readings above 5 ppm as identified during the RI (i.e., Chemical Hot Spots C-6 and C-10); or |
| - Radiation Scanning on Ludlum Instrumentation > 10,000 counts per minute (cpm) as identified during the RI (RAD Hot Spots R-1 thru R-7) |
| Soil from Chemical Hot Spots was disposed at Allied Waste Services (Allied) or Modern Corporation (Modern) in Niagara Falls, New York. Soil from RAD Hot Spots was disposed at EQ Landfill in Belleville, Michigan. |

Management of Soil Excavated as Part of Site Redevelopment (e.g., Main Building footprint and WWTP area)

| Part 375 Soil Cleanup Objectives ¹ | | Soil Type ² | | RAD Soil ³ | PID >5 ppm ⁴ | Allowable Soil Handling per NYSDEC discussions/ e-mails/ letters for soil excavated from Site | Actual Soil Re-Use/ Disposal Method |
|---|----------------------------|------------------------|-----------------|-----------------------|-------------------------|---|--|
| < Residential | > Residential < Industrial | Native | Fill / Nuisance | | | | |
| X | | X | | X | X | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| X | | X | | X | | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| X | | X | | | X | Send off-site to permitted disposal facility | Sent to Allied or Modern Landfills disposal as "contaminated" |
| X | | X | | | | Reuse on Site or off site with no restrictions (except no agricultural areas). | Sent to Allied landfill as "clean" - staged for future re-use as landfill cover and/or Greenpac staged on Site to re-use as backfill on Site. |
| X | | | X | X | X | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| X | | | X | X | | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| X | | | X | | X | Send off-site to permitted disposal facility | Sent to Allied or Modern Landfills disposal as "contaminated" |
| X | | | X | | | Backfill may be reused on Site in the same location as where it was excavated provided no nuisance characteristics are present. Otherwise, it must be sent off-Site to a permitted disposal facility. | Backfill material without nuisance characteristics was sent to Allied or Modern Landfill as "contaminated" material, or re-used on-Site in the same area. If nuisance characteristics were present it was sent to Allied or Modern landfills as "contaminated" |
| | X | X | | X | X | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| | X | X | | X | | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| | X | X | | | X | Send off-site to permitted disposal facility | Sent to Allied or Modern Landfills disposal as "contaminated" |
| | X | X | | | | Reuse either on Site or off-site only if institutional controls are/will be in place per NYSDEC Specific Remedial Program | Greenpac staged on Site for re-use on Site and/or sent to Allied or Modern Landfills as "contaminated". |
| | X | | X | X | X | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| | X | | X | X | | Send off-site to permitted disposal facility | Sent to EQ Landfill - Michigan - disposal as Radiological Waste |
| | X | | X | | X | Send off-site to permitted disposal facility | Sent to Allied or Modern Landfills disposal as "contaminated" |
| | X | | X | | | Backfill may be reused on Site in the same location as where it was excavated provided no nuisance characteristics are present. Otherwise, it must be sent off-Site to a permitted disposal facility. | Backfill material without nuisance characteristics was sent to Allied or Modern Landfill as "contaminated" material, or re-used on-Site in the same area. If nuisance characteristics were present it was sent to Allied or Modern landfills as "contaminated" |

¹ Contains chemical constituents above or below the applicable SCO below

² Native - indicates site soil that has not been affected by man-made processes; Fill/ Nuisance = Fill material or soil exhibiting odor, sheen, or presence of waste materials (e.g., ash or slag) and/or any soil material above elevation 569.

³ Radiologically-affected soil as defined in Table 4-1 of the Remedial Alternatives Analysis & IRM Construction Completion Report (ERM, 2012); i.e. - Radiation Scanning on Ludlum2221 with 44-10 probe >10,000 counts per minute (cpm)

⁴ Soil screened with a PID exhibit VOC concentrations greater than 5 ppm

"Contaminated" - soil was disposed at the landfill as opposed to being reused for purposes of roadways, cover material, etc.

TABLE 4-1
Summary of Remaining Soil Contamination Above Industrial SCOs
Former Mill No. 2 Site
Niagara Falls, New York
NYSDEC BCP Site No. C932150

| CONSTITUENT | UNITS | 6NYCRR Part 375 Restricted SCO Industrial | B-01 12/3/2009 | B-01F 9/9/2011 | B-201E 9/7/2011 | CONF-110 12/16/2011 | SB-11 5/27/2008 |
|-----------------------|---------|---|-------------------|-------------------|--------------------|------------------------|--------------------|
| Starting depth (ft) ⇒ | | | 10 | 0 | 2 | 2.5 | 16 |
| Ending depth (ft) ⇒ | | | 12 | 2 | 4 | 3 | 20 |
| <u>SVOCs</u> | | | | | | | |
| Benzo(a)pyrene | (ug/kg) | 1100 | 2700 | 1400 | | | |
| <u>Metals</u> | | | | | | | |
| Arsenic | (mg/kg) | 16 | | | | 60.9 | |
| Manganese | (mg/kg) | 10000 | | | 10400 | | |
| Mercury | (mg/kg) | 5.7 | | | | 6.9 | 8.4 |

Appendix A
Environmental Easement and Proof of Filing



NIAGARA COUNTY - STATE OF NEW YORK
WAYNE F. JAGOW - NIAGARA COUNTY CLERK
P.O. BOX 461, LOCKPORT, NEW YORK 14095-0461

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



RECEIPT NO. : 2012121155

Clerk: BH
Instr #: 2012-11402
Rec Date: 06/06/2012 12:41:05 PM
Doc Grp: DEED
Descrip: EASEMENT
Num Pgs: 15

Party1: GREENPAC MILL LLC
Party2: DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
Town: PEOPLE OF THE STATE OF NEW YORK
NIAGARA FALLS

Recording:

| | |
|---------------------------|------|
| Cover Page | 0.00 |
| Recording Fee | 0.00 |
| Cultural Ed | 0.00 |
| Records Management - Coun | 0.00 |
| Records Management - Stat | 0.00 |
| TP584 | 0.00 |

Sub Total: 0.00

Transfer Tax
Transfer Tax 0.00

Sub Total: 0.00

Total: 0.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax# : 4385

Consideration: 0.00
Transfer Tax: 0.00

ORIGINAL FILED

JUN 06 2012

WAYNE F. JAGOW
NIAGARA COUNTY CLERK

Record and Return To:

HARTER, SECREST & EMERY
TWELVE FOUNTAIN PLAZA SUITE 400
BUFFALO NY 14202-2228

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 4th day of June, 2012, between Owner(s) Greenpac Mill, LLC, having an office at 4400 Royal Avenue, County of Niagara, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 4400 Royal Avenue in the City of Niagara Falls, County of Niagara and State of New York, known and designated on the tax map of the County Clerk of Niagara as tax map parcel numbers: Section 160.09 Block 1 Lot 3 and 5; Section 700.00 Block: 41 Lot: 2 and part of Section 160.05 Block: 2 Lot 5.1 being the same as that property conveyed to Grantor by deed dated June 24, 2011 and recorded in the Niagara County Clerk's Office in Instrument No. 2011-10836 and by deed dated December 2, 2011 and recorded in the Niagara County Clerk's Office as Instrument No. : 2011-21550. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 18.52 +/- acres, and hereinafter more fully described in the Land Title Survey dated March 8, 2011 and revised on May 23, 2012, prepared by D.W. Hannig L.S., P.C. Surveyors, Planners, Consultants, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the

protection of human health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Number: C932150-03-10, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv);

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP; and

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential, Restricted Residential or Commercial purposes as defined in 6NYCRR 375-1.8(g)(i), (ii) and (iii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3);

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement; and

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement.

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C932150
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

GRANTOR: GREENPAC MILL, LLC

By: 

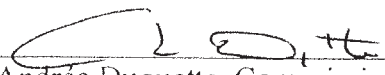
Print Name: MARC-ANDRÉ DÉPIN,

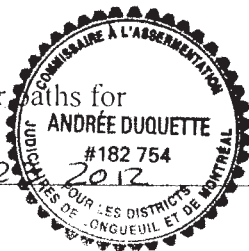
Title: PRESIDENT Date: May 28, 2012

Grantor's Acknowledgment

PROVINCE OF QUEBEC)
) ss:
COUNTRY OF CANADA)


On the 28 day of 2012, in the year 2012, before me, the undersigned, personally appeared Marc-André Dépin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Andrée Duquette, Commissioner for
The Province of Quebec, Canada
Commission expiration: July 2012



THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE
PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of
Environmental Conservation as Designee of the Commissioner,

By:



Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 4th day of JUNE, in the year 2012, before me, the undersigned,
personally appeared Robert W. Schick, personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within
instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as
Designee of the Commissioner of the State of New York Department of Environmental
Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon
behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

SCHEDULE "A"
ENVIRONMENTAL EASEMENT

ADDRESS: 4400 Royal Avenue, Niagara Falls, New York

TAX MAP: 160.09-1-3; 160.09-1-5; 700.00-41-2 and P/O 160.05-2-5.1

LEGAL DESCRIPTION

DESCRIPTION OF 18.52+- ACRE PARCEL (DEC ALTA PARCEL), CITY OF
NIAGARA FALLS, NIAGARA COUNTY, NEW YORK.

BEGINNING AT A POINT, said point being N. 85-56-00 W a distance of 1441.15 feet from the intersection of the northerly line Royal Avenue and the westerly line of 47th Street.

THENCE North 04 degrees 14 minutes 45 seconds East for a distance of 1158.52 feet to a point;

THENCE South 85 degrees 44 minutes 15 seconds East for a distance of 146.58 feet to a point;

THENCE South 04 degrees 15 minutes 45 seconds West for a distance of 98.89 feet to a point;

THENCE South 85 degrees 44 minutes 43 seconds East for a distance of 199.99 feet to a point;

THENCE South 04 degrees 15 minutes 45 seconds West for a distance of 114.92 feet to a point;

THENCE South 85 degrees 44 minutes 15 seconds East for a distance of 700.33 feet to a point;

THENCE South 04 degrees 33 minutes 19 seconds West for a distance of 240.66 feet to a point;

THENCE South 85 degrees 56 minutes 00 seconds East for a distance of 400.00 feet to a point;

THENCE South 04 degrees 33 minutes 19 seconds West for a distance of 32.00 feet to a point;

THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 460.21 feet to a point;

THENCE South 82 degrees 12 minutes 30 seconds West for a distance of 38.35 feet to a point;

THENCE along a curve to the left having a radius of 291.67 feet and an arc length of 68.82 feet, being subtended by a chord of South 76 degrees 00 minutes 16 seconds West for a distance of 68.66 feet to a point;

THENCE South 04 degrees 14 minutes 45 seconds West for a distance of 344.20 feet to a point;

THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 469.80 feet to a point;

THENCE South 04 degrees 14 minutes 45 seconds West for a distance of 295.13 feet to a point on the north line of Royal Avenue;

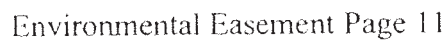
THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 412.64 feet along the north line of Royal Avenue **TO THE POINT AND PLACE OF BEGINNING.**

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 18.52+- acres (806.859+- sq. ft.) more or less.

J090155 1/26/2012 RMP Rev'd 1/31/2012 Rev'd 2-13-2012 Rev'd 5-17-2012





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NIAGARA COUNTY CLERK WAYNE F. JAGOW

RECEIPT

Create Time: 6/6/2012 12:41:06 PM
RECEIPT # 2012121155

Recording Clerk: BH
Account: cash3
Rec'd Frm: HARTER, SECREST & EMERY
By Mail/In Person (M/P): P

Instr#: 2012-11402
DOC: EASEMENT
DEED STAMP: 4385
OR Party: GREENPAC MILL LLC
EE Party: DEPARTMENT OF ENVIRONMENTAL

DEEDTP

| | | |
|-----------------------------|----|--------|
| Cover Page | 1 | \$0.00 |
| Recording Fee | 14 | \$0.00 |
| Cultural Ed | 1 | \$0.00 |
| Records Management - County | 1 | \$0.00 |
| Records Management - State | 1 | \$0.00 |
| TP584 | 1 | \$0.00 |

| | |
|--------------|--------|
| Transfer Tax | |
| Transfer Tax | \$0.00 |

Receipt Summary

| | |
|-----------------------|--------|
| TOTAL RECEIPT: ----> | \$0.00 |
| TOTAL RECEIVED: ----> | \$0.00 |

| | |
|-----------|--------|
| | _____ |
| Cash Back | \$0.00 |

PAYMENTS

| | |
|---------|--------|
| Cash -> | \$0.00 |
|---------|--------|

Greenpac Description

PROPOSED DESCRIPTION OF 17.99+- ACRE PARCEL, CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK.

BEGINNING AT A POINT, said point being N 85-56-00 W. a distance of 1441.15 feet from the intersection of the northerly line of Royal Avenue with the westerly line of 47th street.

THENCE North 04 degrees 14 minutes 45 seconds East for a distance of 1158.52 feet to a point;
THENCE South 85 degrees 44 minutes 15 seconds East for a distance of 146.58 feet to a point;
THENCE South 04 degrees 15 minutes 45 seconds West for a distance of 98.89 feet to a point;
THENCE South 85 degrees 44 minutes 43 seconds East for a distance of 199.99 feet to a point;
THENCE South 04 degrees 15 minutes 45 seconds West for a distance of 114.92 feet to a point;
THENCE South 85 degrees 44 minutes 15 seconds East for a distance of 700.33 feet to a point;
THENCE South 04 degrees 33 minutes 19 seconds West for a distance of 240.66 feet to a point;
THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 345.54 feet to a point;
THENCE South 04 degrees 14 minutes 45 seconds West for a distance of 29.10 feet to a point;
THENCE South 85 degrees 56 minutes 00 seconds East for a distance of 166.72 feet to a point;
THENCE South 04 degrees 14 minutes 45 seconds West for a distance of 2.90 feet to a point;
THENCE South 85 degrees 56 minutes 00 seconds East for a distance of 118.44 feet to a point;
THENCE South 82 degrees 12 minutes 30 seconds West for a distance of 38.35 feet to a point;
THENCE along a curve to the left having a radius of 291.67 feet and an arc length of 68.82 feet, being subtended by a chord of South 76 degrees 00 minutes 16 seconds West for a distance of 68.65 feet to a point;
THENCE South 04 degrees 14 minutes 45 seconds West for a distance of 344.20 feet to a point;
THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 469.80 feet to a point;
THENCE South 04 degrees 14 minutes 45 seconds West for a distance of 295.13 feet to a point on the north line of Royal Avenue;
THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 412.64 feet along the north line of Royal Avenue TO THE POINT AND PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.
Said property contains 17.99 acres more or less.

Notes Corresponding to Schedule B Section II for Greenpac

Base upon Title Commitment No. HSE 10-2479 of Stewart Title Insurance Company having an effective date of June 16, 2011

(13) Reservations, conditions, covenants and agreements contained in deed to Kimberly-Clark Company, Inc. recorded in Liber 437 of Deeds at Page 139 on July 29, 1920. Plotted on Map

(14) Reservations, conditions, covenants and agreements contained in deed to Kimberly-Clark Corporation recorded in Liber 563 of Deeds at Page 439 on September 4, 1930. Blanket in Nature - Parcel III

(15) Reservations, conditions, covenants and agreements contained in deed to Kimberly-Clark Corporation recorded in Liber 616 of Deeds at Page 556 on May 11, 1936. Plotted on Map

(16) Reservations, conditions, covenants and agreements contained in deed to Niagara Junction Railway Company recorded in Liber 899 of Deeds at Page 189 on January 8, 1948 and also contained in deed to Kimberly-Clark Corporation recorded in Liber 967 of Deeds at Page 1 on October 24, 1949. Plotted on Map

(18) Reservations, conditions, covenants and agreements contained in deeds to Isco Chemical Company, Inc. or Incorporated recorded in Liber 622 of Deeds at Pages 1 and 8 on May 11, 1936. Plotted on Map

(19) Reservations, conditions, covenants and agreements contained in deed to Union Carbide Company recorded in Liber 556 of Deeds at Page 1 and later contained in deed to Kimberly-Clark Corporation recorded in Liber 594 of Deeds at Page 456 on November 22, 1934 with additional language. Blanket in Nature - Parcel IX

(20) Reservations, conditions, covenants and agreements contained in deed to Paper Converting Corporation recorded in Liber 454 of Deeds at Page 169 on June 30, 1921. Blanket in Nature - Parcel VII

(21) Reservations, conditions, covenants and agreements contained in deed to Isco Chemical Company, Inc. recorded in Liber 565 of Deeds at Page 288 on May 3, 1930. Blanket in Nature - Parcel IV

(23) Easement for single tract electric railroad to The Niagara Falls Power Company by instrument recorded in Liber 616 of Deeds at Page 560 on May 11, 1936. Blanket in Nature - Parcel IV

(24) Possible effect of a ditch or drain across premises made by Josiah S. Packard to Spalding, Trott and Crank, Commissioners for the construction of ditches dated October 10, 1872 and referred to in deed recorded in Liber 198 of Deeds at Page 65 on February 12, 1890. Plotted on Map

CSX Schedule A Description

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lots 47 and 48 of the Mile Reserve, bounded and described as follows: BEGINNING at a rail monument set on the west line of 47th Street, at the southeast corner of lands described under the caption "Parcel B" in the deed from Power Company to the Union Carbide Company dated December 15, 1928, recorded in Niagara County Clerk's Office in Liber 556 of Deeds at Page 1; thence southerly along the west line of 47th Street, 32 feet more or less to an iron pin set on the northeast corner of lands conveyed by Power Company to Isco Chemical Company by deed dated January 30, 1926, recorded in Niagara County Clerk's Office in Liber 516 of Deeds at Page 272; thence westerly along the north line of lands so conveyed to the Isco Chemical Company and continuing westerly along the north line of lands conveyed to the Kimberly-Clark Company, Inc. as described under the caption "Parcel A" in the deed dated April 30, 1930, recorded in the Niagara County Clerk's Office in Liber 563 of Deeds at Page 439, a distance of 745.36 feet more or less to the southeast corner of lands conveyed by Power Company to Kimberly-Clark Company, Inc., by deed dated March 31, 1920, recorded in Niagara County Clerk's Office in Liber 437 of Deeds at Page 139; thence northerly along the east line of lands so conveyed to Kimberly-Clark Company by said deed dated March 31, 1920, a distance of 32 feet more or less to the southwest corner of lands conveyed to the Union Carbide Company as aforesaid; thence easterly along the south line of lands so conveyed, 745.54 feet more or less to the point of beginning.

EXCEPTING THEREFROM, lands conveyed to Kimberly-Clark Corporation by Deed recorded in Liber 967 of Deeds at Page 1 on 10-24-1949.

Revised CSX Description

PROPOSED DESCRIPTION OF THE CSX PARCEL TO BE CONVEYED - SITUATE AT 47TH STREET, CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK.

BEGINNING AT A POINT, said point being the southeast corner of the Verost Partnership L. 1952 P. 2 at the west line of 47th Street.

THENCE South 04 degrees 33 minutes 19 seconds West for a distance of 32.00 feet along the west line of 47th Street to a point;
THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 578.65 feet to a point;
THENCE North 04 degrees 14 minutes 45 seconds East for a distance of 2.90 feet to a point;
THENCE North 85 degrees 56 minutes 00 seconds West for a distance of 166.72 feet to a point;
THENCE North 04 degrees 14 minutes 45 seconds East for a distance of 29.10 feet to a point;
THENCE South 85 degrees 56 minutes 00 seconds East for a distance of 745.54 feet TO THE POINT AND PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 23,454 sq. ft. more or less.

Notes Corresponding to Schedule B Section II for CSX Parcel

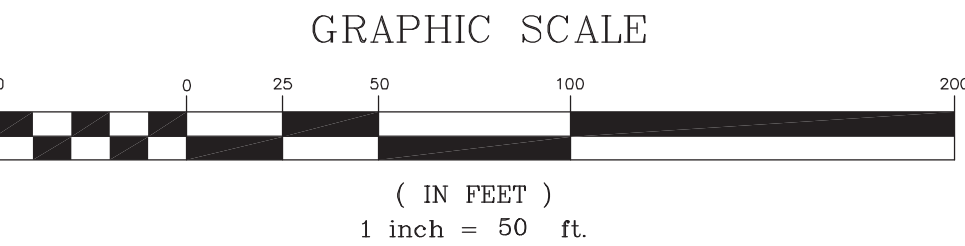
Base upon Title Commitment No. HSE 10-2479 of Stewart Title Insurance Company having an effective date of June 16, 2011

(28) Easements in Quit Claim Deed recorded January 8, 1948 in L. 899 P. 189 Blanket in nature

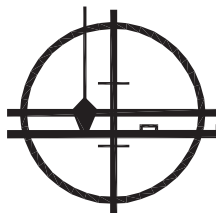
(29) Easement from Consolidated Rail to Niagara Mohawk Power Corporation recorded October 22, 1993 in L. 2475 P. 198. Blanket in nature

(30) Reservation contained in Quit Claim Deed recorded July 21, 1999 in L. 2944 P. 1 Blanket in nature

ALTA/ASCM Land Title Survey
Pt of Lot 47, Mile Reserve
City of Niagara Falls, Niagara Co., N.Y.



March 08, 2011 - ALTA Survey
Rev'd 5/12/2011
Rev'd 6/17/2011
Rev'd 4/11/12 - notes only



D. W. HANNIG L.S., P.C.

SURVEYORS - PLANNERS - CONSULTANTS
THE MARKET PLACE, BUILDING #1
MANLIUS, NEW YORK 13104
PHONE: (315) 682-5225 - FAX: (315) 682-7774

Appendix E
NYSDEC Approval of Remedial Action Work Plans

New York State Department of Environmental Conservation

Division of Environmental Remediation, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2915

Phone: (716) 851-7220 Fax: (716) 851-7226

Website: www.dec.ny.gov



Joe Martens
Commissioner

December 13, 2011

Ms. Lucie-Claude Lalonde
Greenpac Mill LLC
1601 rue Parent
Saint-Bruno, Quebec J3V 6R7

Dear Ms. Lalonde;

**ADDENDUM TO THE SOIL EXCAVATION
INVESTIGATION IRM WORK PLAN
FORMER MILL NO. 2
BCP SITE #C932150
NIAGARA FALLS, NIAGARA COUNTY**

The New York State Department of Environmental Conservation (NYSDEC), in cooperation with the New York State Department of Health (NYS DOH), has reviewed the Addendum to the Soil Excavation IRM Work Plan dated December 5, 2011. This work plan addendum describes the additional excavation work required to remove the elevated radiation impacted areas in the Former Mill No. 2 and Northern Extension areas. No additional public comment period is planned for this addendum.

The Addendum to the Remedial Investigation Work Plan is approved with the following condition:

- **Field Screening During Excavation Activities** - Add a paragraph providing additional clarification that indicates any intrusive excavation work in the BCP site area prior to the issuance of the Certificate of Completion will be scanned with appropriate radiation meters as the excavation proceeds and that each truckload of excavated material will be scanned prior to the trucks leaving the site, and
- **Survey Map Attachment A** - This map provides a summary of the gamma walk over survey performed on the BCP site to identify potential surface radiation "hot spots". However, due to various reasons, such as being underneath temporary building structures, some areas were not physically accessible to allow a complete scan. It is requested that these inaccessible areas be scanned as they become available in the future. Areas of past excavation activities (i.e. Phases I thru V) do not require additional scanning as these areas were addressed during the remedial and construction activities. While current data does not indicate that these areas will be a concern, any areas that are not available for scanning before the preparation of the IRM/AA Report will be required to be accomplished as a condition to be included in the Final Engineering Report (FER) and Site Management Plan (SMP).

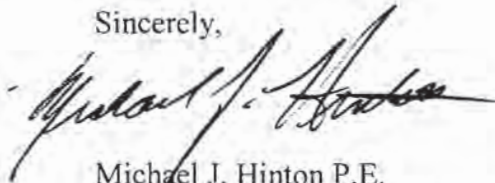
Ms. Lucie-Claude Lalonde
December 13, 2011
Page 2

Please provide the necessary revised document and an electronic file for our records. This approved work plan must also be placed in the document repository located in the Niagara Falls Public Library.

A fact sheet indicating the approval of this Addendum to the Soil Excavation Investigation IRM Work Plan, as well as the previously approved Remedial Investigation Work Plan, must be prepared and sent to the site contact list after our review. The fact sheet must be released before December 31, 2011.

If you have any questions, please call me at (716) 851-7220.

Sincerely,



Michael J. Hinton P.E.
Division of Environmental Remediation
Region 9, Buffalo

MJH:vm

cc: Mr. Gregory Sutton P.E., Division of Environmental Remediation Region 9, Buffalo
James Charles Esq., Office of General Council, Region 9, Buffalo
Mr. Michael Cruden, P.E., Division of Environmental Remediation, Albany
Mr. Thomas Papura, Division of Environmental Remediation, Albany
Mr. Matthew Forcucci, New York State Department of Health, Western Regional Office
Ms. Cynthia Costello, Bureau of Environmental Radiation Protection, New York State
Department of Health, Troy
Craig Slater, Esq., Harter, Secrest & Emery LLP
Mr. Jon Fox P.G., ERM

cc: Mr. Srinu Balaji, c/o Greenpac, Niagara Falls

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7220 • FAX: (716) 851-7226
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

September 7, 2010

Mr. Clyde Smith
Norampac Industries, Inc.
4001 Packard Road
Niagara Falls, New York 14304

Dear Mr. Smith;

**Former Mill No.2 Site
Site #C932150
Remedial Investigation Work Plan
Interim Remedial Measure Work Plan
Niagara Falls, Niagara County**

The New York State Department of Environmental Conservation (NYSDEC), in cooperation with the New York State Department of Health (NYS DOH), has reviewed the final Remedial Investigation Work Plan (RI) and Interim Remedial Measures Work Plan (IRM) dated August 2010 for the investigation and demolition of Mill No. 2 BCP area. These reports adequately address our concerns and comments expressed in letters dated July 14, 2010 and June 28, 2010. Please provide a schedule for the implementation of these work plans.

A copy of these final documents must be placed in the Document Repository located in the Niagara Falls Public Library.

Also, a Fact Sheet announcing the upcoming investigation work along with the building demolition must be sent to the site contact list at least one week prior to the start of work.

Mr. Clyde Smith
September 7, 2010
Page 2

If you have any questions please call me at (716) 851-7220.

Sincerely,

\s\

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

MJHi\dcg
hinton\smith-sep1.ltr

cc: Gregory Sutton P.E., Division of Environmental Remediation Region 9, Buffalo
James Charles Esq, Office of General Council, Region 9, Buffalo
Robert Knizek, P.E. Division of Environmental Remediation, Albany
Matthew Forcucci, NYS Dept of Health, Western Regional Office
Craig Slater, Esq, Harter Secrest & Emery LLP Buffalo, NY 14202-2293
Steven Vinci, C&S Engineers, Inc, Syracuse NY 13212

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2915
Phone: (716) 851-7220 • FAX: (716) 851-7226
Website: www.dec.ny.gov



Joe Martens
Commissioner

June 3, 2011

Ms. Lucie-Claude Lalonde
Greenpac Mill LLC
1601 rue Parent
Saint-Bruno, Quebec J3V 6R7

Dear Ms. Lalonde;

Soil Excavation IRM Work Plan
Former Mill No. 2
BCP Site #C932150
Niagara Falls, Niagara County

The New York State Department of Environmental Conservation (NYSDEC), in cooperation with the New York State Department of Health (NYS DOH), has reviewed the Soil Excavation Interim Remedial Measure (IRM) Work Plan dated April 2011. This work plan describes the excavation of soil from the planned new building footprint in the Former Mill No. 2 area. The 45 day comment period ended on May 31, 2011 with no comments on the draft IRM work plan were received from the public.

The Soil Excavation IRM Work Plan is approved with the following condition:

- **Section 3.1 OVERVIEW** - Add additional statements indicating that the majority of the soil in the excavation area is expected to be suitable for re-use in off-site areas and that soil analysis in accordance with Part 375 and DER-10 will be conducted to identify re-use options,
- **Section 3.7 PRE-REMEDIAL DELINEATION SAMPLING** - Please change the section title and other references from PRE-REMEDIAL to PRE-IRM to reflect the fact that the site remedial investigation is not complete and a final remedial plan has not been developed. Also, the intent sampling data is not to identify areas for excavation, but rather for determination of disposal or re-use options for the excavated soil. In the second paragraph add after the first sentence that the data will also be used to identify proper soil handling requirements (disposal or re-use),

- **Section 3.8 STRUCTURAL EXCAVATION EVALUATION AND CONTROLS** – With regards to the soil sampling requirements for re-use determination, was the over excavation requirements needed to achieve safe side slopes considered when determining the number of samples needed?
- **Section 3.10 EXCAVATION OF CONTAMINATED SOILS** – Please change the section title to EXCAVATION OF IRM AREA SOILS to reflect the fact that the majority of soil excavated will not be considered contaminated. Please break this section up into two sub-sections one for the handling and disposal of historic fill or otherwise identified contaminated soils and the second sub-section for the handling of clean undisturbed native soil for re-use. Add that the on-site competent person will evaluate soil intended for off-site re-use for consistency with soil conditions observed during the pre-IRM sampling program. Staging areas for the temporary storage of the excavated soils must be identified and developed.
- **Section 3.11 OFF-SITE SOIL TRANSPORTATION** – Add the “Management practices **for the clean soil** and wastes ...” in the first and last sentences,
- **Section 3.12 CONFIRMATION SOIL SAMPLES** – Data acquired during the RI and pre-IRM sampling along with additional confirmation samples can be used if appropriate to provide documentation of remedial goals. Floor confirmation samples are only needed in areas where soil remains. Excavations to bedrock will not require floor confirmation sampling. Again, the pre-IRM sampling may be suitable to provide documentation of the remedial goals. The expansion of the excavation beyond the footprint of the new building is beyond the scope of the proposed IRM. Without a final remedial plan in place the excavation to a clean end point may be difficult considering the planned future use of the site.

Please provide the necessary revised pages and a revised electronic file for our records. The document on file at the official Document repository located in the Niagara Falls Public Library must also be updated.

A Fact Sheet indicating the conditional approval of the Soil Excavation IRM work plan must be prepared sent to the site contact list

Ms. Lucie Lalonde

June 3, 2011

Page 3

If you have any questions please call me at (716) 851-7220.

Sincerely,

\s\

Michael J. Hinton P.E.

Division of Environmental Remediation

MJHi\dcg

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cc: Gregory Sutton P.E., Division of Env Remediation Region 9, Buffalo
James Charles Esq, Office of General Council, Region 9, Buffalo
Michael Cruden, P.E. Division of Env Remediation, Albany
Matthew Forcucci, NYS DoH, Western Regional Office
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New York State Department of Environmental Conservation

Division of Environmental Remediation

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Joe Martens
Acting
Commissioner

February 4, 2011

Ms. Lucie-Claude Lalonde
Greenpac Mill LLC
1601 rue Parent
Saint-Bruno, Quebec J3V 6R7

Dear Ms. Lalonde;

**Northern Extension to Former Mill No.2
BCP Site #C932150
Interim Remedial Measure Work Plan
Niagara Falls, Niagara County**

The New York State Department of Environmental Conservation (NYSDEC), in cooperation with the New York State Department of Health (NYS DOH), has reviewed the Interim Remedial Measure (IRM) Work Plan dated August 2010 for the demolition of Building 10 and Wastewater Pre-Treatment Plant in the Northern Extension to Former Mill No. 2 BCP site. A 45 day public comment period on this work plan ended on February 1, 2011. No comments on the technical details of the draft IRM work plan were received from the public.

This RI work plan is approved with the following condition:

- **Cover page** - cover page identifies the site as Norampac Industries. To be consistent with the amended application the name should be changed to Greenpac Mill LLC,
- **General** - Include a Section that indicates that any soil/fill material that may be imported to the site as part of the IRM activities must comply with the guidance established in DER-10. This document can be found on the DEC public website at: http://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf.
- **Section 3.1 Asbestos Survey** - The first paragraph indicates that an asbestos survey has already been performed on the Northern Extension structures. The reference to the Former Mill #2 buildings makes it unclear whether this is the case or not. Please clarify, and if there is a report available for the ACM survey of the Northern Extension please provide a copy for our files,
- **Section 4.5 and Section 5.5 Fugitive Dust Suppression Plan and Community Air Monitoring Program** - With the enactment of DER-10 the NYSDEC TAGM

Ms. Lucie Lalonde
February 4, 2011
Page 2

4031 has been rescinded. Any reference to TAGM 4031 must be replaced with DER-10. The dust suppression guidance is found in Appendix B of DER-10, and

- **Figure 2** - Please correct the eastern BCP site line to match up with the eastern property line.

Please provide the necessary revised pages and a revised electronic file for our records. The document on file at the official Document repository located in the Niagara Falls Public Library must also be updated.

A Fact Sheet indicating the approval of the RI and associated IRM work plans for the Northern Extension must be prepared sent to the site contact list

If you have any questions please call me at (716) 851-7220.

Sincerely,

\s\

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

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cc: Gregory Sutton P.E., Division of Environmental Remediation Region 9, Buffalo
James Charles Esq, Office of General Council, Region 9, Buffalo
Michael Cruden, P.E. NYSDEC Albany office (Code 7012)
Mr. Matthew Forcucci, NYS DoH, Western Regional Office
Craig Slater, Esq, Harter Secrest & Emery LLP Buffalo, NY 14202-2293
Jon Fox P.G. Environmental Resources Management, Dewitt NY 13214

Appendix F
Site Meeting Summaries

**Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
3-May-2011**

Mike Hinton (MH) of the NYSDEC was at the project site with John Trendowski (JT) of C&S, Srin Balaji (SB) of MMT, and Jon Fox (JF) of ERM. The following summarizes our discussions at the Site.

- MH indicated that Greenpac can start breaking the slab following the borings. Although there may be a risk if there are public comments as part of the Public Comment period, which ends June 1. MH indicated comments regarding the slab would be minimal.
- The demolition contractor was storing solids removed from floor trenches on pavement with no containment and not covered. The solids should be placed into a lined roll-off and covered and characterized for waste disposal determination. Mark Bessel of OSC was having a second roll-off container sent to the site for these solids. These solids cannot be considered C&D debris.
- There was noticeable red-colored dye near the remnants of the base (tile-like material) of one of the former process tanks of Mill No. 2. Mark Bessel was directed to obtain drums and recover the red dye into the drums.
- According to MH, the backfill of the excavation must be authorized by the NYSDEC or be virgin NYSDOT-approved material. Fly ash typically present in flowable fill usually contains elevated concentrations of metals that may exceed DER-10 criteria.
- Native soil can remain on site and be reused as long as the soil is inspected during excavation.
- MH indicated that monitoring wells associated with the Remedial Investigation should not be placed anywhere inside the planned footprint of the new mill.
- Additional notification to the NYSDEC of excavation activities is not required other than keeping MH updated regularly on the progress of site work.

Meeting Minutes
Soil Reuse and Backfill Materials
Construction Meeting: 7 June 2011
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150



A project meeting was held at the project offices in Niagara Falls, New York on Tuesday, 7 June 2011 at 1:00PM. People participating in this project meeting included:

Gregory Sutton, P.E. (NYSDEC)
Michael Hinton, P.E. (NYSDEC)
Srini Balaji (MiniMill Technologies)
Randy Bartels (MiniMill Construction)
John Trendowski, P.E. (C&S Engineers)
Jim Ingalls, Ingalls Site Development
John Kuhn (ERM)
Jon Fox, P.G. (ERM)
Dave Myers, C.G. (ERM)

The meeting agenda was based on a MiniMill/ERM project meeting on 2 June 2011 where potential off-site sources for material excavated from the site could be accepted and what backfill materials brought on site are acceptable.

- Jon Fox (JF) noted that the New York State Department of Environmental Conservation (NYSDEC) had issued a letter this date giving Conditional Approval of the Soil Excavation Interim Remedial Measure (IRM) Work Plan. JF indicated that ERM did not have any significant issues with the NYSDEC comments and would be working on a response this week. The NYSDEC comments require ERM to provide oversight during all excavation activities.
- Mike Hinton (MH) stated that he would like to see responses to the NYSDEC comments to the Northern Extension Demolition IRM Work Plan. JF stated ERM is also working on the responses and will reply this week.
- JF stated Craig Slater and Angela from HSE are working on the

Fact Sheet for the project site and MH and Greg Sutton (GS) requested that the Northern Extension IRM Work Plan, the Northern Extension RI Work Plan, and the Soil Excavation IRM Work Plan be addressed in the Fact Sheet. JF to follow up on this with Craig Slater and Angela.

- Srini Balaji (SB) and Randy Bartels (RB) stated excavation is tentatively scheduled to begin on the 20th of June 2011. This is based on approval by the City of Niagara Falls of the Storm Water Pollution Prevention Plan (SWPPP). John Trendowski (JT) is working on that but running into issues as to who can sign off on the SWPPP as the former City Engineer retired and has not yet been replaced. RB introduced Jim Ingalls (JI) as the excavation contractor.
- SB, JT and JF noted that the following are now locations that discussions for accepting fill materials from the project site:
 - 1) Allied – can take all materials from the site including materials above the restricted industrial soil cleanup objective (SCO);
 - 2) College Avenue – discussions with Mike Lepkowski of Benchmark indicate they can accept 15,000 cubic yards of material up to restricted commercial on their site;
 - 3) Lackawanna (Tecumseh) – they have 300-acres and could take everything below the restricted industrial SCO but are the furthest away – approximately 25-miles;
 - 4) Allied can also take “clean” material for construction of berms and use in other areas beside the landfill.
- GS and MH state that institutional controls are not yet in place at College Avenue and they could have potential problems taking anything above the residential SCO. Also, City Zoning Requirements will need to be considered.
- GS, MH and JF reiterated that iron is not a constituent of concern in site soil. JF to provide MiniMill with letter for use with Allied application.
- GS stated that at Allied, placement of clean fill outside the landfill is not under their jurisdiction but that of the Solid Waste Division. Allied internal policy says clean has to be below unrestricted use, the NYSDEC thinks below residential standard is acceptable. JT will look into this with Allied.
- MH and JF informed everyone that the top (typically 1.0 to 1.5 feet) of material on-site is historic fill and the NYSDEC requires this material treated as above industrial standard and disposed at a permitted landfill. RB and JI brought up lack of staging area. Sequencing up to the contractor. JI will have to look at the data

more closely but tentatively plans on two excavators and approximately 2,000 to 3,000 tons of material to be leaving the site each day. MH states that trucks should be designated to the same receiving facility to avoid co-mingling of materials.

- JF requested to check boring log on Boring 198 to determine if visuals are appropriate for some of the metals encountered.
- RB and JT discussed building permits – not needed for excavations or backfill to a certain level (bottom of foundations) but will be needed for foundation construction.

Backfill

Specific (NYSDEC) requirements discussed during the 13 May 2011 teleconference and as presented in the Summary Table of the 20 May 2011 Meeting Minutes were re-emphasized as summarized below.

- All backfill materials must meet allowable constituent levels for imported fill or soil for the contemplated land use as listed in Appendix 5 of NYSDEC's DER-10 Technical Guidance for Site Investigation and Remediation (DER-10).
- Backfill materials derived from crushed rock from a permitted mine or quarry do not require laboratory analysis, regardless of the amount of fines in the backfill material.
- All backfilling activities must be inspected by the certifying engineer so that off-spec materials, if encountered, can be rejected.
- Sand pit material from MKB, Inc. has been used on other projects in Region 9. Based on prior experience with this source, use of sand from MKB, Inc. is approved at the site by the NYSDEC without gradation or chemical analysis.
- E-mail correspondence from the NYSDEC dated 17 May 2011 indicates that flowable fill with fly ash is considered backfill and is therefore subject to laboratory testing as outlined in DER-10.
- Crushed concrete and crushed brick generated from the site is subject to laboratory testing as outlined in DER-10.
- RB states LaFarge to set up a batch plant on Long Street and will provide a dedicated pile for fly ash to this project so sampling to be completed.
- SB asks JF about the status of test results on flyash, flowable fill and crushed concrete. JF states results are in and will be supplied on Wednesday, 8 June 2011 to SB, RB and JT.
- RB talks about potential use of "Durafill" material for backfill – MH

and JF state that MSDS or chemical content will have to be reviewed and approved.

- JT asked JF for a letter describing the deletion of herbicide analyses from the sampling program for the benefit of Allied personnel.
- SB asked the NYSDEC about OSHA Hazwoper 40-hour training requirements for the project – MH responded that the Project Site is not a listed hazardous waste site and it is up to MiniMill to determine if OSHA requirements are applicable.
- RB requests that the site drawing summarizing the laboratory data be more “user friendly” for field purposes. JF states that ERM is in the process of revising the drawing and considering 3-D modeling to enhance presentation of site data.
- JT and SB request ERM to assist with waste applications to Allied – the number 1 priority. ERM to provide summary tables of data to date along with a letter on program specifics.
- MH recommends JT and SB contact MH again on 8 June 2011 to follow up with the State Representative at Allied to “expedite” progress of application approval.
- JT asks JF about spill reporting requirements if residual petroleum is encountered. JF responds that this was discussed with MH before and that previously the NYSDEC stated that if residual petroleum is encountered, the spill hotline does not have to be notified as the project site is already under the BCP. If drums or some other “significant” issue is encountered, ERM may recommend that Greenpac notify the NYSDEC. This will be evaluated on a case-by-case basis.

Site Meeting with NYSDEC – 10 August 2011
11:00 a.m.

Agenda:

Rad Issues
Excavation
Backfilling
On-Site Reuse
Off-Site Reuse
Hotspot Delineations and Excavations
BCP Site Boundary
Demolition
Reporting

Meeting Participants:

Mike Hinton (MH) – NYSDEC
Srinu Balaji (SB) – MMT
Randy Bartles – MMC
Craig Berg - MMC
Ken Carter – MMC (joined at 11:50)
Jon Fox (JF) – ERM
John Kuhn (JK) – ERM
Jodi Hunt (JH) – ERM
Ernie Sweet (ES) – ERM (joined at 11:50)
Vinnie Cerrone (VC) – Mark Cerrone, Inc.
Tom Johnson (TJ) – Mark Cerrone, Inc.

- MMT summarizes excavation, the discovery of elevated radioactivity (rad) in three trucks from the site at Allied Landfill, and follow-on rad considerations over the last several days.
- ERM summarized a proposed investigation approach to evaluate the rad issue for NYSDEC consideration and review.
- NYSDEC indicated that rad experts from NYSDEC's Central Office in Albany will need to be consulted and that historic fill will need to be screened for radiation as it is excavated.
- MMC requested if it would be possible to fill trucks and then screen the trucks.
- NYSDEC indicated that a grid must be established and that some level of screening needs to occur within that grid – excavation of that grid could progress after the screening is completed. Every bucket of historic fill must be screened. Also, native soil will need to be screened if it is intended for off-site reuse – but not every bucket.
- MMC indicated that there is a CAT 350 excavator that is currently “quarantined” on site – they would like to have the CAT 350 screened and cleared to leave the site.

- MMT and MMC inquired as to whether or not demolition activities can continue and if screening of crushed concrete for rad would be necessary. The NYSDEC indicated yes on both counts. It would be preferable to screen concrete piles before crushing. MMC estimates that concrete production will be in the range of 2500 to 3000 cubic yards per day.
- MMC inquired as to whether or not rad buffer zones were needed; ERM and MMC H&S professionals will consult and coordinate with NYSDEC.
- MMC indicated that proctors indicate the historic fill is not good for use as structural fill at the Site. MMC would like to reuse historic fill elsewhere on site if possible.
- The NYSDEC indicated that historic fill can be reused on site as long as there are no rad issues with it, there is no nuisance or obvious contamination, and it meets the industrial SCOs.
- The NYSDEC indicated that Greenpac has indicated that they want a BCP Track 2 cleanup. Greenpac may have to change to a Track 4 cleanup depending on rad remediation requirements.
- MMT requested a cost comparison from ERM regarding Track 2 vs. Track 4.
- MMC indicated that after the rad issue is resolved, the next priority for excavation is the northeast corner of Phase 4.

Non-rad matters were tabled for the next meeting.

Next Site Meeting: Wednesday, 17-Aug-2011 at 11:00 a.m.

Site Meeting with NYSDEC – 17 August 2011
11:00 a.m.

Agenda:

Rad Issues
Excavation
Backfilling
On-Site Reuse
Off-Site Reuse
Hotspot Delineations and Excavations
BCP Site Boundary
Demolition
Reporting

Meeting Participants:

Mike Hinton (MH) – NYSDEC
Srin Balaji (SB) – MMT
Laurie Coulson (LC) – MMT (joined at 1130)
Jon Fox (JF) – ERM
Jason Reynolds (JR) – ERM
Stu Pryce (SP) - GRD

- GRD is working for MMT/Greenpac as a radiological investigation and remediation consultant. MMT is also negotiating with LATA, a NYSDOH-licensed rad remediation contractor.
- GRD indicated there are 12 slag varieties with elevated radioactivity that have been encountered at other sites in western New York including the Lindy site in Tonawanda and Bethlehem Steel.
- GRD reported that their preliminary investigations indicate a black slag was found in test pit (TP) #5 (TP-5) with radioactivity levels of 90,000 counts per minute (CPM) as measured with a Ludlum 2221 meter with a 44-10 probe (the standard probe they will use at the Site). Also, a white to light-gray slag with readings of 130,000 CPM was observed in TP-3. GRD indicated that background levels are generally 5000 to 8000 CPM.
- ERM and NYSDEC recommended preservation of slag and other evidence in case Greenpac's counsel decides to pursue cost recovery, if possible/desirable.
- NYSDEC indicated that ERM will need to incorporate all data and reports from GRD into BCP project deliverables (i.e., IRM Report, Alternatives Analysis, Final Engineering Report, etc.). The Remedial Investigation (RI) will need to look for rad in all areas within the official BCP Site Boundary with the results presented in the RI Report. Additionally, the Site Management Plan (SMP) will need to address rad at the Site.
- NYSDEC requested an updated site layout map.

- Implementation of surgical rad remediation is recommended based on experience at other sites and pending results of the rad investigation at this site. Special T&D restrictions will apply, so live-loading is unlikely.
- The elevated rad appears to be confined to historic fill materials. Can we segregate historic fill and continue with the excavation of native soil? The NYSDEC indicated that one-foot of native below the fill material should be deemed unfit for reuse.
- GRD is speaking with MMC regarding scanning fill materials beneath Building #10.
- Scanning of existing samples of historic fill already collected by ERM during the RI may be desired. ERM will check with the laboratory to see if these samples are still available.
- MMT asked if it was OK to use the existing concrete pad south of Mill #1 as a temporary staging area for rad-affected fill/soil. The NYSDEC indicated this would be OK if the concrete is competent and a proper staging area was constructed and maintained. Also, GRD will have to do proper scans of the area and materials staged.
- GRD and MMT indicated that specialized rad training will be required for site workers or anyone else before they can enter into rad-cordoned areas.
- Concrete crushing operations will be ongoing – MMC requested that ERM prepare a summary table of concrete samples and approvals.
- The NYSDEC indicated that crushed concrete piles need to be separated until they are approved by the NYSDEC. Then they can be moved or piled together if desired.
- MMC indicated that off-site reuse of soil is temporarily on hold.
- ERM recommended that we implement hotspot investigations as soon as possible to keep the project moving forward. ERM will communicate hotspots identified during the RI for group discussion and planning.
- MMT indicated that the Frank's property is on hold now in terms of incorporating it into the official BCP Site Boundary. Efforts to incorporate the CSX parcel out to 47th Street are underway.
- ERM's computer modeling and mapping of contaminant concentrations is underway and will be the basis for continued direction of soil excavation, handling, and management consistent with the NYSDEC-approved Soil Excavation IRM Work Plan. MMT indicated mapping results for Phase 3 are needed ASAP.
- ERM will prepare a revised project schedule and submit it to MMT for review, and then to the NYSDEC.
- Implementation of the wastewater treatment plant (WWTP) excavation was discussed. The NYSDEC indicated that a separate work plan addendum would not be required. Sampling will need to be performed to an extent that would allow approval of soil for reuse, if that is MMC's intention. Sampling would need to be performed as described in DER-10 for soil reuse evaluations.
- Tom Papura of the NYSDEC, a radiation specialist from Albany, will be here at the Site next week. We should check with TP regarding acceptable rad labs/analytical methods.
- The NYSDEC indicated that the rad issue should not prevent issuance of a Certificate of Completion for the project as long as Greenpac addresses the rad in a manner consistent with NYSDEC and NYSDOH requirements.

Next Site Meeting: Thursday, 25-Aug-2011 at 11:00 a.m.

Greenpac Weekly Site Meeting with NYSDEC – 25 August 2011

Agenda:

Rad Issues
Excavation
Backfilling
On-Site Reuse
Off-Site Reuse
Hotspot Delineations and Excavations
BCP Site Boundary
Demolition
Reporting

Meeting Participants:

Luc Nadeau - Greenpac
Tom Papura (TP) – NYSDEC
Mike Hinton (MH) – NYSDEC
Srin Balaji (SB) – MMT
Elgie Harrison – MMT
Laurie Coulson - MMT
Dave Myers (DM) – ERM
Jon Fox (JF) – ERM
Stu Pryce (SP) - GRD
Ron Voorheis (RV) – LATA

On phone: Cindy Costello (CC) – NYSDOH

- Introductions
- TP: This site is not surprising and is generally consistent with other rad slag sites in WNY.
- TP Issues:
 - o What will be the approach to excavate rad materials
 - 3 separate waste streams
 1. slag (porous) – big pieces, not friable, easy to handle
 2. marble-like material (lime gravel) – a/k/a cyclowollastonite
 3. black sand (unusual rad source) – biggest concern in terms of field identification.
- Regulations preclude disposal of any rad waste in NY State
- Need better idea of big picture (i.e., a thorough site rad survey)
- Electromet – may be a potential RP (conjecture)
 - “greensalt” used in process
 - “Zirconium sponge”?
- TP wants isotopic U and Th analyses
- TP: Big Question: how do we proceed; it won’t be easy; we need more information.
- LN to SB: when will additional information be available?

- SB: Sent lab (ARS) six samples this morning, results generally will be available in five business days.
- SP: we installed test pits and collected 11 samples – we have those data already.
- LN and KC: We need to continue building – how can we expedite site work?
- TP: He has seen site work expedited in the past by stockpiling; but there must be thorough segregation.
- KC: Can't find a portal; TP: They are all in Japan.
- EH: Can we mount Ludlum rad meter?; TP: No, design of hand meters not same as landfill portal, not enough sensitivity.
- CC: Need to look at HASP for site workers before any site work resumes.
- RV: We're working on plans.
- RV: Wants to use ERM HASP and amend it for rad work.
- CC: Need to get that in place.
- RV: We are aware of the Soil Excavation IRM Work Plan and they propose to prepare addendums to the approved site plan including:
 - o Site Operations Plan
 - o Rad Safety Plan
 - o Waste Management & Transportation Plan
- is this approach okay?
- CC/TP: Sounds good. These three plans need to come from LATA as a licensed company.
- TP: Can do excavation in Phase III/IV if screening is done.
- TP: Biggest Issue – How do we determine areas are clean?
 - o Document everything
- TP: No need to chase rad contamination for the NYSDEC Rad Program
 - o May want to consider possibility of Radon build-up in buildings if there are areas of elevated rad adjacent to or beneath buildings.
- MH: The BCP Program will require to chase rad contamination, if necessary, based on action level (to be determined by TP's group) and background scan of entire BCP site that will be required.
- KC: What is standard? MH: To Be Determined
- MH: Scan will be gamma walkover (per SP) in other areas within the BCP site boundary
- TP: We will work with you on a rad standard specific to the site.
- RV: We should bias sampling for lab analysis to the "hottest" samples for waste characterization purposes.
- RV question to CC – What is the Plan approval process? LATA will send RSP to DOH for review.
- SB: Can we stage rad waste separately? TP: Need to talk to upper management
- TP discussed MARSSIM Classes, a standard regulatory approach to the remediation of radioactive sites.
 - o Class I Area – Expect rad issues requiring remediation – clearance sampling requirements are generally on the order of +/- 20 samples per 2000 m²
 - o Class II Area - Some elevated rad but not above action levels – clearance sampling required is generally on the order of 20 samples per 10,000 m²
 - o Class III Area - No elevated rad issues expected, much lower sampling required.
- not sure if we're going down this road; he (TP) will need to get back to us after he discusses with his senior management.

- TP: He thinks it may be OK to proceed with site work more quickly if MARSSIM does not apply to this site and a HASP approved.
- JF: We assume that the overall strategy should be to perform a surgical rad-only remedial action so that rad areas can be removed and then non-rad remedial actions can proceed as previously planned. TP says this approach should work at this site.
- MH: We still need to have some level of confidence that off-site reuse of soil is ok in terms of rad, and this will depend on the action level to be developed by TP's group.
- LN – site soil will not be sent to College Avenue.
- TP: 100 m² – preferred grid for site screening.
- TP thinks that areas of slag he has seen at the site will be treated as Class I areas.
 - o We need more info to decide clean-up level
- MH to LATA: cc him on all rad submittals to TP and/or NYSDOH
- TP: If we can find a portal, this is the way to go.
- JF: We also need to consider what will apply to rest of BCP site (i.e., areas outside of the main excavation) for purposes of the Final Engineering Report/COC issuance.
- TP: The action level developed for the building excavations will apply to the rest of site
 - o “ALARA is generally the goal” (As Low As Reasonably Achievable)
- MH: the Environmental Easement will restrict site use to industrial; TP says that will be considered in the development of the action level.
- MH – the rad remediation has to be incorporated into ERM's Final Engineering Plan.
- TP: Action level unit will be pCi/g (picocuries per gram)
 - o Can develop correlation with field meter
 - o Ra²²⁶ is the driver
 - o 5 pCi/g – typical R²²⁶ action level

Non-rad matters were tabled for the next meeting.

Next Meeting: Wednesday, 31 August 2011 at 11:00 a.m.

Greenpac Weekly Site Meeting with NYSDEC – 31 August 2011

Agenda:

Rad Issues

Meeting Participants:

Luc Nadeau (LN) - Greenpac
Mike Hinton (MH) – NYSDEC
Srini Balaji (SB) – MMT
John Kuhn (JK) - ERM
Dave Myers (DM) – ERM
Stu Pryce (SP) - GRD
Ron Voorheis (RV) – LATA
Dave Richards (DR) - LATA

On phone: Tom Papura (TP) – NYSDEC; Cindy Costello (CC) – NYSDOH; Dick Webster (DW), - NYSDOH; Jason Brydges (JB), LATA

- Introductions
- SB: Requests RV to update on Status of Required Documentation/Reports
- RV: Status as follows
 1. Final Review of Radiation Safety Plan (HASP) will to be Finalized during a LATA internal conference call today (31 August 2011) at 4:00PM
 2. Waste Management Plan (WMP) and Transportation Plan (TP) to be submitted by close of business today of first thing in AM, 1 September 2011
 3. Site Operations Plan (SOP) still being worked on – need State input because of EPA Id No. – Question on Corporate name and site address – Waste Profile and EQ download from EPA Data Base have to reflect proper name and EPA Id. No. - Greenpac legal should make this determination – profile can be amended if waste characteristics change slightly.
 4. LATA looking into waste number for EPA, through his waste broker and EQ personnel.
- LN: Asked RV why did it take longer to get these documents than discussed last meeting (8-25-11)
- RV: An internal LATA review was necessary to verify completeness of documents.
- RV: Asked for permission to include ERM on list of who should receive Work Plans/ Documents for concurrent review.
- SB: Stated everyone at this meeting should be copied.
- TP: Jason Brydges (JB) of LATA working with NYDEC Rad Group and NYSDOH to
- JB: Memo to include:
 - o Means and Methods of Dealing with Radioactive material
 - o Management of this material; and
 - o Information on what is considered “cleanup level” (trigger level) as field guidance.

- MH: After this trigger level is achieved does the site chemical issues drive cleanup?
- JB: Based on this trigger level, Stu /GRD will know how to handle and will allow excavation to continue with radiological screening to final depth without extensive sampling required.
- RV: This trigger level will help in limiting future exposure issues.
- TP: and will assure that all removed materials are properly disposed.
- JB: Waste Management/Disposal of radiological material and these trigger levels are restricted to the design area (applicable foundation footprints in Phases 3 and 4).
- TP: BCP issues will have to be addressed.
- MH: The BCP Program will require to chase rad contamination, if necessary, based on action level and background scan of entire BCP site that will be required so State in is not on the “hook” in the future.
- TP: Portal Monitor use may be needed.
- JB: We feel LATA has addressed what TP/State RAD is looking for.
- TP: GRD may need to go beyond structural footprint to cover entire BCP area.
- RV: LATA SOP is for Phases 3 and 4 only but can be expanded.
- LN: After the Memo is submitted is it ok to proceed in Phases 3 and 4?
- TP: NYSDOH has to approve the HASP first. Since we are dealing with “obvious” materials, the project scope is “cut and dry” and is not a true remedial action, response can be quicker.
- LN: Once the NYSDOH and NYSDEC RAD approve of all Plans then excavation can proceed?
- RV: To clarify: After approval of the Memo being prepared by JB of LATA is approved by TP, LATA can finish SOP for submittal. Approval to excavate is predicated on approval of all documents – Memo, HASP, WMP, TP and SOP.
- CC: That is correct.
- RV – Any time frame for length of review?
- CC/TP: One to two days.
- RV: Please verify again.
- CC: HASP and all other documents have to be approved.
- TP: Correct.
- RV: HASP to be submitted by COB today.
- LN: Once SOP and HASP approved work can begin?
- TP: Correct.
- SB: Phase 4 has about 50% not affected by radiation issues and is adjacent to Phase 5 – can excavation be done in that area?
- SP: Informs TP that he has a new map for the portion of Phase 4 that SB is talking about and will send to TP and cc all present at the meeting.
- DM/MH: Approval from Allied needed prior to shipping Phase 4 material. Disposal approval package delivered by DM of ERM to Allied at 11:45 AM this date (31 August 2011).
- MH: All information developed by LATA has to be bundled and given to ERM so they can put in the NYSDEC Depository.
- LN: Has EQ approved the profile? Do they have sufficient information?
- RV: ERM has supplied data packages which should be sufficient, Profile needs signature and site address – EPA ID Issue discussed again.

- MH: Can an Emergency EPA Id No. be obtained?
- RV: Up to Norampac legal to decide. EQ has to match Id# with Site Location.
- JK: Emergency Number is a two page form.
- MH: Project will need to meet Emergency ID No, requirements to obtain. Liability may be a big issue.
- SP: Will get Emergency Id No. from internet for Norampac to look at.
- LN: Will the Memo go out tonight?
- SB: Memo should go to everyone at this meeting.
- LN: Everyone please respond on Thursday. Can we start on Friday?
- TP: Memo, SOP and HASP have to be approved.
- SB: What are the protocols on additional Site Survey work?
- TP: Appropriate Due diligence will have to be performed.
- SB: Is a GPS/Instrument survey appropriate?
- TP: A walkover captures only near surface and is not an “end all/be all”. Further investigation may be necessary.
- MH: The site easement and Site Management Plan (SMP) will include radiation issues. ERM and GRD should work in conjunction to prepare the plan on how to perform the investigation.
- SB: Upon completion of the plan TP should review.
- MH: This is part of the RI for the site and should be submitted as an appendix to the RI Work plan.
- TP: Albany will work with the Region 9 requests.
- TP: What is the status of the ball fields?
- LN: They have not yet been purchased by Norampac.
- TP: Don’t do a survey till they are purchased.
- MH: Fields are not part of the BCP.
- TP: Due diligence recommended if purchased.
- SP: GRP will work with ERM on survey plan.
- TP: Additional Info on radioactive material on-site:
 - o Black material need further info;
 - o “Hot rocks – Phase 5” another slag material - not natural; need additional U and Th chain information (to determine it is not a Source material); Steve Gavitt of NYSDOH also looking into – is a different waste stream with a limited quantity at this time – less than 1 – 55-gallon drum.
- SB: Lab used all of Stu’s sample material for the gamma analyses. Additional samples to be collected this afternoon.
- SP: These samples will be biased high for profile purposes.
- TP: Yes they should be.
- SP: Three samples to be submitted.
- SB: Work with Randy Bartels if excavation needed.
- MH: Conversations today implying potential excavation on Friday. Why still sampling?
- RV: Stu is sampling for “high” value for profile.
- MH: Source separation – ok – thus excavation to be a dig and haul plus dig and stockpile.
- RV: Yes based upon trucker availability.
- JK: How long does EQ review take?
- RV: Already preliminary approval has been discussed. May take 1-2 days.

- SP: GRD will need to order radiological air monitors.
- JK: ERM monitoring is for dust only
- RV/SP: Four monitors will be needed and the filters will be changed daily.
- RV: Project Point of Interest: LATA will be having a logistics meeting with Ingalls and Randy Bartels first thing Thursday morning.
- SB: Any other questions or comments?
- No additional questions or comments.

Non-rad matters were tabled for the next meeting.

Next Meeting: Wednesday, 7 September 2011 at 11:30 a.m.

Greenpac Weekly Site Meeting with NYSDEC 7-Sep-2011

RAD Issues

Initial discussions focused on the current status of the radiation work plans prepared by LATA and under review by the NYSDEC and NYSDOH. LATA indicated that the work plans were being revised with initial regulatory comments and would be re-submitted by the end of the day.

Greenpac asked the NYSDEC and NYSDOH for expedited review of the revised rad work plans. NYSDEC and NYSDOH committed to review the plans promptly. All parties agreed that Greenpac would be "good to go" with initiation of the rad investigation and excavation work after NYSDEC and NYSDOH receive and approve acceptable revised work plans from LATA.

NYSDEC indicated that areas of elevated rad outside excavation phases III and IV will require removal to meet the requirements of the BCP. This will remain to be seen pending finalization of the rad action level in site soil and completion of a scan of the entire area within the BCP site boundary.

LATA asked the NYSDEC for approval of a rad action level of 15,000 counts per minute (cpm). The NYSDEC disapproved this request and it was eventually agreed by all that an "investigation level" of 10,000 cpm will be used at the site. NYSDEC indicated that this level was not a "hard-fast number" and that the work plans should be revised to indicate that professional judgment of the technical team would be applied on a case-by-case basis. All parties agreed to this approach. LATA asked NYSDEC if their rad action level memo needed to be revised. NYSDEC indicated that all they needed to do was respond to the NYSDEC e-mail on this topic.

The incorporation of the rad work into the overall BCP was discussed and it was agreed that LATA and GRD will work with ERM to ensure that the results of the rad investigation and remediation will be performed consistent with NYSDEC requirements for the BCP. NYSDEC indicated the rad work must be presented in ERM's Final Engineering Report (FER).

MMT inquired with LATA as to where we stood with landfill approvals and transportation permits. LATA indicated that the team is on track to getting an waste stream approval from EQ (a disposal facility in Michigan) and are working on these and anticipated that contracts could be finalized within hours once they reached agreement with one or more of the four waste brokers they are currently discussing this matter with, and that shipments could begin within 1-2 days of receiving and accepted waste profile from EQ or another facility. MMT indicated that they will be signing manifests on behalf of Greenpac. LATA and GRD indicated that MMT did not require specialized training in order to sign manifests for rad waste because it is considered non-hazardous waste and that they would check on this to confirm and let the team know. NYSDEC inquired as to whether or not the USEPA ID number issue has been resolved. MMT indicated that this matter had been waived by EQ.

On implementation, NYSDEC indicated that they needed to see the GRD attachment to a recent e-mail discussing implementation of the site-wide rad scan. GRD agreed to re-send the attachment. NYSDEC also indicated that there are several holes in the concrete pad intended to be used by Greenpac for storage of the rad waste, and that these holes needed to be repaired before that area can be used.

Excavation

MMT indicated that any soil that exceeds restricted industrial Soil Cleanup Objectives (SCOs) is being excavated at the site.

The geotechnical engineer (Stoppen) has requested collection of soil samples for sulfate and oxides analysis. MMT will provide ERM with an e-mail and map showing the location of samples and requests that ERM collect these samples and have them analyzed. ERM agreed to examine the submittal and collect the samples if needed.

MMT indicated that they have submitted a revised foundation plan for the new Waste Water Treatment Plant (WWTP) excavation which is located near the northwest corner of the BCP site boundary and requested that ERM revise our soil volume calculations for waste disposal purposes. MMT indicated that they intend to send soil to Allied as both clean (below residential SCOs) and "dirty" (above residential SCOs). NYSDEC indicated that soil in the area to be excavated must be sampled in accordance with DER-10 reuse sampling requirements. ERM will re-evaluate the area based on revised MMT submittals and will communicate the results to the team regarding additional soil sampling that will be required in this area to meet DER-10 characterization requirements for reuse.

MMT indicated that they will be excavating for footers for the new electric substation sometime in the next few weeks. MMT will submit a drawing of this area and requests guidance from ERM and NYSDEC on any BCP requirements related to this work.

Backfilling

No discussion.

On-Site Reuse

NYSDEC indicated that Central Office in Albany has ruled that crushed brick cannot be reused on site within the BCP site boundary, but that it can be reused without regulation outside the BCP site boundary. NYSDEC will be sending an e-mail to ERM and Greenpac documenting this ruling

Off-Site Reuse

NYSDEC requested that Greenpac check with the Region 9 Solid Waste office prior to using crushed brick off site if that option is contemplated.

Hotspot Delineations and Excavations

ERM indicated that the hotspot delineation soil borings were started this past Monday and that they were progressing well. GRD is performing rad screening of all ERM soil borings. One area of rad-elevated soil was suggested by GRD's technician in the vicinity of soil boring B-156. To date, significant field evidence of unusual contamination or other issues have not been encountered during the hotspot delineation soil borings. It is anticipated that they will be completed by 9 September or early the following week at the latest.

BCP Site Boundary

No discussion.

Demolition

No discussion.

Reporting

NYSDEC inquired about the timing of the RI Report submission. ERM indicated that a revised schedule has been prepared due to lender requirements indicating that a COC must be obtained

on or before 30 June 2011. ERM indicated that the revised schedule called for submission of the Draft RI Plan to NYSDEC on 1 December 2011. All parties agreed that the schedule is very aggressive but that it is doable presuming additional subsurface investigation or remediation complications are not encountered. NYSDEC indicated that the schedule was not achievable is remediation after the Soil Excavation IRM is required based on the results of the RI Report and the subsequent IRM/AA Report.

Greenpac Site Meeting with NYSDEC 14-Sep-2011

Meeting Participants:

Mike Hinton (MH) – NYSDEC
Tom Papura (TP) – NYSDEC (joined by phone at 1119)
Cynthia Costello – NYSDOH (by phone)
Srini Balaji (SB) – MMT
Laurie Coulson (LC) – MMT
Ken Carter (KC) – MMC (joined at 1117)
Jon Fox (JF) – ERM
Stu Pryce (SP) – GRD
Ron Voorheis (RV) – LATA (joined at 1116)

RAD Issues

- MMT gave ERM and NYSDEC a figure showing the current extent of the rad area.
- The NYSDEC indicated that fill beneath the active steam line must also be checked for elevated rad.
- MMT requested that ERM review a CD dated 14-Sep-2011 from GRD of rad data and comment on applicability and incorporation of these data into the Final Engineering Report. Please let MMT know if there are deficiencies.
- LATA indicated that personnel badges have arrived at the Site and will be distributed to those that need them.
- LATA also indicated:
 - Everyone has been trained.
 - TLDs are now on site.
 - They will be going into the area of Phase 4 along the steam line and east fence and will work away from those locations.
 - They will be working along the west boundary of Phase 3.
 - They are constructing a loading area for rad-affected soil and will be staging on site. The staging area as constructed is acceptable to LATA.
 - Waste profiles for shipments to EQ Landfill in Michigan should be received today by the Michigan DEQ; pending regulatory approval, they hope to receive it by this Friday.
 - MMC asked if shipping could begin the following Monday – LATA indicated they are not sure.
 - The expected goal is 20 trucks per day.
- GRD indicated they will remove the staging area and water line backfill first and then re-evaluate background in this area.
- GRD reported that the GPS gamma walkover survey equipment will be here by tomorrow morning; they will plan the walkover; it will not start this week. They will start near the rad staging area.
- GRD indicated all rad training has been completed, bioassay samples have been collected, and TLDs have been issued. Air monitoring is being performed on four sides of the work areas.
- MMT asked if we will receive an official approval letter from the NYSDEC and NYSDOH regarding the LATA work plans for rad?
- The NYSDEC indicated no; ERM will bundle up LATA work plans into addendums to current work plans for NYSDEC review and response. These documents will be sent to the public repository after approval.

- It was decided that rad area confirmation sampling for laboratory analysis was not necessary at this point. Let's evaluate field screening results and leave that possibility open.
- A 50-foot grid has been established and will be used as the basis for rad screening. The NYSDEC indicated this is OK for surface scanning but may not be appropriate for deeper horizons if rad-affected material is encountered.
- MMC stated its desire to keep excavation operations moving forward as much as possible.
- The group agreed on the proposed approach outlined above.
- GRD will provide all documentation to ERM for inclusion into BCP project deliverables.
- GRD estimated the rad work will take 10- to 12-days to complete.
- LATA indicated their waste broker is looking into trans load facilities to possibly ship by rail. The NYSDEC advised LATA that Allied has a rail loading facility.

Excavation

- Planning for installation of the new electric substation pad was discussed. The NYSDEC indicated that we need to make sure that sampling in this area is consistent with DER-10 reuse criteria if we plan to use existing data for soil handling/management/reuse decisions.
- MMT asked if this applied to utility trench excavations as well. The NYSDEC indicated that it does not as long as the excavated material goes back in the same hole (and it does not exceed Industrial SCOs).
- Randy Bartles of MMC is the point of contact for all excavation operations.
- We can plan on proceeding with the current WWTP excavation plan presuming reuse evaluation results are considered.
- The originally-planned Phase 6 excavation may not be necessary depending on additional elevation measurements to be performed by MMC.

Backfilling

The possible use of Swift River as a source of crushed concrete for backfilling was discussed.

On-Site Reuse

No discussion.

Off-Site Reuse

NYSDEC requested that Greenpac check with the Region 9 Solid Waste office (Effret Forgete) prior to using crushed brick off site if that option is contemplated. MMC indicated possible uses include aggregate beneath the OCC pad, access roads, Royal Avenue access, and parking lots.

Hotspot Delineations and Excavations

No discussion.

BCP Site Boundary

No discussion.

Demolition

No discussion.

Reporting

- ERM will bundle up LATA work plans into addendums to current work plans for NYSDEC review and response. These documents will be sent to the public repository after approval.

Next Meeting: 21 September 2011 at 11:00 a.m.

Greenpac Site Meeting with NYSDEC
21-Sep-2011
11:00 a.m.

Meeting Participants:

Mike Hinton (MH) – NYSDEC
Cynthia Costello – NYSDOH (by phone)
Srini Balaji (SB) – MMT
Laurie Coulson (LC) – MMT
Ken Carter (KC) – MMC (joined at 1127)
Jon Fox (JF) – ERM
George Weissenberger (GW) - GRD
Dave Richards (DR) – LATA

RAD Issues

- LATA indicated they have received approval from the EQ Landfill in Michigan to begin rad waste shipments. The shipments are scheduled to begin tomorrow and it is hoped to be at full shipping capacity by next Tuesday. All trucks will be tared. ERM requested a copy of all scale tickets and LATA indicated they will be provided.
- LATA reports that Phase 4 is 80% cleared. MMC indicated the goal is to complete clearance of Phase 4 today.
- GRD indicated they will work with the shipper to reduce the volume of material requiring off-site transport and disposal, to the extent possible based on rad readings.
- GRD provided an update on rad screening activities at the site and showed several hard-copy maps. The NYSDEC requested that these maps be provided to ERM and submitted to the NYSDEC through ERM. MMC approved this approach.
- GRD provided an update on the status of the gamma walkover survey of the rest of the area within the BCP Site Boundary. A few hotspots have been found. Scan depth is generally 0- to 2-feet below ground surface. An updated scan map will be available next week.
- LATA indicated that the staging of rad-affected material has been problematic lately (i.e. messy) due to wet weather and techniques used to construct the staging areas. LATA is discussing this with MMC and their excavation contractor. Staging of materials will resume when the staging area issue has been addressed.
- The NYSDEC indicated that any rad-affected material must be staged on top of poly sheeting in properly-constructed staging areas.
- The NYSDEC indicated that site trucks cannot run over the rad-affected material and then move to other portions of the site without being deconned and cleared.
- LATA indicated that loading will occur off the stockpile (not live-loading from excavation areas).

Excavation

- MMT indicated that non-rad waste currently staged in the Northern Extension will be sent to Allied for disposal. GRD indicated that this waste needs to be screened for rad to confirm.
- ERM advised that Allied is shut down until 1 October 2011 because they have exceeded their quarterly permit allowance for receipt of contaminated material.
- The NYSDEC indicated that we may want to check with Allied, they may have some flexibility.

- MMC indicated that they may not be able to finish remediation excavation work until early December 2011. The NYSDEC indicated that they can't slip much on any project deadlines if the goal is attainment of a COC by the end of June 2012.
- MMC estimates that the excavation Phase 6 area will be cleared of debris on or before 15 October 2011.

Backfilling

No discussion.

On-Site Reuse

ERM asked if the proposed approach to soil reuse in the new electrical substation area (available data is sufficient for DER soil reuse evaluation) was acceptable to the NYSDEC. The NYSDEC requested that ERM send in a figure and data for review.

Off-Site Reuse

MMT indicated that there have been no new developments in discussions with owners of the Tecumseh BCP property with regards to potential acceptance of soil from Greenpac.

Hotspot Delineations and Excavations

- ERM provided an update on the status of the WWTP excavation area soil reuse borings effort.
- MMT inquired about ERM doing some geotechnical sampling/analyses in the WWTP excavation area to assist with engineering design considerations. ERM will look into this and provide scope, schedule, and budget information to MMT.

BCP Site Boundary

No discussion.

Demolition

No discussion.

Reporting

No discussion.

Other

- MMT indicated that the new steam line is scheduled to be active on or before 18 October 2011.
- ERM and the NYSDEC discussed potential replacement of monitoring well MW-10, which was accidentally destroyed during construction operations. ERM will evaluate ground water data and develop a technical opinion regarding whether or not replacement is necessary for purposes of completing the Remedial Investigation.

Next Meeting: 28 September 2011 at 11:00 a.m.

Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
28-Sep-2011
11:00 a.m.

RAD Issues

GRD reported that Phase IV was rad-cleared as of today, including the area between the main excavation and the property line to the east. GRD estimates 33% of Phase III was rad-cleared as of now. The plan is to try to finish Phase III by Tuesday, 4 October. GRD estimates that the rad scan of areas within the BCP site boundary but outside of the main excavation areas is approximately 75% complete. GRD hopes to have the site rad scan map available by the end of next week. Several areas of elevated rad have been encountered to date, including areas near the power station (assumed to be the electric substation), railroad line, and a haul road.

GRD indicated that “hot rocks” have not been encountered in excavation Phases III and most of Phase IV. This is different than the rad materials encountered in Phase V. GRD reported that there is a small volume (estimated at less than a five-gallon bucket) of relatively hot radioactive materials that has been segregated due to its relatively high concentrations (generally between 250K to 450K counts per minute). These hotter materials from Phase V may require different handling/transport/disposal.

Tom Papura indicated he has reviewed preliminary laboratory analytical results and that there may be some QA/QC issues with these data (possibly including false positives), which is not uncommon in commercially-obtained radiological analyses (which can be “misleading”). LATA will discuss these data with the NYSDEC and communicate the results to the team. NYSDEC suggested that future laboratory analyses be limited to the radionuclides U^{235} , U^{238} , and Th^{232} .

GRD also indicated that some slag has been found in association with concrete piers excavated from the area of former Building 11. NYSDEC indicated that an evaluation needs to be performed of concrete piers/foundations of Building 10 based on these findings in Phase III. MMT indicated that a portion of the Building 10 floor slab will be removed and that LATA and GRD can perform an evaluation at that time.

LATA reported that 19 trucks of rad waste were shipped on Monday, 23 on Tuesday, and that 28 were expected today. Production has ramped up but we need to be cognizant of logistics issues due to other truck traffic on the site. LATA reported that one load of rad waste from the site set off the rad portal alarm at EQ (the landfill in Michigan receiving the rad waste). The matter was being further investigated by LATA and EQ; however, LATA indicated that available information suggests this incident is not a large concern because reported concentrations were well within waste profile limits and based on EQ’s casual response in subsequent discussions. LATA also indicated that reported levels are well below 49CFR exposure limits, so no transportation issues are anticipated. LATA will prepare a memo discussing the incident and will circulate to the team for review.

NYSDEC indicated that documentation of rad clearance of Phase IV is needed prior to reuse of any “clean” soil from Phase IV. GRD is submitting information to ERM including pre-remediation rad levels, post-remediation rad levels, and a grid map of Phase IV showing the extent of the rad perimeter. This information will be compiled and submitted to NYSDEC for review and comment. Mike Hinton of NYSDEC indicated that approval of this information needed to come from Tom Papura of NYSDEC’s Central Office.

MMT/MMC inquired as to whether or not they could continue with excavation. NYSDEC advised MMT/MMC that they could continue if they wanted, but that any excavation work performed prior to receipt of NYSDEC approval from Tom Papura would be "at risk" and subject to reversal pending NYSDEC Central Office review.

Excavation

MMT instructed ERM that ERM tickets/receipts are no longer required for excavated materials to be shipped off site as this will alleviate the need for a second ERM inspector on site. ERM will halt writing of these tickets starting on 29 September 2011.

VOC-affected soil with headspace readings greater than 2000 ppm was encountered on 28-Sep-2011 in quadrant 88 in Phase III. This location abuts the Frontier Chemical property. Per the NYSDEC-approved Soil Excavation IRM Work Plan, this soil is considered a solid waste and must be disposed at a permitted landfill or recycling facility. It cannot be reused on site or off site. Laboratory analysis of this soil is needed to evaluate whether or not this material is consistent with the waste approvals already obtained from the various landfills. As requested by MMC, ERM submitted a sample of the soil yesterday to the project laboratory for rush analysis. The results are expected back by end of business on Monday, 3 October. We requested totals analysis of TCL VOCs, TCL SVOCs, PCBs, pesticides, herbicides, TAL metals, ignitability, pH, and reactivity. We asked that the lab hold onto additional sample volume in case TCLP analyses are needed pending review of the totals results.

The area of elevated VOCs needs to be excavated based on PID field screening by ERM and rad screening by GRD. Collection of confirmation soil samples from the walls (and floor if bedrock is not reached) will be performed. This soil will be segregated and managed separately until we receive the laboratory analytical results and evaluate whether or not this soil requires a separate waste approval. LATA and GRD will evaluate whether or not this soil is rad waste. ERM will send the chemical analytical data to the team when they are available for further discussion.

ERM indicated that installation of the proposed WWTP excavation soil borings is tentatively scheduled for mid-October 2011 (presuming receipt of client authorization by then). MMT handed ERM an unlabeled figure, presumably from Stoppen Engineering, after the meeting showing the desired location of eight soil borings for geotechnical sampling and evaluation. ERM will attempt to locate proposed soil borings as close to the Stoppen-desired locations as possible. Actual boring locations are also subject to DER-10 analytical requirement considerations for soil reuse evaluation and the results of subsurface clearance activities for utilities.

Transportation and Disposal

MMT indicated that staged "dirty" soil currently staged north of the covered rad soil pile in the Northern Extension will be transported to Modern Landfill starting on Thursday, 29 September 2011. MMT and GRD indicated that this staged material will be screened for radiation during loading.

Backfilling

No discussion.

On-Site Reuse

MMT indicated that chemically "clean" soil from Phase IV will be staged on site for reuse on site. NYSDEC indicated that this approach is OK as long as this soil meets the rad field screening action levels.

Off-Site Reuse

No discussion.

Hotspot Delineations and Excavations

MMT indicated that they need to add 3-feet of soil in the vicinity of the Building 10 slab to raise the elevation in this area. They are contemplating leaving the slab and foundations in place and covering with "clean" soil. MMT wanted to see if there may be any issues with this approach. NYSDEC indicated that they have received a letter from Greenpac's counsel indicating that the goal is a Track 2 cleanup. Based on this objective, ERM and NYSDEC indicated that this approach would be fine as long as any areas that exceed restricted industrial SCOs are delineated and removed. ERM has not been able to complete the delineation of the hotspot on the north side of Building 10 due to ongoing demolition activities in this area. MMT indicated that they could clear off this area. ERM indicated that we can mobilize to complete the borings as soon as the area is made accessible by MMT and as soon as a driller is available. ERM requested that MMT advise us as soon as possible when the area will be cleared for installation of the additional hotspot soil borings.

BCP Site Boundary

NYSDEC indicated that they have not received a formal application to include the CSX parcel into the official BCP Site Boundary. NYSDEC also indicated that the survey submitted in the Final Engineering Report (FER) will have to match the official site boundary definition or a Certificate of Completion will not be able to be issued.

Demolition

MMT indicated that they need to add 3-feet of soil in the vicinity of the Building 10 slab to raise the elevation in this area. They are contemplating leaving the slab and foundations in place and covering with "clean" soil. MMT wanted to see if there may be any issues with this approach. NYSDEC indicated that they have received a letter from Greenpac's counsel indicating that the goal is a Track 2 cleanup. Based on this objective, ERM and NYSDEC indicated that this approach would be fine as long as any areas that exceed restricted industrial SCOs are delineated and removed. ERM has not been able to complete the delineation of the hotspot on the north side of Building 10 due to ongoing demolition activities in this area. MMT indicated that they could clear off this area. ERM indicated that we can mobilize to complete the borings as soon as the area is made accessible by MMT and as soon as a driller is available. ERM requested that MMT advise us as soon as possible when the area will be cleared for installation of the additional hotspot soil borings.

Reporting

ERM has received the four final rad work plans from LATA. These work plans will be transmitted to the NYSDEC by ERM with a cover letter as requested by the NYSDEC in order to incorporate the rad work into the BCP.

NYSDEC indicated that a map showing the current position of the rad perimeter has not been received as requested at last week's meeting. GRD indicated that maps showing the position of the rad perimeter will be submitted to the NYSDEC.

NYSDEC reiterated that all rad work, findings, and conclusions must be contained in the FER.

Other

MMC indicated that construction of the new electric substation will not begin until the end of October 2011.

Next Meeting

Wednesday, 5 October 2011 at 11:00 a.m. at the site. Tom Papura of NYSDEC indicated he will be at a conference in Houston and will not be available for this meeting.

Weekly Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site No. C932150
5-Oct-2011
11:00 a.m.

RAD Issues

LATA reported that work was slowed down last week due to rain (2" rain in the first three days of October). Also, last Friday EQ was shut down due to high winds in Michigan. This caused delay industry-wide. 20 trucks of rad soil were shipped from the site yesterday. 15 trucks were planned for today. The objective was to clear Phase III of rad by Friday, 7 October.

GRD reported that the site rad gamma/GPS walkover survey is 90% complete. A map was produced by GRD showing the results of the site rad survey as of 26 September 2011 (attached). GRD reported that the map of all gamma/GPS walkover results should be done by 14 October. Rad hotspots outside the main excavation area (Phases I through VI) have been identified in several locations. Rad survey readings at the surface showed readings in the range of 15- to 60-cpm in the vicinity of Building 10 foundations. Additional investigation in these areas shows that rad slag is present beneath the Building 10 floor slab and footers, and that the slag is fixed to the bottom of the floor slab. There is 12- to 18-inches of slag beneath the floor slab. The relative thinness of the floor slab (6-inches) will make removal of this slag very difficult. If the slag is not removed, the entire mass (concrete plus adhered slag) will need to be disposed as rad waste, which will be very expensive. LATA and GRD and a contractor will attempt to remove the slag by scraping with a flat bucket. This approach will be very labor intensive and it is not known if this approach will work. This could result in a significant increase in the amount of rad waste that will be generated.

Tom Papura of NYSDEC was unavailable for the call. Mike Hinton of NYSDEC indicated the information submitted by MMT for rad clearance of Phase IV needs to be supplemented. We requested clarification of specifically what NYSDEC wants. NYSDEC indicated that a map showing Phase IV and the pre-rad-remediation and post-rad-remediation data should be submitted. NYSDEC requested that this information be submitted through ERM as soon as possible and requested if the map could be submitted during the week of 17 October. ERM indicated this should not be a problem presuming revised information acceptable to the NYSDEC is received from MMT/GRD by 14 October 2011.

Excavation

VOC-affected soil in the southeastern corner of Phase III (grid 88) was discussed. This area has not been delineated yet. MMT will let ERM know when excavation of this area will occur so that an ERM inspector can delineate the area affected by VOCs via field screening with a calibrated photoionization detector (PID). The PID action level will be 5 ppm as indicated in the NYSDEC-approved Soil Excavation IRM Work Plan. It was agreed that this soil is a waste per the work plan and must be disposed at a permitted disposal facility (it cannot be reused on site or off site).

Inspection priorities and MMT-requested changes in excavated materials documentation were discussed.

- As requested by MMT, ERM will no longer write any tickets for loads of "dirty" soil (including both rad dirty and chemical dirty) because manifests and scale tickets from the facilities receiving the waste will be provided to ERM by MMT. To track the soil, ERM will

count the number of trucks and the type of truck and note this information in our field books.

- ERM will continue to write ERM tickets for “clean” soil leaving the site. This is required to ensure compliance with requirements in Section 5.8 of DER-10. We will be providing the ERM tickets for “clean” soil sent to Allied for reuse as documentation in the FER.
- As instructed by MMT, ERM has one inspector at the site to watch excavation activities, with the exception of the period from 11:30 to 3:00 p.m. when a second inspector is present on days when concrete crushing activities are planned. MMT will coordinate performance of site work activities to work around the availability of ERM inspectors to ensure that required activities are inspected.

We need to document where any excavated materials came from and where they ended up. Based on this NYSDEC requirement, agreed ERM inspection priorities are summarized below.

Full Observation

- Initial excavation of any material that may possibly be reused (either on site or off site), which includes previously-mapped “clean” soil or historic fill (“clean” = meets Residential SCOs). Because the planned use for excavated materials at the site has occasionally changed, MMT will inform the ERM inspector in the field immediately of any change in planned use of any excavated materials so that the disposition of the material can be properly documented.
- Initial excavation for site utilities or other construction-related excavation activities outside of the main excavation (i.e., construction of the new electric substation, new water lines, sewers, etc.).

Observe As Much As Possible

- Initial excavation of “dirty” fill or soil (dirty = exceeds Restricted Industrial SCOs)
- Loading of staged stockpiles
- Any other activities involving moving, staging, loading, or transport of previously-excavated materials or backfill materials.

Daily

- Community Air Monitoring data
- Status of on-site crushing activities and backfill characterization sampling (during crushing activities)

Transportation and Disposal

MMT reported that approximately 140 trucks of rad material had been transported from the site as of the end of last week. The average load was approximately 22.6 tons. GRD and LATA indicated that in the end, we may come close to the initially estimated volume of 11,000 tons of rad waste. LATA indicated that EQ will be contacted to discuss a possible reduced rate for rad waste disposal based on the increased anticipated volume of material.

Backfilling

No discussion.

On-Site Reuse

VOC-affected soil from Phase III is a waste and cannot be reused anywhere on site.

Off-Site Reuse

VOC-affected soil from Phase III is a waste and cannot be reused anywhere off site.

Hotspot Delineations and Excavations

The last remaining hotspot soil boring installations (total of eight soil borings) will be performed by ERM on 18-20 October 2011 presuming the area is cleared of construction/demolition debris.

BCP Site Boundary

MMT indicated that the letter application to include the CSX parcel into the formal BCP Site Boundary has been submitted to the NYSDEC. Mike Hinton of the NYSDEC indicated that he have not received the submittal. A copy of the submittal dated 29 September 2011 was produced at the meeting. MMT will follow up with NYSDEC to ensure that it was received.

Demolition

MMT indicated that the Bldg. 10 demo work will be complete by the end of October 2011.

Reporting

NYSDEC indicated that technical information submittals on the rad investigation and remediation should go through ERM because rad work, findings, and conclusions must be contained in the RI Report, the IRM/AA Report, and the FER.

Other

NYSDEC indicated that additional delays in the site work schedule will likely prevent issuance of a Certificate of Completion by 30 June 2012. HSE and ERM echoed this concern.

MMT indicated that the new steam line is scheduled to be active on 18 October 2011, which will allow deactivation of the old steam line and starting of additional excavation along the north walls of Phases IV and V.

LATA indicated that they will inquire with EQ regarding the possibility of sending rad waste to their landfill on Saturdays.

Next Meeting

Wednesday, 12 October 2011 at 11:00 a.m. at the site.

**Weekly Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
12-Oct-2011
11:00 a.m.**

RAD Issues

- Phase 3 is completed except for the stockpile area. The area beneath the stockpile will be checked for rad after the pile is completely removed. The stockpile is being screened for rad by GRD with the approval of Tom Papura of the NYSDEC in an attempt to reduce the volume requiring off-site transport and disposal.
- Live-loaded 15 trucks yesterday and 15 trucks today.
- The gamma walkover of the BCP site boundary is complete – the results will be submitted to the NYSDEC today.
- Building #10 is the next focus after completion of Phase 3. The NYSDEC inquired as to how much slag may be present beneath Building #10. MMC indicated an estimated 920 cubic yards of concrete and approximately 2000 cubic yards of slag.
- The NYSDEC requested a map with a plan showing how the rad hotspots will be addressed. Areas that are not available now for scanning will need to be scanned in the future when they become available.
- LATA met with their waste broker in Westerville, OH; they have checked into roll-off container options to expedite shipping of rad waste from the site. Roll-off numbers are limited due to high demand on a regional basis. LATA believes it is not worth it to implement this additional option and recommends shipping “stay the current course”.
- LATA estimates there are 4000 tons of rad waste remaining to be excavated and approximately 5000 tons currently staged at the Site. Approximately 3000 tons have been shipped from the Site to date.
- LATA inquired about construction of another rad staging area if necessary. The NYSDEC indicated this was acceptable.
- GRD indicated that sediment in temporary wastewater storage containers can be scanned for rad if necessary.
- MMC indicated that some over-excavation has occurred in response to the rad issue.

Excavation

- The Phase 3 and Phase 4 excavation areas are complete with the exception of the VOC-affected soil area in Quad 88 at the southeast corner.
- Some water has accumulated in low areas in Quad 88. ERM has sampled the water for waste characterization purposes.
- The NYSDEC and ERM indicated that MMT/MMC may want to consider installation of a cut-off wall between their site and the Frontier Chemical property (the apparent source of the VOCs).
- The NYSDEC indicated that vapor intrusion mitigation should not be an issue if VOC-affected soil is adequately addressed.

Transportation and Disposal

- MMT requested that ERM prepare a letter describing available data and information on the VOC-affected soil in Quad 88; MMC will submit the letter/information to Allied requesting approval of the material.

Backfilling

No discussion.

On-Site Reuse

Soil reuse of materials in the new electrical substation area was discussed in light of the results of the RI.

Off-Site Reuse

- MMC intends to ship some clean soil from the site to Allied for reuse next week.
- The NYSDEC requested that NYSDEC Solid Waste be contacted if any off-site reuse of crushed bricks was planned by MMC.

Hotspot Delineations and Excavations

No discussion.

BCP Site Boundary

No discussion.

Demolition

MMT indicated that the Bldg. 10 demo work should be complete by the end of October 2011.

Reporting

NYSDEC indicated that technical information submittals on the rad investigation and remediation should go through ERM because rad work, findings, and conclusions must be contained in the RI Report, the IRM/AA Report, and the FER. These should be submitted to the NYSDEC as soon as possible.

Other

- Wet weather has significantly complicated site work progress lately.
- MMC indicated that the steam line work may have to be postponed until December 2011.

Next Meeting

Wednesday, 19 October 2011 at 11:00 a.m.

Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
19-Oct-2011
11:00 a.m.

RAD Issues

Tom Papura of NYSDEC indicated that GRD is doing a good job and that he has no issues with the removal of rad material from Phase 4. Mike Hinton of NYSDEC indicated that he will send an e-mail to ERM indicating the rad removal from Phase 4 is acceptable to the NYSDEC.

GRD indicated they are in the process of finishing the rad removal from Phase 3 and that they are hoping to complete Phase 3 on 20-Oct-2011. Slag is being removed from the base of the concrete pad at Building 10. The slag has readings of approximately 45,000 cpm. After removal of the slag attached to the bottom of the concrete, the concrete is rad clean (readings of 9000-11,000 cpm). Starting on 20-Oct-2011, GRD will be starting waste minimization efforts to separate out non-rad soil if possible from the two large piles in the Northern Extension staging area. This work may take several weeks to complete. The site-wide walkover gamma survey has been completed and an updated map will be submitted to ERM and the NYSDEC.

LATA reported that rad waste is not being shipped off site at present until additional trucks are obtained to increase the rate of shipping. This will also allow time to separate out potential non-rad soil from the current rad stockpiles in an effort to reduce the volume of rad waste requiring off-site transport and disposal.

NYSDEC inquired as to an updated estimate of the amount of rad waste requiring off-site disposal. MMT indicated there is no change (current estimate is somewhere between 10,000 to 15,000 tons).

MMT indicated that once Phase 3 rad remediation work is complete, the rad remedial focus will be shifted to the rad hotspots indicated on GRD's updated gamma site survey map. Mike Hinton indicated that he wants ERM to submit an Addendums to the RI Work Plan and the Soil Excavation IRM Work Plan before rad remediation outside of Phases 3 and 4 begins. MMT agreed. ERM indicated that we can start preparation of the Addendums upon receipt of written work authorization from MMT. Mike Hinton requested that the Addendum be submitted on or before Wednesday, 26-Oct-2011. NYSDEC indicated that due diligence needs to be performed with regards to selection of areas for rad removal and that an important goal is to prevent tripping of alarms at any facility receiving wastes from the site.

NYSDEC indicated that rad issues need to be described and addressed in the Site Management Plan.

Excavation

GRD indicated that soil remaining in the southeast corner of Phase 3 can be handled and managed as non-rad material. MMC reported that the excavation of VOC-affected soil in the southeast corner of Phase 3 is tentatively planned for next week. ERM will be present during the excavation to delineate the VOC-affected soil using a calibrated photoionization detector (PID) to the work plan-required action level of 5 ppm. GRD will be performing rad screening during the VOC-affected soil removal effort.

Transportation and Disposal

Laboratory analytical data from VOC-affected soil in the southeast corner of Phase 3 has been received and will be provided to landfills receiving wastes from the site to see if modification of the waste profiles and/or approvals is necessary.

Backfilling

No discussion.

On-Site Reuse

Concrete piles 23 and 24 are likely available for on site reuse. ERM will confirm and get back to MMC on this today.

ERM will be installing 8 soil borings in the proposed wastewater treatment plant (WWTP) excavation area and will be collecting additional soil samples to evaluate areas of soil for reuse or off-site disposal based on the analytical results and in conformance with procedures outlined in NYSDEC's DER-10 technical guidance.

MMT indicated that the clean concrete from the Building 10 rad remediation effort will be crushed for reuse on site after the rad slag is removed from the bottom. NYSDEC asked that the concrete be screened for rad before or during the crushing process. GRD will certify that the concrete is not rad-contaminated. ERM will be sampling this concrete for DER-10 compliance in the same manner as other concrete generated at the site.

Off-Site Reuse

The sample of crushed concrete obtained from a NYSDEC-permitted C&D recycling facility contained several contaminants at concentrations exceeding commercial SCOs. MMT is not considering having the material screened at the source to contain <10% fines, which would render the material usable at the site as long as the material was thoroughly inspected to ensure conformance with NYSDEC backfill requirements. MMT indicated they are not planning to use this material as backfill at the site.

Hotspot Delineations and Excavations

ERM is on site this week installing the last 8 remaining hotspot soil borings. The drilling should be completed on 20-Oct-2011.

BCP Site Boundary

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street.

Demolition

No discussion.

Reporting

Mike Hinton indicated that he wants ERM to submit an Addendum to the Soil Excavation IRM Work Plan before rad remediation outside of Phases 3 and 4 begins. ERM indicated that we can start preparation of the Addendum upon receipt of work authorization from MMT. Mike Hinton requested that the Addendum be submitted on or before Wednesday, 26-Oct-2011.

NYSDEC indicated that rad issues need to be described and addressed in the Site Management Plan.

Other

Contaminant mapping suggests that some soil beneath the currently-active electric substation area may contain one or more contaminants at concentrations exceeding the restricted industrial soil cleanup objectives (SCOs). MMT indicated that this area will not be available for remediation, if needed, until mid-2012. This could obviously affect our ability to obtain a Certificate of Completion (COC) by 30 June 2012. Several options exist to potentially address this issue, including additional sample collection on the east side of the Transformer Area; removal of the Transformer Area from the official BCP Site Boundary; or addressing any exceedances in the Site Management Plan. NYSDEC will be discussing this matter internally and will get back to MMT and ERM regarding potential options.

MMT indicated that additional geotechnical borings may be requested. MMT will discuss internally and advise ERM.

Next Meeting

Tuesday, 25 October 2011 at 11:00 a.m. at the site. The meeting was moved to Tuesday from our normal Wednesday because Tom Papura of NYSDEC is planning to be present at the site on Tuesday but is not available on Wednesday.

Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
25-Oct-2011
11:00 a.m.

RAD Issues

ERM has not received an e-mail or letter from the NYSDEC indicating formal approval of the rad remediation in Phase 4. NYSDEC indicated the e-mail or letter will be submitted soon.

GRD reported that excavation of rad waste from Phase 3 should be completed by the end of the day. Loading of the stockpile of rad soil excavated from Phase 3 and 4 will begin tomorrow.

GRD is continuing their efforts screening the current rad stockpile in the Northern Extension in an attempt to reduce the volume of waste requiring off-site transport and disposal.

Saw-cutting of the former Building #10 slab and remediation of rad material from beneath the Building 10 slab continues; GRD estimates they are 50% complete. Excavated materials are currently being shipped off site and a total of 13 trucks are planned for today with additional trucks coming tomorrow.

ERM asked if an updated estimate of the total anticipated volume of rad waste was available. GRD indicated that the current estimate is 20,000 tons. This is up from the previous estimate of 10,000 to 15,000 tons.

MMT handed out an updated rad hotspot map (attached) showing six planned rad remediation zones. GRD indicated that Zone 4 needs to be excavated on a weekend because it will require temporary blockage of roads used on a daily basis by Norampac for site operations. Zone 6 is the CSX parcel that is currently being added to the official BCP Site Boundary. A gamma walkover survey needs to be performed in Zone 6 and the survey will be started tomorrow (26-Oct-2011).

NYSDEC indicated it is requiring submission of an Addendum to the RI Work Plan and an Addendum to the Soil Excavation IRM Work Plan from ERM before it will allow additional rad remediation. NYSDEC also indicated that approval of the remediation (and therefore BCP tax credits) will not be provided without the Addendums. ERM indicated that we can start preparation of the Addendum upon receipt of work authorization from MMT. Authorization is anticipated today and submissions of the Addendums are anticipated next week.

NYSDEC and GRD indicated that a new slag has been discovered. The new slag is green and vitreous (glassy). NYSDEC requested laboratory analysis of a sample of the green vitreous slag by gamma spectroscopy with reporting of uranium, thorium, and radium isotopes only. GRD will collect the sample and provide it to ERM for transport to the project laboratory.

GRD indicated that it probably will not be possible to remove all the rad waste from the site by mid-December due to the lack of availability of sufficient numbers of trucks within the required timeframe. MMT asked if this will affect our ability to get a COC by 30 June 2012. ERM indicated that it is critical for excavation and sampling to be completed by mid-December; however, it probably will not jeopardize our project schedule if shipping of materials off site is not completed until January 2012. NYSDEC added that it may be possible to grant conditional approval of the IRM/AA Report if all of the wastes have not yet been transported off site; however, final approval will require submission of all waste documentation.

NYSDEC confirmed that Greenpac will not be required to chase rad hotspots outside of the BCP Site Boundary. The Site Management Plan (SMP) will have to address rad issues at the site.

Excavation

Excavation of clean soil continues in Phase 3. MMT/MMC are planning for the continuation of the excavation on the north walls of Phases 4 and 5 now that the new steam line is operational and demolition of the old steam line has begun.

The excavation and delineation of VOC-affected soil at the southeast corner of Phase 3 (Quad 88 area) has not occurred yet. MMT/MMC indicated that this work is currently planned for this week, weather permitting. ERM will delineate the area and guide the excavation by screening soil for VOCs with a calibrated PID to the approved action level of 5 ppm. GRD will be present to screen the material for rad.

Transportation and Disposal

GRD indicated that soil that has been screened from the current rad pile in the Northern Extension and found to be non-rad will be sent to Modern Landfill as contaminated. Soil from this pile came from Phases 3 and 4. ERM indicated that the majority of soil excavated from Phases 3 and 4 is chemically clean. Therefore, we should evaluate if the rad-clean soil segregated from the rad dirty pile can be sent to Allied as clean soil at lower cost to Greenpac. Inspection and sampling of this material could be performed to evaluate whether this approach could reduce project cost for Greenpac.

Laboratory analytical data from VOC-affected soil in the southeast corner of Phase 3 was provided to landfills receiving wastes from the site and this soil has been approved as part of the existing profiles. No separate waste determinations are applicable per the facilities receiving the waste.

Backfilling

No discussion.

Reuse

ERM advised the NYSDEC that we have been asked by the excavation contractor whether or not it is acceptable for them to mix historic fill into clean soil as long as the total percentage of historic fill was less than 5%. NYSDEC indicated that any mixing of historic fill (or other waste material or debris) into clean soil, regardless of the percentage, renders the entire volume unfit for reuse off site (i.e., anywhere outside the BCP Site Boundary). However, the mixed material can be reused on site (within the official BCP Site Boundary) as long as the material meets the Restricted Industrial Soil Cleanup Objectives. MMT/MMC indicated that the contemplated use of all clean soil currently excavated and staged at the site is for on-site reuse. ERM advised MMT/MMC to inform us immediately if there is a change in the contemplated use of clean soil as this would require that the excavation contractor not use their excavation "mixing" process, and our inspectors would obviously need to be aware of this in order to preserve the possibility of off-site reuse of excavated clean soil. If additional shipments of clean soil to Allied are desired, loading from the current clean soil pile would need to be inspected by ERM in order to confirm that historic fill is not present in the clean soil being sent to Allied.

Eight soil borings have been completed in the proposed wastewater treatment plant (WWTP) excavation area. Additional samples were collected to evaluate areas of soil for reuse or off-site disposal based on the analytical results and in conformance with procedures outlined in

NYSDEC's DER-10 technical guidance. ERM will present the results of the evaluation after the data are received and reviewed.

Hotspot Delineations and Excavations

Analytical results from the last eight hotspot soil borings installed last week should be available by the end of this week. ERM will update the chemical hotspot delineation maps. GRD will provide ERM with a cad file showing the location of the rad hotspots and the two layers will be overlaid.

BCP Site Boundary

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

Demolition

Dismantling of the old steam line has begun.

Reporting

NYSDEC is requiring submission of an Addendum to the RI Work Plan and an Addendum to the Soil Excavation IRM Work Plan from ERM before it will allow additional rad remediation. ERM indicated that we can start preparation of the Addendum upon receipt of work authorization from MMT. Authorization is anticipated today and submissions of the Addendums are anticipated next week.

NYSDEC indicated that the SMP will also have to address rad issues at the site.

Other

Contaminant mapping suggests that some soil beneath the currently-active electric substation area may contain metals at concentrations exceeding the restricted industrial soil cleanup objectives (SCOs). MMT indicated that this area will not be available for remediation, if needed, until mid-2012. This could obviously affect our ability to obtain a Certificate of Completion (COC) by 30 June 2012. Several options exist to potentially address this issue, including additional sample collection on the east side of the Transformer Area; removal of the Transformer Area from the official BCP Site Boundary; or addressing any exceedances in the Site Management Plan (SMP) after issuance of a COC.

NYSDEC is still discussing this matter internally. However, initial discussions suggest that soil beneath the current substation could be addressed under the SMP or that as a fallback position, it may be possible to modify the BCP Site Boundary to exclude the substation area. NYSDEC will contact us when their internal discussions have been finalized.

Next Meeting

Wednesday, 2 November 2011 **at 2:00 p.m.** at the site.

Weekly Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
2-Nov-2011
2:00 p.m.

RAD Issues

GRD reported that rad remediation in Phase 3 has been completed. They are starting remediation work at a former rail line located between Phase 1 and Phase 3. There is 8- to 12-inches of slag beneath the tracks that needs to be removed. They hope to complete this work by this Friday. GRD also reported that the Building 10 pad rad remediation work is approximately 50% complete.

The project goal is to have all rad remediation excavation work completed on or before 15 December 2011.

Shipping of rad waste from the Building 10 and Phase 4 rad remediations continue; 13 trucks went off site Monday, 13 Tuesday, and 19 were planned for today. LATA and GRD are trying to ramp the daily number of trucks up towards 30. NYSDEC asked if rail transportation of rad waste from the site to EQ Landfill was still being contemplated. MMT indicated that it is but that it may not happen for at least a couple of weeks. Additional information will be provided to the NYSDEC when available.

Materials segregated from the rad pile in the Northern Extension and determined by GRD to be non-rad waste are being sent to Allied as contaminated material. GRD estimates that approximately 30 to 40% of material screened from the rad pile has been determined to be non-rad waste upon closer inspection. MMT indicated these materials may also be shipped to Modern Landfill if needed.

The gamma walkover survey of the CSX parcel has been completed. Results suggest that there are no radioactive materials above background within the upper 2-feet in this portion of the site. ERM indicated there are no plans to install soil borings in the rest of the CSX parcel (from the current BCP site boundary eastwards to 47th Street). MMT indicated that GRD will be present to evaluate fill/soil at depth for rad in the CSX parcel during the excavation of a water line that may be installed in this area.

Excavation

Excavation of contaminants will be needed beneath a power pole that is located in the proposed wastewater treatment plant (WWTP) excavation. The plan is to excavate around the pole, backfill the excavated area, and then remove the pole and excavate soil beneath the pole.

Transportation and Disposal

NYSDEC Solid Waste temporarily withdrew approval of an application to dispose of contaminated materials from the Site at Modern Landfill. NYSDEC project personnel provided information to the Solid Waste section regarding review of an application for disposal of contaminated soil from the Site at Modern Landfill. The application was approved.

Backfilling

No discussion.

Reuse

See section below entitled "Hotspot Delineations and Excavations".

Hotspot Delineations and Excavations

ERM is updating contaminant distribution maps (the extent of exceedances of the restricted industrial SCOs) with newly-received analytical results from hotspot soil borings, including the soil borings installed to evaluate reuse options in the proposed wastewater treatment plant (WWTP) excavation. Excavation of any chemical hotspots cannot occur until ERM completes our revision of the industrial SCO exceedance maps and gets NYSDEC approval of the updated map based on NYSDEC's requirements previously communicated to us for this project. ERM is working on mapping revisions and we hope to have a draft sent out for internal Greenpac review by the end of this week.

BCP Site Boundary

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

Demolition

No discussion.

Reporting

The Addendum to the RI Work Plan should be submitted today.

NYSDEC requested copies of final signed rad work plans from LATA. ERM indicated that the final signed LATA work plans are attachments to the Addendum to the Soil Excavation IRM Work Plan and we are attempting to submit the Addendum to the Soil Excavation IRM Work Plan on Friday, 4 November.

ERM discussed NYSDEC requirements for Electronic Data Deliverables (EDD) that must be submitted per new NYSDEC policy for all major reports on the Site. This is a new requirement as of 2011 and issues have been identified with EDDs on many other projects. ERM requested that EDDs be limited to fields associated only with chemical site data and sample depth and location. NYSDEC agreed in principle to limiting EDD field requirements and recommended submission of a small EDD data package soon as a "test run" so that potential EDD issues, if any, can be identified and addressed before submittal of major reports (RI, IRM/AA, and FER). ERM agreed and will prepare an EDD test data submittal and will discuss and finalized required EDD content with NYSDEC's Project Manager prior to the test submittal.

Other

Contaminant mapping suggests that some soil beneath the currently-active electric substation area may contain metals at concentrations exceeding the restricted industrial soil cleanup objectives (SCOs). This area will not be available for remediation, if needed, until mid-2012. This could obviously affect our ability to obtain a Certificate of Completion (COC) by 30 June 2012. Several options exist to potentially address this issue, including additional sample collection on the east side of the Transformer Area; removal of the Transformer Area from the official BCP Site Boundary; addressing any exceedances in the Site Management Plan (SMP) after issuance of a COC; or attempting (for the first time) a dual-track COC for the Site (the substation area would be remediated to Track 4 and the rest of the Site to Track 2). The NYSDEC indicated that the dual-

track option would be very difficult and would complicate the COC. ERM suggested that we can implement that option if selected by Greenpac (and acceptable to the NYSDEC) but that the additional work and perceived delay involved in attempting this type of COC for the first time may affect our ability to get a COC issued on or before 30-Jun-2012.

NYSDEC is still discussing this matter internally. However, initial discussions to date suggest that soil beneath the current substation cannot be addressed under the SMP. NYSDEC Region 9 indicated that it appears that the best option will be to modify the BCP Site Boundary to exclude the substation area. NYSDEC will contact us when their internal discussions have been finalized.

Mr. Balaji indicated he will be on vacation from 22-Dec-2011 through 2-Jan-2012. ERM will get the Draft RI Report submitted to the Greenpac team for internal review prior to Mr. Balaji's vacation in order to ensure he has adequate time for review prior to his vacation and to facilitate submittal of the RI Report to the NYSDEC on or before the planned 6-Jan-2012 deadline.

Next Meeting

Wednesday, 9 November 2011 **at 11:00 a.m.** at the site.

Weekly Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
9-Nov-2011
11:00 p.m.

RAD Issues

GRD reported that the Building #10 pad rad remediation work was completed last Friday (4-Nov-2011). Also, rad zones R-2 and R-7 were completed over the weekend. R-5 was started yesterday and has been completed. R-3 has been started and will be completed today. The clean soil pile in the main staging area will be moved to the east to the location of R-3 after that area is cleared by GRD. GRD reported that rad material in R-4 is relatively well defined and occurs in a lens that is readily observable in the field. As of today, GRD estimated that remediation of Zone R-4 is approximately 50% complete.

Rad waste material from the various rad hotspot excavations is being temporarily staged in the Building #10 rad waste pile. GRD indicated that rad waste material is being screened in the field to reduce the volume of waste requiring off-Site transport and disposal as much as possible. Shipping of rad waste continues to the EQ Landfill in Michigan. GRD and LATA indicated there have been no radiation portal alarms tripped lately at landfills receiving waste from the Site.

LATA indicated that rad waste will soon be shipped from the site via “box” waste containers that will be shipped to EQ via railroad. This approach is being used to expedite completion of rad waste shipments from the site. The goal is 12 boxes per day and it will take some time to ramp up to this quantity. Each box holds about the same amount as a dump trailer (around 22-23 tons) and 5 or 6 boxes can be placed on one rail car. LATA estimates travel time for one box from the Site, to EQ, and back is approximately 2 weeks. The boxes will be weighed on Norampac’s scales and will be sent to Allied for temporary staging (Allied has rail loading facilities). Three transporters will be involved: BFC, CSX, and Page. Manifests will be completed documenting all transporters and receipt of all boxes at EQ landfill. LATA will provide a Completion Report documenting all waste transport and disposal for all wastes (including all rail boxes) to ERM for use in BCP project reporting.

NYSDEC indicated that submission of the rad Addendum to the Soil Excavation IRM Work Plan needs to be submitted and rad pre-excavation and post-excavation data needs to be submitted to ERM so it can be incorporated into the BCP for the Site.

NYSDEC indicated they have not provided an e-mail documenting the acceptability of the Phase 4 rad remediation, but that one will be forthcoming.

Chemical Issues

Excavation

MMT indicated that excavation needs to occur soon in Phase 6 and that approximately 2-feet of material will be excavated in this area. NYSDEC asked if a contaminant distribution map and confirmation soil sampling plan was submitted for Phase 6. ERM recalled that one was already submitted but will check our records and get back to the team on this matter.

Transportation and Disposal

No discussion.

Backfilling

No discussion.

Reuse

See section below entitled "Hotspot Delineations and Excavations".

Hotspot Delineations and Excavations

ERM is updating contaminant distribution maps (the extent of exceedances of the restricted industrial SCOs) with newly-received analytical results from hotspot soil borings, including the soil borings installed to evaluate reuse options in the proposed wastewater treatment plant (WWTP) excavation. Excavation of any chemical hotspots cannot occur until ERM completes our revision of the industrial SCO exceedance maps and gets NYSDEC approval of the updated map based on NYSDEC's requirements previously communicated to us for this project. ERM is working on mapping revisions and we hope to have a draft sent out for internal Greenpac review by Wednesday, 16-Nov-2011.

BCP Site Boundary

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

NYSDEC indicated that the Tax Map Number on the HSE letter appeared to be incorrect (nothing showed up for that number in the Niagara County Mapping System). MMT indicated they will address this matter with HSE and get back to the NYSDEC with an update.

Existing Substation

Contaminant mapping suggests that some soil beneath the currently-active electric substation area may contain metals at concentrations exceeding the restricted industrial soil cleanup objectives (SCOs). This area will not be available for remediation, if needed, until mid-2012. This could obviously affect our ability to obtain a Certificate of Completion (COC) by 30 June 2012. There are two options currently being considered:

1. A dual-track COC (entire site Track 2 except for the substation which would be Track 4); and
2. remove the existing substation area from the official BCP Site Boundary.

The NYSDEC indicated that the dual-track option would be very difficult and would complicate the COC but that either option is open to Greenpac – it is Greenpac's call. ERM indicated we can assist either option, but reiterated concerns that the additional work and perceived delay involved in attempting a dual-track COC (has never been done by anyone before) may affect our ability to get a COC issued on or before 30-Jun-2012.

Greenpac inquired as to ways that the substation area could be addressed if it were excluded from the BCP Site Boundary. NYSDEC indicated that a consent order option for that parcel may be a possibility and recommended that Greenpac may want to discuss this approach if interested with Greenpac's counsel HSE.

Greenpac indicated they are discussing this situation with their lenders and will get back to the NYSDEC with a preferred option after those discussions are finalized.

Demolition

Demolition of the former wastewater treatment structures is scheduled to begin next week.

Reporting

ERM indicated that the Addendum to the Soil Excavation IRM Work Plan is under preparation and will likely be submitted to the NYSDEC next week.

Other

Contaminant concentrations at non-detect sample locations are being set at one-half the detection limit in the geostatistical model being used to estimate contaminant distribution at the Site. ERM indicated that elevated detection limits for SVOC analyses in five samples located west and north of the existing substation area are resulting in a modeled exceedance of the restricted industrial SCOs in this area that is not justified based on available evidence. ERM has reviewed these samples and they contain no significant visual, olfactory, PID field screening, or laboratory analytical evidence of contamination. Therefore, ERM intends to adjust the modeled values at these five locations to below the restricted industrial SCO so that the contours are more accurate. The NYSDEC agreed to this approach as long ERM feels that the approach is objectively defensible. ERM concurred and indicated the approach will be discussed in the RI Report.

Next Meeting

Thursday, 17 November 2011 at 1:15 p.m. at the site.

Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
17-Nov-2011
1:15 p.m.

RAD Issues

GRD reported that the Building #10 pad rad materials stockpile has been completely transported from the Site and that no alarms were set off at any of the landfills receiving wastes from the Site.

Rad sifting and blending operations are ongoing in an attempt to reduce the volume of rad materials requiring off-Site transport and disposal. There have been approximately 20 trucks per day from the Phase 3 and Phase 4 rad materials pile that have been shipped to Allied or Modern Landfill with waste materials segregated from the rad piles. These shipments have been going off as contaminated material given the prevalence of historic fill in the materials.

Rad removal work continues in zones R-2 and R-3 (near Building #10), R-4 (beneath trailers), and R-5 (parking lot area between R-4 and R-5). GRD also reports that some additional rad material was found between R-1 and R-2 during excavations associated with demolition of the wastewater treatment plant (WWTP). Approximately 2-3 truckloads of material were removed and the area has been rad-cleared. GRD is also performing scanning of the sludge removal activities associated with the WWTP demolition.

GRD has obtained Ludlum 14C 43-5 PRO meter ("hot dog pro") to assist with the dose rate screening of trucks loaded with rad materials. This unit is currently in use at the Site.

The clean soil pile in the main staging area is being moved to the east towards the location of R-3.

GRD stated that the gamma walkover survey of the CSX parcel addition between the current BCP Site Boundary and 47th Street was clean. Scan depth is approximately 2-feet. GRD will be present to scan materials in this area during excavation of test pits that will occur in this area. ERM and NYSDEC indicated that the current gamma walkover survey figure has a box that suggests there is some elevated radiation in a small portion of this parcel. GRD indicated there is some that is close but not within the parcel. GRD will check the figure and re-issue it if necessary based on available scan and location data.

GRD estimates that based on currently available information, rad removal activities should be substantially complete within 30 days.

ERM indicated that laboratory analytical results for the greeny, glassy slag material recently discovered by GRD at the site should be back soon. ERM will forward those data to MMT and GRD after they are received.

NYSDEC inquired as to the status of rail shipments from the Site. GRD indicated they have not started yet but will likely begin next week. GRD will be surveying the "cans" (transport containers) that will be used for rail shipments.

NYSDEC indicated that submission of the rad Addendum to the Soil Excavation IRM Work Plan needs to be submitted and rad pre-excavation and post-excavation data needs to be submitted to ERM so it can be incorporated into the BCP for the Site.

NYSDEC indicated they have not provided an e-mail documenting the acceptability of the Phase 4 rad remediation, but that one will be forthcoming.

ERM inquired with the NYSDEC regarding comments or approval of the rad Addendum to the RI Work Plan. NYSDEC indicated review is ongoing and comments or approval will be issued soon.

ERM indicated that the rad Addendum to the Soil Excavation IRM Work Plan is nearly complete and will likely be submitted to the NYSDEC on Friday, 18 November.

Chemical Issues

Excavation

NYSDEC inquired about the status of the VOC-affected soil excavation in the southeast corner of Phase 3. ERM indicated that this excavation has been completed and that it was backfilled with clean clayey silt soil from the Site.

MMT intends to initiate excavation in the wastewater treatment plant (WWTP) area this week.

Transportation and Disposal

No discussion.

Backfilling

No discussion.

Reuse

The completion of industrial and residential SCO contours in the WWTP excavation area will be used for soil reuse decisions in this area in the same manner as previously used in excavation phases 1 through 5. MMT indicated that it intends to reuse soil from the WWTP excavation area on site to the extent possible. Any material containing historic fill is not suitable for reuse based on project construction requirements and will be sent off site as contaminated material to Allied or Modern Landfill.

Hotspot Delineations and Excavations

ERM is still updating the contaminant distribution maps with hotspot data and recently received data from the CSX parcel investigation by Benchmark. ERM will be submitting a revised map for all or portion of the site (based on the progress of mapping revisions) tomorrow. We will submit a comprehensive hotspot map for the entire area within the BCP Site Boundary as soon as possible.

NYSDEC inquired about a schedule for the chemical hotspot excavations. ERM indicated that excavations around C-2 and C-5 have been completed. A schedule for the rest can be developed based on input from MMT/MMC.

BCP Site Boundary

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

Existing Substation

Revised contaminant mapping suggests that soil beneath the currently-active electric substation area does not contain chemical contaminants at concentrations exceeding the restricted industrial soil cleanup objectives (SCOs). However, maps received from GRD suggest that some rad material may be present in the northwestern corner of the substation. This area will not be available for remediation, if needed, until mid-2012. This could obviously affect our ability to obtain a Certificate of Completion (COC) by 30 June 2012. There are two options currently being considered:

1. A dual-track COC (entire site Track 2 except for the substation which would be Track 4); and
2. remove the existing substation area from the official BCP Site Boundary.

Either option is open to Greenpac – it is Greenpac's call. ERM indicated we can assist either option, but reiterated concerns that the additional work and perceived delay involved in attempting a dual-track COC (has never been done by anyone before) may affect our ability to get a COC issued on or before 30-Jun-2012.

Greenpac indicated they are discussing this situation with their lenders and will get back to the NYSDEC with a preferred option after those discussions are finalized.

Demolition

Demolition of the former wastewater treatment structures has begun.

Reporting

MMT inquired as to the status of the laboratory analytical results for the sample of wastewater collected from the temporary storage container. ERM will check on the status of these results and forward them to the team after they are received.

ERM indicated the Monthly Progress Report for October 2011 will be submitted tomorrow (on Friday, 18 November).

ERM indicated that it has not received EDDs from the consultants involved with previous subsurface investigations at the site (C&S and Labella Associates). NYSDEC is concerned that this may cause a delay in submission of the RI Report. ERM indicated any further delay beyond next week may affect our ability to submit the RI Report to the NYSDEC on or before 6 January 2012. MMT indicated it will contact these consultants to assist our efforts to get these data.

Other

MMT inquired about the drums currently staged in the vicinity of the large tanks near the WWTP facility. ERM indicated that these are drums of investigation-derived waste (IDW) associated with the Remedial Investigation. A waste profile will be prepared for these drums and sent to MMT for review and approval. The drums can be removed from the site after the wastes are approved by the facility receiving the wastes. ERM anticipates to remove the drums from the site in early December.

Next Meeting

There will be no site meeting next week. The next meeting at the Site will be on **Wednesday, 30 November 2011 at 11:00 a.m.**

**Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
30-Nov-2011
11:00 a.m.**

RAD Issues

Rad sifting and blending operations continue in an attempt to reduce the volume of rad materials requiring off-Site transport and disposal. There have been approximately 20 trucks per day and six intermodal containers for rail shipment per day that have been going off site lately to the EQ landfill in Michigan. No rad alarms have been set off at EQ, Allied, or Modern lately.

Rad removal work continues in rad zone R-1. GRD indicated that readings of 40K to 50K cpm are present in historic fill material within 5-feet of the fence at the northwest corner of the existing electric substation (Transformer Area). This area will be cleared (with the exception of the Transformer Area) by the end of the day. Afterwards, removal activities will proceed in rad zone R-4, the last remaining area to be excavated. GRD estimated that R-4 is 90% complete and indicated that remaining work will be focused on the area beneath the trailers. It is anticipated that all rad removal will be completed by the end of this week (with the exception of rad beneath the existing substation).

GRD indicated that they are performing screening of excavated materials from the new wastewater treatment plant (WWTP) area and that no rad materials have been discovered in this area to date.

NYSDEC inquired about the planned completion date for the off-site transport and disposal of rad waste. GRD estimated that based on currently available information, all rad removal activities and shipping (minus the existing substation area) should be completed on or about 20 December 2011. NYSDEC indicated that future site excavation work within the BCP Site Boundary still needs to be screened for rad as previously discussed and agreed.

GRD indicated they will be supporting the ongoing chemical hotspot excavations and will be periodically screening excavated materials for rad.

MMT indicated that the sludge tank demolition has been completed and that backfilling of this area will begin soon. NYSDEC requested that GRD scan the area to be backfilled before backfilling begins.

Chemical Issues

Excavation

Excavation in the WWTP area continues. MMT indicated that excavated materials are being handled and managed consistent with the SCO exceedance map of C-8 previously provided by ERM.

Transportation and Disposal

MMT asked if laboratory analytical results from the hotspot and WWTP excavation sampling effort should be provided to waste facilities. ERM recommended that these data be provided to facilities receiving excavated materials from the site as addendum information for the existing waste profiles (not as a new profile request). MMT requested that ERM provide laboratory analytical results and a cover letter for the new samples collected in this area so that these data can be forwarded to facilities receiving excavated materials from the Site. ERM will provide the requested data with a cover letter.

Backfilling

MMT indicated that one or more of the following materials are currently being used for all backfilling at the site:

- clean soil (on-Site reuse);
- crushed concrete generated on site; or
- virgin crushed stone.

MMT indicated that the sludge tank demolition has been completed and that backfilling of this area will begin soon. NYSDEC requested that GRD scan the area to be backfilled before backfilling begins. MMT indicated the area will be rad scanned and then backfilled with virgin crushed stone from LaFarge Quarry.

Reuse

NYSDEC inquired as to what material constitutes the large pile located on the north end of the crushing operations. MMT indicated that this pile is clean soil excavation phases 3 and 4.

Crushed brick previously laid down for access roads and other temporary site work uses will be removed from within the BCP Site Boundary prior to demobilization of excavation contractors and needs to be removed prior to issuance of the Final Engineering Report.

Hotspot Delineations and Excavations

MMT needs the updated chemical hotspot map to allow excavation of chemical hotspots C-3 through C-7. Hotspot C-7 is the highest priority. ERM indicated we are working on the updated map for all hotspots and hope to have an updated version available for internal review by the end of this week.

BCP Site Boundary

MMT indicated that there appears to be some inconsistencies in the location of the BCP Site Boundary in the area north of the new WWTP excavations. Several maps were reviewed during the meeting. MMT and ERM will discuss the definitions of the site boundary and ensure that the correct boundaries are being used in maps generated by MMT and ERM.

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

MMT indicated they are planning to install an access road into the site through the CSX parcel.

Based on the apparent presence of rad beneath the existing electric substation, ERM indicated that removal of the Transformer Area from the official BCP Site Boundary is needed to facilitate attainment of a Certificate of Completion (COC) on or before 30 June 2012. NYSDEC concurred and indicated that if this is the route chosen by Greenpac, HSE will need to submit an addendum to modify the BCP Site Boundary. MMT indicated that Greenpac and HSE are discussing with the lender the possibility of removing the existing substation area from the official BCP Site Boundary. MMT will provide the team with updates as additional information becomes available.

Demolition

Demolition of the former wastewater treatment plant structures continues.

Reporting

ERM indicated that the revised Addendum to the RI Work Plan and the revised Addendum to the Soil Excavation IRM Work Plan should be submitted to the NYSDEC this Friday. NYSDEC indicated that a fact sheet will need to be prepared and sent to the Site public contact list after these addendums are approved by the NYSDEC.

ERM presented a draft table of contents for the RI Report and requested NYSDEC comment. NYSDEC approved of the draft Table of Contents "as is" but asked that a subsection specific to soil vapor be added. ERM indicated that the requested subsection will be added to the RI Report.

NYSDEC inquired about the status of the Environmental Easement (EE) that needs to be prepared and submitted as part of the process to obtain a COC. ERM and MMT indicated we will check with HSE regarding the status of the EE.

ERM indicated that it is still waiting to receive one EDD from Test America associated with previous work at the site performed by C&S. We will continue our efforts to obtain this last report which will allow us to complete the revisions to contaminant distribution maps.

ERM indicated that we have been asked by HSE to expedite submission of the IRM/AA Report. We are looking into options to see if this is achievable. Many tasks have to be completed prior to completion of the IRM/AA Report and the schedule for completion of many of these tasks is not in ERM's control.

Other

MMT requested an updated site layout figure from ERM. ERM will be providing an updated site layout figure.

MMT indicated that one or more vertical tanks will be installed in the vicinity of the new WWTP and that these tanks will be located outside the BCP Site Boundary.

ERM indicated that 25 drums of investigation-derived waste (IDW) associated with the Remedial Investigation are being profiled for off-site disposal. A waste profile will be prepared for these drums and sent to MMT for review and approval. The drums can be removed from the site after the wastes are approved by the facility receiving the wastes. ERM anticipates removing the drums from the site during the week of 12 December.

Next Meeting

The next meeting at the Site will be on **Wednesday, 6 December 2011 at 11:00 a.m.** Tom Papura of the NYSDEC will be in town and will be at the meeting.

**Weekly Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
7-Dec-2011
11:00 a.m.**

RAD Issues

Rad sifting and blending operations continue in an attempt to reduce the volume of rad materials requiring off-Site transport and disposal. Yesterday there were 32 trucks. Today they anticipate 20 trucks and 6 intermodal containers for rail shipment. Sifted materials that are non-rad are going to Allied or Modern Landfill for disposal as contaminated material. Rad materials are being shipped off site to the EQ landfill in Michigan. No rad alarms have been set off at EQ, Allied, or Modern lately.

Rad removal work is mostly complete: a small amount remains in rad zone R-4 in areas beneath the trailer. It is anticipated that all rad removal will be completed by the end of this week (with the exception of rad beneath the existing substation).

The results of health and safety monitoring have been received and there were no "hits" of radiation. This includes air samples, bioassays, and TLDs. Results will be provided to each employee monitored. Based on these results, TLDs will be discontinued as of 10-Dec-2011.

NYSDEC inquired about the total amount of rad materials to date. GRD indicated that approximately 16,000 tons have been shipped from the Site to date. GRD estimates that an additional 4,000 tons remains to be shipped off Site.

NYSDEC indicated that future site excavation work within the BCP Site Boundary still needs to be screened for rad as previously discussed and agreed. GRD indicated that they are performing screening of excavated materials (every third bucket) during the wastewater treatment plant (WWTP) excavation and the chemical hotspot excavations. No hits in these areas were encountered to date with the exception of a small area near the northeast portion of C-8.

NYSDEC and ERM asked for an update on the planned completion date for the off-Site transport and disposal of rad waste. GRD estimated that all rad removal activities and shipping (minus the existing substation area) should be completed on or about 15 December 2011.

ERM indicated that we need all disposal documentation (executed by the facilities receiving the waste to document receipt of all waste materials) from MMT and LATA and any outstanding rad survey reports from GRD as soon as possible to stay on schedule with reporting. GRD indicated they will be provided. MMT indicated they will discuss with LATA and provide the documentation as soon as possible.

NYSDEC indicated that the job has gone well regarding rad investigation and removal. GRD indicated the same opinion was relayed to GRD by the NYSDOH.

NYSDEC indicated that the southern boundary of the CSX parcel between the original site boundary and 47th Street must be scanned for rad by GRD. This area is shown as a blank area on Figure 3 of the Addendum to the Soil Excavation IRM Work Plan. NYSDEC will indicate in approval correspondence that this area needs to be scanned as a condition of approval of the Addendum. GRD indicated that this area has already been scanned and that no elevated rad levels were found. An updated GRD Survey Report will be provided to ERM as documentation. NYSDEC also stated that any other areas not previously scanned for rad must be scanned when these areas become available in the future. NYSDEC indicated that these activities may be incorporated into the Site Management Plan but that activities completed prior to issuance of the

Interim Remedial Measure (IRM)/Alternatives Analysis (AA) Report need to be presented in the Final Engineering Report (FER).

MMT reported that the Niagara Falls Water Board (NFWB) is requiring rad characterization of the water removed from excavated areas and currently staged in a frac container on Site. NYSDEC indicated that the matter will be handled by NYSDEC Part 380 personnel in Albany and that coordination with them will be required by MMT. Additional laboratory analysis may be required.

Chemical Issues

Excavation

ERM inquired about the schedule for excavation of Phase 6. MMT indicated that Phase 6 will not be excavated and that the grade surface in this area will be raised. Based on this statement, ERM will remove proposed confirmation soil sampling locations previously provided to and approved by the NYSDEC. The confirmation sampling plan for the site will be updated to reflect this field change.

Excavation in the WWTP area continues. MMT indicated that excavated materials are being handled and managed consistent with the SCO exceedance map of C-8 previously provided by ERM.

Transportation and Disposal

No discussion.

Backfilling

MMT indicated that the WWTP sludge tank demolition has been completed and that backfilling of this area will begin soon. NYSDEC requested that GRD scan the area before backfilling begins. MMT indicated the area will be rad scanned and then backfilled with virgin crushed stone from LaFarge Quarry.

Reuse

No discussion.

Hotspot Delineations and Excavations

MMT advised ERM that they need the updated chemical hotspot map as soon as possible to allow excavation of chemical hotspots C-3 through C-7. ERM indicated we are working on the updated map for all hotspots and hope to have an updated version available for internal review by the end of this week.

ERM indicated that NYSDEC has approved the proposed excavation and confirmation sampling plan in hotspots C-1 and C-8. These areas have been started but not completed; therefore, additional excavation can occur in these areas when MMT is ready to continue.

BCP Site Boundary

HSE has petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

MMT indicated that HSE will be petitioning NYSDEC to remove the existing electric substation (Transformer Area) from the official BCP Site Boundary to facilitate attainment of a Certificate of

Completion (COC) on or before 30 June 2012. NYSDEC indicated that HSE will need to submit an addendum to modify the BCP Site Boundary. MMT showed a sketch map indicating the proposed extent of the exclusion area and reported that its dimensions are approximately 85-feet by 232-feet.

Demolition

MMT reports that demolition of the former wastewater treatment plant sludge holding tanks has been completed.

Reporting

ERM indicated that the revised Addendum to the RI Work Plan and the revised Addendum to the Soil Excavation IRM Work Plan should be submitted to the NYSDEC this past Monday. Approval has been received for the RI Work Plans Addendum but we are waiting to receive approval/comments from the NYSDEC on the Addendum to the Soil Excavation IRM Work Plan. NYSDEC indicated that comments will be forthcoming soon.

NYSDEC indicated that they have not received any communications from HSE regarding status of the Environmental Easement (EE) or the final ALTA-quality survey. These documents are needed to complete the COC process.

NYSDEC also indicated that the IRM/AA Report is needed to finalize a Decision Document regarding the selected remedy for the Site. The Decision Document is subject to a 45-day public comment period that is not negotiable.

NYSDEC suggested that annual certifications of the institutional controls will be required for at least 3 years. Annual certifications may be decreased in frequency afterwards. However, the frequency of annual certifications will be determined based on review of documents that have not been submitted yet; therefore, this discussion is tentative and the frequency is subject to revision.

Other

ERM indicated that 25 drums of investigation-derived waste (IDW) associated with the Remedial Investigation are being profiled for off-site disposal. A waste profile will be prepared for these drums and sent to MMT for review and approval. The drums can be removed from the site after the wastes are approved by the facility receiving the wastes. ERM anticipates removing the drums from the site during the week of 12 December.

Next Meeting

The next meeting at the Site will be on **Wednesday, 14 December 2011 at 11:00 a.m.**

Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
14-Dec-2011
11:00 a.m.

RAD Issues

GRD reported that additional rad material was discovered today at the northeast corner of chemical hotspot C-4. There appears to be 18-inches of slag beneath the slab with readings of approximately 100K counts-per-minute (cpm). GRD estimates there are approximately two truckloads of material. Rad material has been segregated and is being temporarily staged on top of concrete near the excavation. GRD estimates this rad material will be off Site by the end of this week.

All previously-excavated rad materials have been shipped off-Site to the EQ Landfill in Michigan. MMT indicated that the total amount of rad material shipped from the Site to date is 19,380 tons. No radiation alarms were tripped recently at the EQ, Allied, or Modern landfills.

GRD and MMT indicated that any additional rad materials discovered during ongoing Site work will be temporarily staged at the Site and then shipped to EQ Landfill when a sufficient quantity is present. GRD indicated that rad material can be temporarily staged for up to 180 days.

NYSDEC indicated that rad removal work performed up until two weeks or so prior to submission of the Interim Remedial Measure (IRM)/Alternatives Analysis (AA) Report should be included in the Final Engineering Report (FER). Submission of the IRM/AA Report is currently scheduled for 2 March 2012; therefore, the effective cut-off date will be around mid-February 2012.

MMT indicated that LATA is preparing a final report for the rad removal work conducted at the Site. The report will be provided to ERM for incorporation into the IRM/AA Report.

ERM requested the results of health and safety monitoring for air samples and recent rad survey reports from GRD. GRD indicated the requested information will be provided.

NYSDEC indicated that future site excavation work within the BCP Site Boundary still needs to be screened for rad as previously discussed and agreed. GRD indicated that they are performing screening of excavated materials (every third bucket) during the wastewater treatment plant (WWTP) excavation and the chemical hotspot excavations.

MMT reported that the Niagara Falls Water Board (NFWB) is requiring rad characterization of the water removed from excavated areas and currently staged in a frac container on Site. ERM collected a sample of the frac container water and has submitted the sample to ARS for rad analyses as requested by the NYSDEC. ERM will forward the analytical results to MMT as soon as they are available so they can be incorporated into the request for permission from the NFWB to discharge the frac container water into the sanitary sewer under Norampac's existing permit.

Chemical Issues

Excavation

See section entitled "Hotspot Delineations and Excavations".

Transportation and Disposal

MMT indicated that all non-rad contaminated materials are being transported and disposed at either the Allied Landfill or the Modern Landfill.

Backfilling

No discussion.

Reuse

All crushed brick will be removed from the BCP Site Boundary by the end of the month per MMT's estimate at this morning's general construction meeting.

Crushed concrete from Lafarge has been conditionally approved by the NYSDEC because ERM has confirmed that the facility is registered with the NYSDEC. ERM is evaluating the New Road source of crushed concrete for registration and expect to receive additional information today.

NYSDEC indicated that on-site crushing operations needed to be registered. MMT indicated that the on-Site crushing operations were registered with the NYSDEC.

Hotspot Delineations and Excavations

The updated chemical hotspot map was completed by ERM and approved by the NYSDEC on 9 December 2011. Additional excavation of chemical hotspots is occurring. We are currently working on C-3, C-4, C-6, C-7, and C-8. Hotspots C-2, C-5, C-9, and C-10 are complete. C-1 is partially complete and will be addressed soon, either by additional excavation or exclusion from the BCP due to site utility issues.

BCP Site Boundary

HSE petitioned the NYSDEC to modify the BCP Site Boundary to include the entire CSX parcel eastward to 47th Street. We are waiting on a response from the NYSDEC but are proceeding as if the application will be approved.

MMT indicated that HSE will be petitioning NYSDEC to remove the existing electric substation (Transformer Area) from the official BCP Site Boundary to facilitate attainment of a Certificate of Completion (COC) on or before 30 June 2012. NYSDEC indicated that HSE will need to submit an addendum to modify the BCP Site Boundary. MMT, HSE, and ERM are discussing the final extent of the proposed area for exclusion and will advise NYSDEC of the results when our evaluation is complete.

The NYSDEC indicated that Greenpac should keep open an option for a dual-track COC as "Plan B" in the event that removal of the substation area is not approved by the NYSDEC.

Demolition

No discussion.

Reporting

The NYSDEC has approved the revised Addendum to the Soil Excavation IRM Work Plan.

The NYSDEC indicated that they have not received any communications from HSE regarding status of the Environmental Easement or the final ALTA-quality survey. These documents are needed to complete the COC process.

Other

The 25 drums of investigation-derived waste (IDW) associated with the Remedial Investigation are being profiled for off-site disposal. A waste profile has been reviewed and signed by MMT. The drums can be removed from the site after the wastes are approved by the facility receiving the wastes. ERM anticipates removing the drums from the site next week presuming approval is received soon.

Next Meeting

The next meeting at the Site will be on **Tuesday, 20 December 2011 at 11:00 a.m.**

Site Meeting with NYSDEC
Former Mill No. 2 Site – Niagara Falls, New York
NYSDEC BCP Site Number C932150
20-Dec-2011
11:00 a.m.

RAD Issues

GRD indicated 18-inches of rad slag were discovered near the NE corner of chemical hotspot C-4. Approximately 4-5 truckloads of rad slag have been removed so far. GRD is punching test holes through the concrete to determine the lateral extent. Current information suggests approximately 8 truckloads of additional rad waste will be generated. The material is being staged on top of concrete near the excavation and will be transported off Site to the EQ Landfill. GRD indicated that air monitoring in this work area is not required at this time.

GRD indicated that additional gamma walkover surveying will begin today in areas previously unavailable but have recently become available. Scanning will begin as soon as the required equipment arrives at the Site.

MMT inquired about the status of the frac water container sample submitted for rad waste characterization analyses. ERM indicated the results have not been received yet but are expected soon. ERM will send the results to MMT and GRD when they become available.

The NYSDEC inquired about the status of TLD badge data. GRD indicated that those data are expected to be received in mid-January.

Chemical Issues

Excavation

ERM inquired about the schedule for utility excavations inside the BCP Site Boundary, which need to be inspected. MMT indicated that additional utility excavations will start early in 2012, but an exact date is not yet available. ERM will be advised weekly about the required number of inspectors needed (if any). ERM will check with MMT on a weekly basis.

Transportation and Disposal

The NYSDEC indicated that MMC needs to do a better job of keeping dirt off of 47th Street. MMT indicated that the North Gate is being closed and street sweeping is occurring so the issue is being addressed. MMT will send a note to the team on this topic. The NYSDEC indicated that washing of the tires should occur to more aggressively address the situation.

Backfilling

Crushed concrete from Lafarge has been approved by the NYSDEC because ERM has confirmed that the facility is registered with the NYSDEC so this material may be imported to the Site. The NYSDEC will check with Solid Waste personnel to see if the New Road source of crushed concrete may be used at the Site. Crushing operations were discontinued there years ago and chemical data are available that suggest the material is suitable for backfilling at the Site. The NYSDEC will advise ERM and MMT of the results of their review.

Reuse

MMT indicated that the crusher used for on-Site crushing operations was registered with the NYSDEC.

Hotspot Delineations and Excavations

Chemical hotspot excavations are complete. Five confirmation soil samples remain to be collected in C-7 (in progress) and four remain to be collected in C-10 (will be collected on 21-Dec-2011 via drilling). ERM indicated that there have been no exceedances of restricted industrial Soil Cleanup Objectives (SCOs) in confirmation soil sample results received to date. ERM will continue to check the data as they arrive and will advise the team if any exceedances are identified. Additional excavation may be required if there are any exceedances.

ERM indicated that a confirmation soil sample was collected in historic fill on the south wall of C-7 (sample CONF-110) in the area where additional excavation was not possible per MMC due to the presence of the active steam line. This location is relatively close to the BCP Site Boundary. Additional excavation in this area should not occur without measures to protect the structural integrity of the steam line, and the amount of additional soil that could be removed is limited due to the close proximity of the BCP Site Boundary to the south. ERM will advise the team when the results of sample CONF-110 are received. If there are no exceedances, then hotspot C-7 is clear in this area. If there are exceedances, then a dual-track COC may need to be considered for the reasons outlined above. The NYSDEC indicated that a "deminimus" variance may be possible if the exceedances is slight or otherwise determined by the NYSDEC to be not of environmental significance. This discussion is tabled until data for CONF-110 are received and reviewed.

BCP Site Boundary

The NYSDEC has approved the inclusion of the entire CSX parcel eastward to 47th Street into the official BCP Site Boundary.

HSE will be petitioning NYSDEC to remove the existing electric substation (Transformer Area) from the official BCP Site Boundary to facilitate attainment of a Certificate of Completion (COC) on or before 30 June 2012. NYSDEC indicated that HSE will need to submit an addendum to modify the BCP Site Boundary. The final extent of the proposed area for exclusion is the area originally proposed by MMT with the addition of grids 89, 90, 99, and 100. A draft map of the exclusion area was handed to the NYSDEC. It was discussed that a very small portion of the building falls apparently falls within the exclusion area and NYSDEC indicated that this may results in some complications in tax credits. ERM agreed and indicated that internal team discussions suggest that the timing of COC attainment is of higher priority to Greenpac.

The NYSDEC and ERM indicated that remediation of the Transformer Area may occur through an Order on Consent if Greenpac desires NYSDEC review and approval of the remediation.

The NYSDEC indicated that remediation of the Frank's property through the BCP is an option if desired by Greenpac.

Demolition

No discussion.

Reporting

The NYSDEC has approved the revised Addendum to the Soil Excavation IRM Work Plan. ERM indicated that the final version incorporating NYSDEC comments in the approval letter dated 13 December 2011 should be submitted by the end of this week. The NYSDEC indicated they have received a draft Fact Sheet from HSE regarding the rad addendums and are tailoring the fact sheet to a new format. It is anticipated that its comments will be submitted back to HSE soon.

ERM indicated that preparation of the Draft RI Report is ongoing and that we are currently on track for submittal of the RI Report to the NYSDEC on or about 6 January 2012. The draft RI

Report will be provided to MMT for review on or about 3 January 2012. The NYSDEC indicated that submittal of the RI Report during the week of 9 January 2012 should not have any effect on the timing of a COC on or before 30 June 2012. The NYSDEC requested that the RI Report be provided to the Document Repository when it is submitted to the NYSDEC. The most important document re: COC schedule is the IRM/AA Report. ERM indicated that the IRM/AA Report is planned for submission to the NYSDEC on or about 2 March 2012.

ERM requested that LATA and GRD provide us with outstanding data, reports, and waste disposal documentation confirming receipt by the EQ Landfill as soon as possible to help meet the schedule for submission of the IRM/AA Report. MMT indicated that LATA's final report is expected by the third week of January. GRD indicated any outstanding survey reports from them will be promptly submitted.

The NYSDEC indicated that they have not received any communications from HSE regarding status of the Environmental Easement (EE) and that the EE is needed to complete the COC process. ERM and MMT indicated that we have been advised by HSE that they are working on the EE and that the current schedule calls for submission of the EE to the NYSDEC on 6 April 2012. The NYSDEC requested to be sent a copy of the BCP Project Schedule.

Other

ERM is in the process of finalizing a subcontract with Clean Harbors for off-Site transport and disposal of 25 drums of non-hazardous investigation-derived waste (IDW) associated with the RI. ERM anticipates removing the drums from the site by the end of this month.

MMT inquired about the results of the Community Air Monitoring Program (CAMP) due to a call received from Jackie of the NYSDEC (a Division of Air technician) regarding dust and dirt in the road on Packard Road. ERM indicated that the results are available in our field records for review if needed and that there have been no exceedances of VOC or particulates at our monitoring locations.

Srini will be on vacation from this Friday until 3 January 2012. Srini requested that we contact Laurie Colson if we need assistance while Srini is on vacation.

Next Meeting

There will be no site meeting during the week of 26 December. There will be teleconference on 4 January 2012 at 11:00 a.m. MMT will send an invite to the conference call.

The next meeting at the Site will be on **Wednesday, 11 January 2012 at 11:00 a.m.**