

APPENDIX J
SOIL AND MATERIALS
MANAGEMENT PLAN
CASE 10-T-0139
SEGMENT 21



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1.0 INTRODUCTION

This Soil and Materials Management Plan (SMMP) has been developed on behalf of the Certificate Holders for the Champlain Hudson Power Express (CHPE) Project (Project) to guide soil handling and waste management during the proposed development described in the attached Environmental management and Construction Plan (EM&CP). The objective of this SMMP is to set guidelines for the management of excess excavated soil fill and other materials generated by construction associated activities during the construction and installation of the Project associated with Segment 21 located within the Astoria generating and utility facilities complex (Astoria Generating Station) in Queens, New York.

This SMMP was prepared in accordance with applicable federal, state and local laws, codes, rules, and regulations, including, but not limited to, the United State Environmental Protection Agency (USEPA), Occupational Safety and Health Administration (OSHA), New York State Department of Public Service (NYS DPS), New York State Department of Environmental Conservation (NYS DEC), New York State Department of Health (NYS DOH), New York State Department of Labor (NYS DOL), and the New York City Department of Environmental Protection (NYC DEP).

2.0 PROJECT BACKGROUND AND SITE DESCRIPTION

Segment 21 occurs within the Astoria Generating Complex, a ConEdison property which features a variety and of utility infrastructure including transmission and distribution lines, communications lines, gas utility lines, and electrical substations. Segment 21 includes an approximately 1,500 foot-long overhead HVAC transmission line to connect the output of the Astoria Converter Station with the Astoria Annex Substation. Segment 21 is located in heavily disturbed and industrial areas that are largely comprised of impervious surfaces and subsurface conditions are primarily comprised of fill material.

The AGS is subject to a Consent Order entered into by Orion Power New York, L.P., Inc. (Orion Power) and the New York State Department of Environmental Conservation (NYS DEC), NYS DEC File No.C02-19990430-28, on September 11, 2000, and amended by Modification Agreements 1 through 5, dated July 16, 2001, May 20, 2003, September 28, 2004, May 31, 2005, and March 9, 2006, respectively. Under the NYS DEC-approved Environmental Remediation Plan, dated July 8, 2020, remedial activities are being performed at the AGS (which is separate and apart from the proposed construction of the Project covered by this EM&CP). The Consent Order requires that the remediation activities bring the AGS into compliance with the NYS DEC-approved soil standards (NYS DEC Part 360).

The construction of these segments will not commence until the Consent Order activities are complete; as such, construction of these segments are not anticipated to require additional soil or materials management protocols beyond those detailed in this SMMP.

3.0 NOTIFICATION

At least 15 days prior to the start of soil excavation activity in connection with the construction of Segment 21, the Certificate Holder will notify the NYSDEC and NYSDPS below:

- New York State Department of Environmental Conservation
Region 2 - Materials Management
1 Hunter's Point Plaza, 47-40 21st Street,
Long Island City, NY 11101-5401
(718) 482-4896
- New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350
(518) 474-6530

This notification will include:

- A schedule of the construction activities detailing the start and completion of soil excavation and backfill work;
- Identification of disposal facilities for potential waste streams (see **Section 5.7**);
- Description of proposed reuse material along with the notification form and chemical testing results (see **Section 5.9**);
- Identification of sources of any anticipated backfill, along with all required chemical testing results and form (see **Section 5.10**); and
- Identification of off-Site treatment disposal facility for dewatering fluids, if needed (see **Section 6.4**).
- A copy of the contractor's health and safety plan (HASP) in electronic format;

In the event that excavated soils and water are found to exhibit visual or olfactory evidence of impact or contamination, the Certificate Holders will notify NYSDEC and NYSDPS immediately.

4.0 EXCESS SOIL MATERIAL GENERATION (SPOILS GENERATION)

During construction of the CHPE Project, excess material will be generated by the excavation of the trench, splice locations, horizontal directional drill (HDD) entry and exit pits, and other land disturbance activities, this material is referred to as "spoils". Generated material will be temporarily stockpiled or side cast at the point of generation, such as around the HDD entry and exit pits, and splice box areas. The following narrative discusses the best management practices and regulatory requirements to manage this excess soil material depending on its location, characteristics and volume.

All excess material not used as backfill or spread within the limit of work to create a level surface will be placed in a dump truck at the point of generation, transported, and disposed of in accordance with this Soil and Materials Management Plan as well as the Project Erosion and Sediment Control Plan (ESCP) (Appendix C of the EM&CP).

5.0 SOIL / FILL MATERIAL MANAGEMENT PROCEDURES

The procedures set forth here are informed by the completed Waste Characterization Study performed at the AGS (report dated July 5, 2022, see Section 5.3 for more detail) and the following laws, ordinances, codes, rules, and regulations of the federal, state, and local authorities having jurisdiction over any of the work:

- 6 NYCRR Part 360, Solid Waste Management Facilities
- 6 NYCRR Part 364, Waste Transporter Permits
- 6 NYCRR Part 371, Identification and List of Hazardous Waste
- 6 NYCRR Part 375, Environmental Remedial Programs, Subparts 375-1 to 375-4, and 375-6.
- 6 NYCRR Part 613 Petroleum Bulk Storage (PBS) Regulation.
- 29 CFR 1910.120 – Federal OSHA standards for Hazardous Waste Operations and Emergency Response (HAZWOPER).
- 29 CFR 1926 – Federal OSHA Construction Standards.
- NYSDEC, Soil Cleanup Guidance Policy–Final Commissioner’s Policy (CP)-51 October, 2010.
- NIOSH Occupational Safety and Health Guidance manual for Hazardous Waste Site Activities.
- US Department of Transportation (US DOT) 49 CFR Section 172.500 et seq.
- Any groundwater will be treated to meet the NYCDEP Limitations for Effluent, NYSDEC remedial action requirements, NYSDEC Part 364 and 375 requirements, USEPA and New York State Department of Transportation (NYSDOT) regulations for shipping of regulated substances to off-site disposal facilities, and meet all regulatory requirements imposed by the Treatment, Storage and Disposal Facility.

5.1 Classifying Soil / Fill Material

Fill material, as defined by 6 NYCRR Part 360.2 (107), is soil and similar material excavated for the purpose of construction or maintenance. To evaluate the fill material for reuse, 6 NYCRR 360.13 offers three types

of fill material for direct beneficial use: General Fill, Restricted-Use Fill, and Limited-Use Fill. **Table 1** below provides a summary of acceptable fill material for reuse.

Table 1. Acceptable Fill Material Uses (6 NYCRR 360.13[f])

Fill Material Type	Fill Material End Use	Physical Criteria	Maximum Concentration Levels
General Fill	<i>Any setting</i> where the fill material meets the engineering criteria for use, except: 1. Undeveloped land; 2. Agricultural crop land.	Only soil, sand, gravel, or rock; no non-soil constituents.	Lower of Protection of Public Health- Residential Land Use and Protection of Groundwater in section 375-6.8(b) of Title 6.
Restricted-Use Fill	Engineered use for: 1. Embankments 2. Subgrade in transportation corridors, 3. On sites where in-situ materials exceed Restricted-Use Fill or Limited-Use Fill criteria. Must be placed above the seasonal high-water table.	Up to 40 percent by volume inert, non-putrescible non-soil constituents.	General Fill criteria except that up to 3 mg/kg (dry weight) total benzo(a)pyrene (BAP) equivalent. No detectable asbestos. In Nassau or Suffolk County – BAP equivalent does not apply. Polycyclic aromatic hydrocarbons must not exceed Protection of Groundwater Soil Cleanup Objectives in section 375-6.8(b) of this Title.
Limited-Use Fill	Engineered use for under foundations and pavements above the seasonal high-water table.	No volume limit for inert, non-putrescible non-soil constituents.	General Fill criteria, except up to Protection of Public Health-Commercial SCOs for metals; up to 3 mg/kg (dry weight) benzo(a)pyrene equivalent is allowed. No detectable asbestos.
<p>NYDEC Recommendations:</p> <ul style="list-style-type: none"> • All fill material generated in NYC must be sampled before reuse; • Fill that originates from a site with historical contamination does not remove the requirement to evaluate it for physical contamination (exhibiting visual contamination includes not only obvious soil staining but also the presence of non-soil constituents, e.g., concrete, brick, ash, slag); • Any non-soil/rock components exclude it from being classified as general fill; • The types of non-soil/rock components determine whether it is fill that can be reused (as restricted-use or limited-use fill); • The reuse of any fill material onsite would be subject to review by NYSDEC Department of Environmental Remediation (DER) under the Consent Order as discussed in the EM&CP. 			

Fill material which originates from a location within the City of New York and anticipated to exceed 10 cubic yards will need to be sampled and analyzed to evaluate what type of fill material it is.

The soils and/or fill materials generated during construction of Segment 21 are located in New York City and may exhibit contamination. Therefore, the material must be classified as Restricted Use Fill or Limited Use Fill by laboratory analysis described in the following paragraphs. Restricted-use fill means fill material that is up to 40 percent by volume inert, non-putrescible non-soil constituents. Limited-use fill has no volume limit for inert, non-putrescible non-soil constituents. Non-putrescible refers to material that do not readily degrade or produce odors. Inert, non-putrescible material excludes plastic, gypsum wallboard, wood, paper, or other material that may readily degrade or produce odors.

5.2 Sampling and Analysis Procedures

Soil/fill or other excavated media that is transported off-Site for disposal will be sampled in a manner required by the receiving facility, and in compliance with applicable laws and regulations. Soils proposed for reuse on-Site will be evaluated and managed as defined in this plan.

Samples collected must be representative of the fill material. A written sampling program will be designed and implemented by or under the direction of the Certificate Holders' Qualified Environmental Professional (QEP), using the **Table 2** below as a minimum sampling frequency. Written documentation of the sampling program, with certification from the QEP that samples were representative of the fill material, must be retained for three years after the sampling occurs.

Table 2: Minimum Analysis Frequency for Fill Material

Fill Material Quantity (cubic yards)	Minimum Number of Analyses for Volatile Organic Compounds	Minimum Number of Analyses for all other parameters
0-300	2	1
301-1000	4	2
1001-10,000	6	3
10,001+	Two for every additional 10,000 cubic yards or fraction thereof	One per every additional 10,000 cubic yards or fraction thereof

Soil/fill observations will be documented by the QEP or designated personnel who will maintain a record to be submitted to the Certificate Holders on a regular basis determined by the QEP. This record will be made available to the NYSDEC and NYSDPS upon request or as needed.

Soil / fill samples will be analyzed for the following:

- Volatile Organic Compounds (VOC) + 10 Tentatively Identified Compounds (TIC)
- Target Compound List (TCL) Semi-Volatile Organic Compounds (SVOC) + 20 TICs
- Target Analyte List (TAL) including Manganese, Barium, Aluminum, Cobalt, and Vanadium
- TCL Herbicides and Pesticides;
- Polychlorinated Biphenyls (PCB)

In addition, the following analyses will be performed to meet disposal facility acceptance criteria in every composite sample:

- Gasoline-Range Organics (GRO)
- Diesel-Range Organics (DRO)
- Total Solids

In addition, samples will be analyzed in accordance with 40 CFR 261, Appendix II, Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) for the eight metals and other hazardous substances and

characteristics to properly characterize the waste stream into hazardous and non-hazardous (see **Section 6.3**).

The Testing Laboratory shall be accredited by the American Industrial Hygiene Association (AIHA) and certified by the Environmental Laboratory Accreditation Program (ELAP) as required by the NYSDOH. The Laboratory should actively participate and show proficiency in the National Institute for Occupational Safety and Health (NIOSH) Proficiency Analytical Testing (PAT) program. In addition, such testing laboratory shall be certified by NYSDOH for analysis of lead and other hazardous substances such as zinc, cadmium, and chromium.

The Laboratory being used for materials testing will send the original test report directly to the QEP, with copies of the test results sent to the Certificate Holders. The reports will contain the following: the identity of the soil/ fill or waste stream(s) analyzed, the number of samples collected and tested, dates of sampling and testing, laboratory test procedures utilized, the names and signatures of the individuals collecting the samples and conducting the laboratory tests, an interpretation of the test results and chain-of-custody forms.

5.3 Preliminary Waste Characterization Study at Astoria Generating Station

As summarized in the *Waste Characterization Report – CHPE Astoria Generating Station, dated July 5, 2022*, Kiewit Engineering Group, Inc. retained GZA GeoEnvironmental of New York (GZA) to perform a waste characterization study to pre-characterize the soils within the Site’s proposed construction area. The objective of the waste characterization was to collect and analyze soil samples to pre-characterize in situ soil that will be excavated during the project development and provide documentation to support the project waste disposal facility applications for the acceptance of the excavated materials. During the preliminary waste characterization study GZA analyzed samples to represent up to 10,000 cubic yards (CY) of soil per **Table 2**, above. GZA’s Scope of Services consisted of the following activities:

- Performed a geophysical survey around (i.e., 10 ft radius) the boring locations with a ground penetrating radar (GPR);
- Pre-clear the scanned locations with vacuum truck by removing material from three locations (in a triangle pattern) down to 4 feet below ground surface (bgs);
- Installation of a total of 18 soil borings at each pre-cleared location to varying depths of between 33.5 to 81.1 feet bgs;
- Description and classification of soil samples;
- Field screening of soil samples using a photoionization detector (PID); and
- Collection and laboratory analysis of one discrete and one composite soil samples per every three soil borings from the upper stratum (between ground surface to 10 feet bgs), within the locations

explored within the extent of the proposed redevelopment excavation.

As a result of the waste characterization study, GZA concluded the following:

- Some representative soil samples exhibited concentrations of VOCs, SVOCs, and metals that exceeded 6 NYCRR Part 375 Residential Use Soil Cleanup Objectives (SCOs), and do not meet the definition of “General Fill” per NYCRR Part 360.13.
- The analytical results indicate that the toxicity and waste characterization parameters were within the maximum allowed concentrations of contaminants, and the soils can be managed as non-hazardous materials.
- The analytical results can be used to facilitate the acceptance of the soils for off-site disposal at suitable soil disposal facilities.

The Waste Characterization Study performed in July 2022 was preliminary. Additional characterization will be performed at the Site prior to transport off-site. This sampling will be performed to evaluate the material for reuse or for disposal and transport off-site as detailed in the succeeding sections.

5.4 Soil Screening Methods

Visual, and olfactory soil observations will be documented during excavation. In addition, screening and assessment of excavated soil will be performed under the supervision of a QEP using a PID equipped with a 10.6 electron volt bulb. Soil screening will be performed during invasive work performed during the construction phases. Field screening of soil / fill material will be performed in accordance with applicable environmental regulations including the NYSDEC Division of Environmental Remediation DER- 10 Technical Guidance for Site Investigation and Remediation. The results from field screening will be documented by the QEP. The results will be made available to NYSDEC and NYSDPS Staff.

If any excavated soils are found to exhibit visual or olfactory evidence of impact or PID screening, the NYSDEC and NYSDPS will be notified by the QEP of this contaminated excavated material. The procedures that will be followed in the event of a release or spill are described in the Spill Prevention Control Plan in Appendix K of the EM&CP.

5.5 Stockpile Methods

Excavated soils will be stockpiled on, at minimum, double layers of 8-mil minimum sheeting, will be kept covered at all times with appropriately anchored plastic tarps, and will be routinely inspected. Broken or ripped tarps will be promptly replaced. Excavated soil that exhibits evidence of impacts (i.e., visibly stained, or odorous) will be stockpiled separately and will be segregated from clean soil and construction materials and further evaluated by collection and analysis of soil samples with the procedures set forth in **Section 4.2** of this SMMP. Potentially impacted material shall be placed on polyethylene sheeting in stockpiles not to

exceed 250 CY. Open and uncontrolled mechanical processing (e.g., using screeners and conveyors) of contaminated soil on-Site will not be performed without prior NYSDEC and NYSDPS approval.

Stockpiles will be used only when necessary and will be removed as soon as practicable. While stockpiles are in place, they will be inspected daily, and before and after every storm event. Results of inspections will be recorded and maintained at the Site and available for inspection by NYSDEC or NYSDPS.

All stockpile activities will be compliant with applicable laws and regulations. Soil stockpile areas will be appropriately graded to control run-off in accordance with applicable laws and regulations. Stockpiles of excavated soils and other materials shall be located at least of 50 feet from the property boundaries, where possible. Silt fence or equivalent will surround soil stockpiles except for areas where access by equipment is required. Silt fencing and hay bales will be used as needed near catch basins, surface waters and other discharge points.

5.6 Reuse of Excavated Materials On-Site

‘Reuse On-Site’ means material that is excavated during the construction activities, does not leave the property, and is relocated within the same property and on land with comparable levels of contaminants in soil/fill material, compliant with applicable laws and regulations, and addressed pursuant to NYSDEC and NYSDPS approval.

All petroleum non-aqueous phase liquid (NAPL)-impacted material exposed and removed as part of the work at the Site shall be disposed off-site as detailed in this **Section 4.8** of this SMMP. All other material excavated during the work will be stockpiled and evaluated for approval of NYSDEC and NYSDPS, prior to any reuse on site. Prior to reuse, soil samples will be collected from the stockpiled material and analyzed in accordance with **Section 4.2** of this SMMP.

All materials proposed for reuse onto the Site will be approved by NYSDEC prior to receipt at the Site. If the material proposed to be imported to the Site, the Certificate Holders will submit the form below:

- “Notification of Fill Material Reuse” form, which is used for the prior notification to NYSDEC.
https://www.dec.ny.gov/docs/materials_minerals_pdf/budfillnotify.pdf

The QEP will document that procedures defined for materials reuse in this SMMP are followed and that unacceptable material does not remain on Site. Soil that is approved by NYSDEC and NYSDPS for reuse on site will not be reused within landscaping berms or as backfill for subsurface utility lines. Any demolition material that is not visibly impacted and is proposed for reuse on site will be sampled for asbestos and lead and the results will be reported to the NYSDEC for acceptance. Concrete crushing or processing on site will not be performed without prior NYSDEC approval. Organic matter (wood, roots, stumps, etc.) or other

solid waste derived from clearing and grubbing of the Site will not be reused on site.

5.7 Excavation, Load-Out, and Departure

Ground intrusive, excavation, and load out of soil/ fill material will be the responsibility of the Contractor in coordination with the Certificate Holders and QEP. The presence of utilities and/ or subsurface structures will be investigated and that risks from the work are identified and addressed by appropriate parties.

Queuing of trucks will be performed on site to minimize off-site disturbance. A temporary stone-stabilized construction pad for egress/ingress will be utilized, as identified in Stormwater Pollution Prevention Plan in **Appendix G of the EM&CP**. Loaded trucks will be cleaned (as necessary) and inspected to evaluate whether each is appropriately lined, tarped, securely covered, manifested, and placarded in accordance with appropriate Federal, State, local, and NYSDOT requirements (and all other applicable transportation requirements). Locations where vehicles exit the Site shall be inspected daily for evidence of soil tracking off premises. Cleaning of the adjacent streets will be performed as needed to maintain a clean condition with respect to Site-derived materials.

5.8 Off-Site Transport

The transport of excavated soil / fill material will be performed by licensed haulers in accordance with appropriate local, state, and federal regulations. Loaded vehicles leaving the Site will comply with all applicable materials transportation requirements (including appropriate covering, manifests, and placards) in accordance with applicable laws and regulations, including use of licensed haulers in accordance with 6 NYCRR Part 364.

If the material is determined to unsuitable for reuse, the transporter must complete the form below.

- “Part 360 Series Waste Tracking Document - Construction & Demolition Debris” form, which is required by transporters of all C&D debris generated in NYC, including general fill, restricted use fill, limited use fill and contaminated fill.

https://www.dec.ny.gov/docs/materials_minerals_pdf/cdtracking.pdf

Trucks transporting excess and excavated soil will be secured with tight fitting covers when needed to prevent excess debris and dust around and near the active work area. If loads contain wet material capable of causing leakage from trucks, truck liners will be used. Queuing of trucks will be performed on-Site in order to minimize off Site disturbance.

The proposed truck route for off-site transport shall take into account the following factors: (a) limiting transport through residential areas and past sensitive sites; (b) use of mapped truck routes; (c) preventing

the off-Site queuing of trucks entering the facility; (d) limiting total distance to major highways; (e) promoting safety in access to highways; and (f) overall safety in transport. To the extent possible, all trucks loaded with Site materials will travel from the Site using NYS DOT-approved truck routes. Trucks will not stop or idle in the neighborhood after leaving the project Site.

5.9 Disposal Off-Site

The following documentation will be established and reported by the QEP for each disposal destination used in this project to document that the disposal of regulated material exported from the Site conforms with applicable laws and regulations:

- A letter from the QEP or Certificate Holders to each disposal facility describing the material to be disposed and requesting written acceptance of the material. This letter will state that material to be disposed is regulated material. The letter will provide the project identity and the name and phone number of the QEP or Certificate Holder. The letter will include as an attachment a summary of all chemical data for the material being transported; and
- A letter from each disposal facility stating it is in receipt of the Certificate Holders notification correspondence (described above) and is approved to accept the material. These documents will be made available to NYSDEC and NYSDPS.

Documentation associated with disposal of all material will include records and approvals for receipt of the material. All impacted soil/fill or other waste excavated and removed from the Site will be managed as regulated material and will be disposed in accordance with applicable laws and regulations. Historic fill and contaminated soils taken off-Site will be handled as solid waste and will not be disposed at a Part 360-16 Registration Facility (also known as a Soil Recycling Facility).

Waste characterization will be performed for off-Site disposal in a manner required by the receiving facility and in conformance with its applicable permits. Waste characterization sampling and analytical methods, sampling frequency, analytical results and QA/QC will be reported. A manifest system for off-Site transportation of exported materials will be employed. Manifest information will be reported in the final remedial report. Hazardous wastes derived from on-Site will be stored, transported, and disposed of in compliance with applicable laws and regulations.

If disposal of soil/fill from this Site is proposed for unregulated disposal (i.e., clean soil removed for development purposes), including transport to a Part 360-16 Registration Facility, a formal request will be made for approval by NYSDEC with an associated plan compliant with 6NYCRR Part 360-16. This request and plan will include the location, volume, and a description of the material to be recycled, including verification that the material is not impacted by site uses and that the material complies with receipt

requirements for recycling under 6NYCRR Part 360. This material will be appropriately handled on-Site to prevent mixing with impacted material.

Based on the results of the previous Waste Characterization Study performed at the Site (see **Section 4.3**), the following disposal facilities will be utilized for materials not reused onsite:

- Bay Shore Soil Management, LLC
75 Crows Mill Rd.
P.O. Box 290
Keasbey, NJ 08832
Email: info@bayshorerecycling.com
T: 732-738-6000
F: 732-738-9150
- Clean Earth - Carteret NJ
24 Middlesex Avenue
Carteret, NJ 07008
T: 732-541-8909
F: 732-541-8105
Customer Service: 877-445-3478

5.10 Import of Backfill Soil from Off-site Sources

All imported soils will meet NYSDEC-approved backfill and cover soil quality objectives for this Site. Based on the previous evaluation of the land use, protection of groundwater and protection of ecological resources for the Consent Order, imported backfill soil will not exceed 6 NYCRR Part 375 Restricted Use Protection of Public Health Commercial Use SCOs and Protection of Groundwater SCOs.

A process will be established to evaluate sources of backfill and cover soil to be imported to the Site, and will include an examination of source location, current and historical use(s), and any applicable documentation. Material from industrial sites, spill sites, environmental remediation sites or other potentially contaminated sites will not be imported to the Site.

All materials proposed for import onto the Site will be approved by NYSDEC prior to receipt at the Site. If the material proposed to be imported to the Site, the QEP along with Certificate Holders will submit the form below:

- “Request to Import / Reuse Fill” form, which is used for the prior notification to NYSDEC.
https://www.dec.ny.gov/docs/remediation_hudson_pdf/requeststoreusesoil.pdf

The form will be prepared and submitted to the NYSDEC project manager by QEP allowing a minimum of 5 business days for review. The submittal will also include analytical sampling results, frequency of testing, documentation of other agency approvals of the source facility (i.e., NYSDEC facility permits, NYSDOT virgin source certification, etc.). NYSDEC approval must be received before material is imported to the Site.

All material will be subject to source screening and chemical testing. Inspection of imported fill material will include visual, olfactory and PID screening for evidence of contamination. Materials imported to the Site will be subject to inspection, as follows:

- Trucks with imported fill material will be in compliance with applicable laws and regulations and will enter the Site at designated locations;
- The QEP is responsible to ensure that every truck load of imported material is inspected for evidence of contamination; and
- Fill material will be free of solid waste including pavement materials, debris, stumps, roots, and other organic matter, as well as ashes, oil, perishables, or foreign matter.

The following potential sources may be used pending attainment of backfill and cover soil quality objectives:

- Clean soil from construction projects at non-industrial sites in compliance with applicable laws and regulations;
- Clean soil from roadway or other transportation-related projects in compliance with applicable laws and regulations;
- Clean recycled concrete aggregate (RCA) from facilities permitted or registered by the regulations of NYSDEC.

RCA may be imported from facilities permitted or registered by NYSDEC. A QEP is responsible to evaluate whether the facility is compliant with 6NYCRR Part 360 registration and permitting requirements for the period of acquisition of RCA. The proposed facilities will be utilized for gravel and RCA materials to be used onsite:

TILCON

- Mt. Hope Quarry: 625 Mt Hope Rd, Wharton, NJ 07885
 - Crushed Gravel
- West Nyack Quarry: 1 Crusher Rd, West Nyack, NY 10994
 - #57 Stone
 - DGA

RUTTURA

- Hunters Point Recycling: 29-55 Hunters Point Ave, Queens, NY 11101
 - RCA
- Our Recycling Corporation: 5 Grucci Ln, Yaphank, NY 11980
 - RCA

RCA imported from compliant facilities will not require additional testing, unless required by NYSDEC under its terms for operation of the facility. RCA imported to the Site must be derived from recognizable and uncontaminated concrete. RCA material is not acceptable for and will not be used as cover material and will be placed above the seasonal high water table.

6.0 CONTINGENT MATERIALS MANAGEMENT PROCEDURES

This section describes the procedures for identification of other, non-soil waste that may be generated during the Project. This section also identifies the collection of representative samples, laboratory analytical testing, procedures for waste handling and storage, waste reduction, and recycling. For the purposes of this SMMP, these contingent materials have been separated into Solid Waste, Fluid Management, and Special Wastes.

6.1 Solid Waste Identification

The Project may generate two primary non-soil solid waste streams; Hazardous Waste and Non-Hazardous Waste. Hazardous Waste streams are classified in accordance with the procedures set forth in 40 Code of Federal Regulations (CFR) Part 261 - Identification and Listing of Hazardous Waste, and New York State ECL Section 27-09 or 6 NYCRR Part 371.

A. Hazardous Waste

Solid waste streams are classified as Hazardous Waste if analytical results show detectable concentrations of organic and inorganic constituents exceeding regulatory levels listed in 40 CFR Part 261 - "Table 1 - Maximum Concentration of Contaminants for the Toxicity Characteristic". Common constituents that may require TCLP analysis specific to this project include the Resource Conservation and Recovery Act 8 metals (RCRA 8 metals); the regulatory levels for the RCRA 8 metals derived from 40 CFR Part 261 Table 1 are detailed below. Regarding constituents not included in the RCRA 8 metal list, including organic and inorganic constituents, regulatory levels can be located in the above referenced 40 CFR Part 261 Table 1 document.

- Arsenic 5.0 milligrams per liter (mg/L)

- Barium 100.0 mg/L
- Cadmium 1.0 mg/L
- Chromium 5.0 mg/L
- Lead 5.0 mg/L
- Mercury 0.2 mg/L
- Selenium 1.0 mg/L
- Silver 5.0 mg/L

- Waste is classified as being Hazardous when it exhibits any one or more of the following characteristic properties:
 - Ignitability (flash point of < 140 deg F)
 - Corrosivity (pH <= 2 or pH >= 12.5)
 - Reactivity (contains cyanide or sulfide) or
 - Toxicity

- The hazardous waste identification procedures are addressed in more detail under 6 NYCRR Part 370, Hazardous Waste Management System – General, and 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes.

B. Non-Hazardous Waste

- Waste streams are classified as non-hazardous if the leachate contains hazardous substances below or outside of the thresholds identified above which would classify it as hazardous and do not exhibit other characteristics of Hazardous Wastes.
- In some disposal states, a unique classification such as “restricted” or “regulated” is assigned to waste, which contains hazardous substance even though the levels are below the hazardous thresholds. In these cases, confirm the appropriate classification with the disposal facility, and 6 NYCRR Part 375, Environmental Remediation Programs, and NYSDEC CP-51 Supplemental Soil Cleanup Objectives Parameters
- Non-hazardous wastes removed from the Site during the project will be handled as solid waste in accordance with 6 NYCRR Part 360, Solid Waste Management Facilities.

6.2 Collection of Representative Samples

Sampling of solid waste will be done under the direction of the QEP in each waste stream generated by Project activities. The samples will be collected in a random sampling pattern in accordance with SW-846, “Test Methods for Evaluating Solid Waste – Physical/Chemical Methods”.

One representative sample will be collected from each waste stream to determine the composition of the waste. If a waste stream is chosen to determine whether it is non-hazardous, at least four representative samples will be taken and analyzed. The first samples will be taken immediately upon filling of the first container, and waste will not be accumulated for longer than 30 days before taking a sample. Samples taken will be brought immediately to a certified laboratory.

If the nature of the waste stream initially tested remains constant, additional sampling, testing, and classifying will not be completed for subsequent shipments unless directed otherwise by the Engineer or as required by Federal, State, or Local laws, codes, or regulations, or as required by the recycling or disposal facility.

If scrap steel is designated for recycling, a paint sample will be taken from the surface to determine the composition and to complete its Safety Data Sheet (SDS). At least four samples of at least 4-square inches will be collected and analyzed from the steel substrate.

6.3 Sampling and Analysis Procedures for Waste Characterization

Solid Waste that is no longer in the manufacturer’s supplied containers will be analyzed for the following:

- Volatile Organic Compounds (VOC) + 10 Tentatively Identified Compounds (TIC)
- Gasoline-Range Organics (GRO)
- Diesel-Range Organics (DRO)
- Total Solids
- TCL Semi-Volatile Organic Compounds (SVOC) + 20 TICs
- Target Analyte List (TAL) including Manganese, Barium, Aluminum, Cobalt, and Vanadium
- TCL Herbicides and Pesticides;
- Polychlorinated Biphenyls (PCB)

In addition, samples will be analyzed in accordance with 40 CFR 261, Appendix II, Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) for the eight metals and other hazardous substances and characteristics to properly characterize the waste stream into hazardous and non-hazardous.

The other hazardous substances and characteristics include ignitability, corrosivity, reactivity, toxicity, pH, and others. If any test results show that one or more of the waste streams is non-hazardous, the QEP will be notified. Waste will not be handled as non-hazardous unless authorized in writing by the QEP.

Non-hazardous waste will be classified as those which are below the thresholds identified above and do not exhibit other characteristics of hazardous wastes. If a disposal facility requires unique classifications such as “restricted” or “regulated” for materials which contain hazardous substances (below hazardous thresholds), the appropriate classification will be confirmed before disposal.

Scrap steel designated for recycling will have paint samples analyzed for total lead and other hazardous substances, as well as the presence of asbestos if directed by the QEP. Scrap steel coated with paint, which contains lead or other hazardous substances shall not be classified as Hazardous Waste if the steel is sent to a recycling (remelt) facility approved by the QEP.

Solvents designated for disposal are classified as hazardous waste as they are both ignitable and toxic. However, solvents used for a purpose other than disposal shall not be classified as waste, and shall be handled in accordance with 6 NYCRR Part 370 to 374. These solvents will have written documentation for tracking both on Site and during transportation and will have a proof of receipt at the final destination.

6.4 Procedures for Handling, Storage, Transportation and Disposal of Waste

6.4.1 Waste Handling, Packaging, and Storage

On-site personnel involved in excavation activities will comply with applicable Occupational Safety and Health Administration (OSHA) rules and regulations, NYSDOL requirements, and CHPE Project -Specific Safety and Health Program.

The Certificate Holder will collect and store the waste at the end of each working day in USDOT approved storage drums or containers such that waste is not left exposed overnight. Waste containers will be covered immediately upon filling and the lids will be attached at all times except when filling. The required labels will be affixed and will remain intact and legible. Non-Hazardous Waste will be stored separately from Hazardous Waste and will not be mixed or stored together. Waste will be transported to the appropriate recycling or disposal facility within sixty (60) days after the waste is generated. With the NYSDEC’s written approval, waste may be stored at the work Site for an additional thirty (30) days, but waste will in no event be stored at the Site for more than ninety (90) days. Improper handling and storage of waste may result in the immediate shutdown of the Project until appropriate corrective action is completed. No container or roll-off will be filled in excess of the capacity marked on the container.

On-Site handling, packaging, labeling, and storage of Hazardous Waste generated by the Project will be in compliance with 40 CFR 262 and 6 NYCRR 372. Hazardous Waste containers will be placed on protected

ground (covered with impermeable tarps) in a secure area with “Hazardous Waste Storage Area” signs around the perimeter in locations approved in advance by the QEP. The surrounding area will be shielded when transferring or conveying the Hazardous Waste from one container to another to prevent any dispersion. Placement of hazardous material containers will be approved by the QEP to prevent damage to the structures in case of fire. Drums and containers will be inspected on a weekly basis for corrosion, legible labels, proper covers, ground protection, and leaks, and all results will be recorded in an inspection logbook. Containers in storage areas will be arranged for easy accessibility and not staged together in lots greater than two rows of five containers each. Minimum lane clearance between each lot of ten containers will be 36 inches. Employees handling hazardous waste at the Site will be trained in the proper handling of Hazardous Waste in accordance with 40 CFR 265.16 and 6 NYCRR 373. Procedures that will be followed in the event of a release or spill, including required notifications and methods to be used for cleanup. A list of the primary personnel responsible for first response in event of an emergency along with appropriate training shall be maintained. Training records will be maintained on-Site.

For Hazardous Waste, the containers will be USDOT approved in accordance with 49 CFR 178 and chosen to be the appropriate size and type for the Hazardous Waste. Containers will be resistant to rust and corrosion (either plastic or painted steel) that have tight fitting lids and are water-resistant and leak-proof. The QEP will send a signed statement to the disposal facility that the containers are acceptable. All containers will be labeled as required by applicable Federal, State, and Local regulatory requirements.

Containers will be maintained in good operating condition with lids and closing mechanisms intact and operational to prevent the escape of debris, the spilling of contents, or the access by unauthorized personnel. All labeling requirements will be observed. All waste products generated during the Work, for example, rags, tape, disposable coveralls, filters, and solvent cans, will be recovered and disposed of. All waste will be containerized, sampled, tested, characterized, classified, handled, and stored as specified in this Plan. The QEP will select the location of the secured waste storage area.

Additional spill prevention, control, and countermeasure details are detailed in Appendix K of the EM&CP.

6.4.2 Labeling and Manifesting Waste

Hazardous Waste containers will be immediately labeled in accordance with 40 CFR 262, 49 CFR 171-179, and 6 NYCRR 372. Missing information will be completed upon receiving testing results.

The following minimum information will be included on the labels:

- “Hazardous Waste. Federal Law prohibits improper disposal. If found, contact the nearest police, public safety authority, or the US Environmental Protection Agency.”
- The proper DOT Shipping Name

- Manifest Document Number
- Generator's name, address, EPA ID number and Contract number
- Date of Accumulation
- EPA Waste Number

All required information will be entered using permanent marking material, printed in English, and displayed on a background of contrasting color unobscured by other labels or attachments. Labeling will be located away from other markings that could substantially reduce its effectiveness. The labeling, marking, and placarding activities will be completed under the observation of the Engineer prior to sorting or transporting any container or roll-off.

Non-Hazardous Waste containers will be labeled with a description of the contents.

6.4.3 Waste Transportation and Disposal

Non-Hazardous Waste removed from the Site will be managed as regulated material and will be disposed in accordance with applicable laws and regulations.

A Statement of Qualification for each proposed Hazardous Waste Subcontractor (HWS) who will transport Hazardous Waste must be submitted. Hazardous waste haulers are required to have a 6 NYCRR Part 364 waste transporter permit. If the transportation passes through other states, HWS shall provide evidence that the transporter complies with the applicable laws, codes, rules, and regulations of the respective states.

The Contractor will arrange for the transportation of all Hazardous Waste by a licensed transporter in accordance with 40 CFR 263, 40 CFR 171-179, and 6 NYCRR Part 364. A Hazardous Waste manifest will be prepared for each shipment. The Transporter shall provide a certification for each manifested shipment that the waste was accepted by the recycling or disposal facility, and properly treated and disposed of. The Engineer will be provided with an advance PDF copy of the manifest for review prior to pick-up of any waste materials. When the Transporter arrives to load the waste, the Certificate Holder will sign as the Co-generator with the Owner. If the signed manifest is not received from the disposal facility within forty five (45) days of shipment, the Transporter shall initiate the EPA Exception Report in accordance with 40 CFR 262.42, and take all steps necessary to locate the manifest or waste.

The Transporter shall provide the Engineer with a Weight Ticket or other receipt from the Treatment, Storage and Disposal (TSD) facility indicating the net and gross weight of each waste container and the correct weight of the Hazardous Waste disposed of. The Engineer will then verify that only licensed TSD facilities that do not have substantial violations are used. Should any problems arise that would preclude the selected facility from accepting the waste, the Transporter shall immediately notify the Engineer in

writing of such situation. The Engineer will identify and provide an alternate TSD that is properly licensed and acceptable and arrange for disposal at such facility after having obtained written approval.

6.5 Fluids Management

General Permit for Stormwater Discharge from Construction Activities (Permit No. GP-0-20-001) will be performed in accordance with the Stormwater Pollution Prevention Plan approved by the NYSDEC and is attached as Appendix F of the EM&CP. In the event that the proposed construction activities encounter groundwater and need to dewater, liquids to be removed from the Site, including dewatering fluids, will be handled and disposed in accordance with applicable laws and regulations as described in the Section 3.3.2 of the SWPPP.

Discharge of water generated during construction to surface waters (i.e., a stream or river) is prohibited without a NYSDEC State Pollutant Discharge Elimination System (SPDES) permit. If dewatering discharges are required, then the dewatering fluid will be pretreated as necessary to meet the NYSDEC discharge criteria. The dewatering pretreatment system will typically include a settling tank, oil/water separator, bag filters, and/or carbon steel vessels (or other method of removing volatile organic compounds). The pretreatment system and the discharge locations will be located at least 100 feet from a wetland or water body. At a minimum, the discharge from dewatering practices must meet the following criteria:

- No discharge visible floating solids or foam;
- No visible sheen;
- Filter media used in dewatering devices shall be replaced and/or cleaned in accordance with the manufacturer's specifications, in order to maintain effective operation;
- Discharge shall not cause or contribute to a substantial visible contrast to natural condition of the receiving water; and
- Discharge shall not cause or contain discernable odors, a visible sheen, foam, or floating solids at any time.

The quantity of groundwater to be extracted and treated will be determined based upon the following factors:

- Duration of excavation work below the water table;
- Depth of excavation beneath the water table; and
- Hydrogeologic factors including hydraulic permeability, hydraulic gradient, and rate of recharge

into the excavation.

Discharges from dewatering activities must be managed by appropriate controls. Turbid water from dewatering practices should be directed to a temporary sediment trap, sediment basin, bag filtration system, or stabilized area such as a filter strip. Discharged water will not cause erosion or sedimentation to occur in a state and/or federally regulated wetland, stream, or other waterbody.

If any water from the construction site exhibits visual or olfactory evidence of contamination, it will be sampled and stored in a frac or similar container, removed off-site in accordance with applicable environmental regulations, and disposed of in an approved NYSDEC locations. If evidence of a release or spill are encountered during construction, the Certificate Holders will notify NYSDEC and NYS DPS. No contaminated dewatering effluent will be discharged from the dewatering system.

6.6 Special Requirements for Other Contingent Materials

Numerous types of materials may be included in the soil material excavated during construction including asphalt, concrete, rock, rail ballast, etc. In general, all non-soil material that is not going to be reused will be disposed of at approved disposal locations in accordance with all NYSDEC rules and regulations. For non-soil excavated material being considered for reuse, the following restrictions and regulations apply.

For material excavated from work areas consisting of recognizable, uncontaminated concrete and concrete products, asphalt pavement, rock, brick, and soil (“RU-CARBS”), sampling/testing is not required under 6 NYCRR Part 360. Per 6 NYCRR 363.2.1(h), mixed RU-CARBS can be used in highway ROWS with no volume limitations. Additionally, up to 5,000 cubic yards of Mixed RU-CARBS can be used in residential developments and under pavement. For material excavated from work areas consisting of mixed soil and unrecognizable excavated material including concrete, asphalt, ash, slag, etc., sampling/testing is required in accordance with 6 NYCRR 360.13(e)(3).

Special requirements for contingent materials that may be encountered during the construction activities are detailed below.

6.6.1 For Scrap Metal

Scrap metal generated by the project is likely to be coated with paints, which contain lead and other hazardous substances. Store all demolished steel on solid ground covers or on solid surfaces such as pavement or concrete, and isolate the area with ribbons or other barriers and cover the pile. The storage area need not be covered, unless loose paint is present which could be dislodged by winds or rain.

- Scrap metal with paint which contains lead can be shipped for remelt. If paint-coated steel is not shipped for remelt, dispose of it in the same manner as Paint Removal Waste.

- A Safety Data Sheet (SDS) or letter shall accompany all shipments of scrap steel, identifying any hazardous substances that are present. A copy of the SDS or letter shall be provided to the QEP prior to shipping the steel.
- Ship the scrap metal to the smelter within sixty (60) days after waste is generated. With the QEP's prior written approval, the scrap steel may be stored at the Work Site for an additional thirty (30) days. But in no event shall the scrap steel be stored at the Work Site for more than ninety (90) days.
- Provide the QEP with written confirmation from the scrap dealer, at the time it is received, stating that the painted steel will be shipped for remelt and will be properly destroyed.

6.6.2 General Trash

This stream includes construction waste and office trash. Trash cans, hoppers and roll-off boxes will be located throughout the site for collecting general trash. Trash cans must have a lid. All general trash containers must be labeled "TRASH." Trash containers will be dumped regularly and will not be overfilled. Trash will be disposed of at a landfill that has been reviewed and approved by the NYSDPS and NYSDEC

6.6.3 Wood Scrap

Wood pallets, wire spools, concrete forms and other wood scrap will be collected separately in designated roll-off boxes. Wood scrap containers will be labeled "WOOD SCRAP." Wood scrap will be recycled if practical and cost effective to do so. Otherwise, it will be land filled at an NYSDPS and NYSDEC approved facility.

6.6.4 Used Oil

Used oil may not be mixed with any other chemical and must be recycled. Drip pans will be emptied into a sealed container by the end of each shift. Used oil must be stored in drums, totes, or tanks. These containers must be closed tightly when not in use and must be clearly labeled "USED OIL." Used oil will be transported off site within 90 days of initial accumulation for recycling at NYSDEC approved facility.

6.6.5 Used Oil Filters

Used oil filters must be gravity drained for 24 hours before they can be disposed of. Oil filters will be collected in drums or other specified containers and recycled by an approved vendor. Containers of oil filters must be labeled and closed at all times.

6.6.6 Used Antifreeze

Used antifreeze may not be mixed with any other chemical and must be recycled. Drip pans will be emptied into a sealed container by the end of each shift. Used antifreeze will be stored in 55-gallon drums. These drums must be closed tightly when not in use and must be clearly labeled.

6.6.7 Oily Rags

Rags soaked with oil, gasoline, diesel, or solvent will be collected in covered containers for disposal by an approved vendor. Containers will be labeled and closed at all times.

6.6.8 Water/Oil Mixtures & Water/Concrete Sealer/Form Oil Mixtures

If water is allowed to collect in secondary containment, it may become contaminated with spillage from products such as oil, form oil or concrete sealer. Drums must be sealed and labeled at all times and transported off-site for disposal at an NYSDPS and NYSDEC approved facility as soon as practicable.

Drums requiring off-site disposal shall be characterized in accordance with NYSDPS, NYSDEC, and the off-site disposal facility requirements prior to transporting the containers off-site. The process of characterizing drum contents, including sampling methods and analytical analysis, will be completed in accordance with the guidelines included in the NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation document (Chapter 2), dated May 2010.

6.6.9 Asbestos Containing Materials (ACM)

Asbestos is made up of natural fibers of hydrated silicate minerals and was sometimes used in buildings because of its thermal and electrical insulation properties. Asbestos may be found in cement, plaster, floor tiles, insulation, and spray materials (used on ducts, beams, etc.). Asbestos has not been identified at the Site, however if suspect-ACMs are encountered, the QEP and Certificate Holder will notify NYSDEC and NYSDPS, to allow for the performance of an asbestos survey and abatement be conducted prior to construction. Work with ACM will be performed in accordance with the following requirements:

- USEPA for Asbestos in Water, EPA 600/4- 80-005.
- U.S. Department of Labor, Occupational Safety and Health Act Standards, 29 CFR Part 1926.
- U.S. Department of Labor, Occupational Safety and Health Act Standards, 29 CFR Part 1910. 134.
- Title 12 of the State of New York Official Compilation of Codes, Rules, and Regulations, 12 NYCRR Part 56.
- Article 30 of New York State Labor Law, Products Containing Asbestos; Licensing.

- New York City Local Law 70, NYC Department of Sanitation Regulations in Relation to Transport, Storage and Disposal of Asbestos Waste.
- ASTM Standard E1368 “Standard Practice for Visual Inspection of Asbestos Abatement Projects”.

6.6.10 Polychlorinated Biphenyl (PCB) Containing Materials

According to the EPA, manufactured PCB products are materials that were made with PCBs and are in a non-liquid state as defined in 40 CFR § 761.3. PCB containing materials have not been identified at the Site, however if suspect-PCB materials are encountered, the QEP and Certificate Holder will notify NYSDEC and NYSDPS, to allow for the performance of a survey be conducted prior to construction. Work with PCB-containing materials will be performed in accordance with the following requirements:

- 29 CFR 1910.1200, "Hazard Communication" (OSHA)
- 29 CFR 1910.134, "Respiratory Protection" (OSHA)
- 29 CFR 1926.250-252 “Materials Handling, Storage, Use, and Disposal” (OSHA)
- 29 CFR 1926.1100-1153 “Toxic and Hazardous Substances” (OSHA)
- 40 CFR 761, “Polychlorinated Biphenyls (PCBs)” (EPA)
- 49 CFR 171-173, Transportation Standards (DOT)
- 6 NYCRR, Parts 360, 364, Disposal and Transportation
- 6 NYCRR, Parts 370-374, “Hazardous Waste Management System”

Contractors working with PCB-containing materials shall possess all permits and/or licenses required under the Toxic Substance Control Act (TSCA), the Resource Conservation and Recovery Act (RCRA), as well as any state or local permits or licenses required, for the removal, repackaging, transportation and disposal of PCBs, PCB equipment and PCB waste.

6.6.11 Lead Containing Paint

Residential, commercial, and industrial buildings constructed prior to 1978 are likely to contain lead-containing paint (LCP). If any work involving the disturbance of LCP is performed on pre-1978 structures, the Certificate Holders will ensure that all applicable project staff will be trained in lead-safe work practices. The United States Environmental Protection Agency requires that if you disturb more than six (6) square feet of interior surface or twenty (20) square feet of exterior service, the construction team must be certified under the 2008 Renovation, Repair, and Painting (RRP) Rule. If encountered, LCP materials will be managed in accordance with the following requirements:

- 29 CFR 1910.1200, "Hazard Communication" (OSHA)
- 29 CFR 1910.134, "Respiratory Protection" (OSHA)

- 29 CFR 1926.250-252 “Materials Handling, Storage, Use, and Disposal” (OSHA)
- 29 CFR 1926.1100-1153 “Toxic and Hazardous Substances” (OSHA)
- 40 CFR 261, “Identification and Listing of Hazardous Waste” (EPA)
- 40 CFR 745, “Lead Based Paint Poisoning Prevention” (EPA)
- 49 CFR 171-173, Transportation Standards (DOT)
- 6 NYCRR, Parts 360, 364, Disposal and Transportation
- 6 NYCRR, Parts 370-374, “Hazardous Waste Management System”

7.0 NUISANCE ODOR AND DUST CONTROL

7.1 Nuisance Odor Control

All necessary means will be employed to prevent on- and off-Site odor nuisances. At a minimum, procedures will include: (a) limiting the area of open excavations; (b) shrouding open excavations with tarps and other covers; and (c) use of foams to cover exposed odorous soils. If odors develop and cannot otherwise be controlled, additional means to eliminate odor nuisances will include: (d) direct load-out of soils to trucks for off-Site disposal; and (e) use of chemical odorants in spray or misting systems.

An odor control plan capable of controlling emissions of nuisance odors will be developed and appended to the on-site Health and Safety Plan. If nuisance odors are identified, work will be halted, and the source of odors will be identified and corrected. Work will not resume until all nuisance odors have been abated. NYSDEC will be notified of all odor complaint events. Implementation of all odor controls, including halt of work, will be the responsibility of the Contractor and the Certificate Holder.

7.2 Dust Control

In accordance with Certificate Condition 64, the Certificate Holders shall adopt appropriate measures to minimize fugitive dust and airborne debris from construction activity. Dust management during invasive on-Site work will include, at a minimum:

- Use of a dedicated water spray methodology for roads, excavation areas and stockpiles.
- Use of properly anchored tarps to cover stockpiles.
- Exercise extra care during dry and high-wind periods.
- Use of gravel or recycled concrete aggregate on egress and other roadways to provide a clean and dust-free road surface.

This dust control plan is capable of controlling emissions of dust. If nuisance dust emissions are identified, work will be halted, and the source of dusts will be identified and corrected. Work will not resume until

all nuisance dust emissions have been abated. NYSDEC will be notified of all dust complaint events. Implementation of all dust controls, including halt of work, will be the responsibility of the QEP and the Certificate Holder.

8.0 COMMUNITY AIR MONITORING

The construction of these segments within the AGS will not commence until the Consent Order activities are complete. As such, the portion of construction located within the AGS is not anticipated to encounter contamination. However, in the event that contamination is encountered during the excavation and construction the Certificate Holder will notify the NYSDEC, NYSDPS, and NYSDOH prior to further disturbance. The Contractor will conform to practices and procedures described in the DER10/Technical Guidance for Site Investigation and Remediation and the NYSDOH Generic Community Air Monitoring Plan (CAMP) during all excavation.

9.0 EMERGENCY RESPONSE AND CONTINGENCY

This contingency plan is developed to address the discovery of unknown structures or contaminated materials during excavation. Identification of unknown contamination source areas during invasive Site work will be promptly communicated to the QEP. Petroleum spills will be reported to the NYSDEC Spill Hotline and will be managed in accordance with **Appendix K - Spill Prevention Countermeasure and Control of the EM&CP**. Federal agencies can be notified by calling the National Response Center.

- NYS Spill Hotline: 1-800-457-7362
- National Response Center: 1-800-424-8802

If unknown/unexpected materials are encountered that are suspected as being hazardous, toxic, contaminated, radioactive, harmful, etc., immediately:

- Stop work in the affected area, as needed.
- Secure and make the area safe for Company personnel, public and the environment
- Report the condition in writing and verbally to the Certificate Holders
- Report the condition to the QEP
- Determine the type of waste and dispose at a NYSDPS and NYSDEC approved disposal facility.

If previously unidentified contaminant sources are found during on-Site excavations, sampling will be performed on contaminated source material and surrounding soils to characterize it as “hazardous waste” or “non-hazardous waste” and the findings reported to the NYSDEC, NYSDOH, and NYSDPS. Chemical analytical testing will be performed as appropriate. Visual, olfactory and PID soil screening and assessment

will be conducted to identify these areas of previously unidentified impacts under the supervision of a QEP. These findings will be documented and submitted to NYSDEC, NYSDOH, and NYSDPS.

All necessary means will be employed to prevent on- and off-Site odor nuisances during excavation and loading of contaminated soil, if encountered. At a minimum, procedures will include: (a) limiting the area of open excavations with potentially impacted soil; and (b) shrouding open excavations with tarps and other covers. If odors develop and cannot otherwise be controlled, additional means to eliminate odor nuisances will include: (c) direct load-out of soils to trucks for off-Site disposal; and/or (d) use of chemical suppressing foams.