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INTERIM REMEDIAL MEASURES CERTIFICATION REPORT
CULVERT SEDIMENT REMOVAL

BLOODY BROOK
ONONDAGA COUNTY, NEW YORK

PROJECT NO. 129916

March 2009

Submitted to:

Mr. Myron Parkolap
Environmental Engineer
Lockheed Martin Corporation
Electronics Park
Syracuse, New York

Submitted by:

Shaw Environmental and Infrastructure of New York, P.C.
13 British American Boulevard
Latham, New York

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES

1.0 INTRODUCTION

1.1 Purpose and Scope

As stated in the April 22, 2008 *Final Interim Remedial Measures Work Plan, Culvert Sediment Removal - Bloody Brook, Onondaga County, New York* (IRM Work Plan), the Onondaga County Department of Water Environment Protection (OCDWEP) requested that Lockheed Martin Corporation (LMC) remove sediment that had collected in four culverts within the West Branch of Bloody Brook (WBBB) located in the Town of Salina, Onondaga County, New York. The OCDWEP requested sediment removal in these culverts to increase the hydraulic capacity of the drainage system in the area. The four culverts are located at Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street. The locations of the four culverts are within the Bloody Brook site (**Figure 1**) that is the subject of a Voluntary Cleanup Agreement (VCA) between LMC and the NYSDEC (Index # D7-0001-01-09, effective July 20, 2002).

1.2 Approvals, Notifications and Access Agreements

As indicated in the IRM Work Plan, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH), and the OCDWEP were all informed of the proposed work. After reviewing the IRM Work Plan, the NYSDEC provided approval of the proposed IRM activities (**Appendix A**), and it was determined that permits were not required from the NYSDOH or OCDWEP.

LMC submitted an application to the United States Army Corps of Engineers (USACE) for Nationwide Permit 33 (NP 33) on March 17, 2008. The application included but was not limited to a pre-construction notification, the IRM Work Plan, and a summary of the proposed work. The pre-construction notification summarized the location and nature of the work and determined that the work would not result in any significant impacts on animal or plant species or habitats or any archaeological or culturally significant resources.

The USACE provided approval of this application in a letter to LMC dated May 14, 2008 (**Appendix B**). Following completion of the construction activities, the "Compliance Certification" form found in the May 14, 2008 letter was signed and returned to USACE (**Appendix C**).

In addition to the above-listed items, LMC also complied with the conditions of the NYSDEC Section 401 Water Quality Certification for USACE Nationwide Permits, and the Regional Conditions issued by the USACE's New York and Buffalo districts, as outlined in NYSDEC's May 11, 2007 letter to the USACE.

Access to the Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street work areas for ingress and egress of personnel and equipment was from public roadways and from within the OCDWEP easement. Access agreements between LMC and Onondaga County and between LMC and the Town of Salina were prepared and initiated to perform the IRM activities.

The remainder of this IRM Certification Report summarizes the culvert cleanout activities performed for the Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street culvert work areas, and is organized as follows:

Section 2 – Summary of Culvert Sediment Removal Activities: This section presents a description of the IRM activities including site preparation, control of surface water, sediment removal, material handling and disposal, and area restoration.

Section 3 – Certification Statement: This section presents the compliance certification required by the USACE stating that the project was completed according to the conditions outlined in their approval.

2.0 SUMMARY OF CULVERT SEDIMENT REMOVAL ACTIVITIES

2.1 General

This section presents a description of the IRM culvert sediment removal activities including site preparation, control of surface water, sediment removal, material handling and disposal, and area restoration.

2.2 Description of IRM Activities

The "site work area," as defined in the IRM Work Plan, was composed of the four culverts located on the WBBB at Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street as shown on **Figure 2**.

In summary, at each culvert, surface water was diverted around each work area using temporary sandbag dams and a bypass pump. Once the area was dewatered, sediment was removed from each culvert and the portions of the WBBB immediately upstream and downstream of the culvert (i.e., within the wing walls of the culvert) and staged for dewatering within the brook. Once dewatered, the sediment was loaded directly into lined trucks and taken to Waste Management's High Acres Landfill in Fairport, New York.

Details and modifications to the standard approach are presented below. A photo log of the IRM sediment removal activities is included as **Appendix D** to this report.

2.3 Site Preparation

Access to the work areas was from public roadways and from the OCDWEP easement. Most of the work was conducted from the shoulder of the road and/or from the OCDWEP easement. In accordance with Figure 3 of the July 2008 *Maintenance and Protection of Traffic Plan* and the *Manual on Uniform Traffic Control Devices for Streets and Highways* 2003 Edition (Typical Application 3), signs were placed on the road prior to the work area warning local traffic of the shoulder work each day. When equipment was blocking one or both lanes, personnel with signs directed traffic around the area. Safety vests and cones were also used to warn traffic of the presence of the work crew and associated equipment.

No vegetation was required to be removed to perform the sediment removal activities; however, a large shrub within the OCDWEP easement was tied back during the loading process at Brookview Lane. Following removal of the sediment, the shrub was untied and determined to be unharmed. Sheets of plywood were placed under construction equipment tires to distribute weight and avoid sinking into the asphalt. Guardrails at all four culvert locations were removed to allow equipment to access the brook and to properly locate the bypass pump and load the stockpiled sediment into transport vehicles. All guardrails were undamaged and put back in place after removal was complete.

2.4 Control of Surface Water

Surface water was diverted by constructing temporary dams both upstream and downstream of each work area (shown in detail on **Figures 3, 4, 5, and 6**). The location of the temporary dams varied slightly at all four locations. In general, temporary dams were placed in a narrow section of the WBBB where it enters and exits the wing walls of each culvert. Temporary dams were constructed using sandbags placed on geotextile fabric or polyethylene sheeting to maintain separation between the stream bed and the sandbags. In some areas, water continued to flow around the temporary dams behind the flagstones lining the brook. At Sunflower Drive and Floradale Road, one flagstone at each culvert was moved to provide a smooth surface on the channel side bank to prevent water from bypassing the temporary dams. After the sediment removal was complete, the stones were returned to their original locations.

The flow of the WBBB was diverted around the work area using a bypass pump to transfer the water from the upstream side of the upstream dam to the downstream side of the downstream dam. The diverted water was discharged a sufficient distance downstream (approximately 40 feet) from the work area to allow work in a relatively dry channel section. Any water that remained in the work area or that leaked from behind the dam was pumped out of the area using a transfer pump. The bypass pump used to divert the flow of the brook around the work area operated continuously during sediment removal at each culvert; however, the transfer pump used to dewater the work area was shutdown at the end of each day to reduce noise levels.

An exception to the above surface water diversion process was at the Pearl Street culvert where water continued to flow around the dam behind the flagstone channel walls, as well as, out of a third culvert in the upstream area from an unnamed tributary. This condition was attributed to the increased stream flow created by the winter conditions and large fluctuations in ambient temperatures. The Pearl Street culvert sediment removal was performed in temperatures as low as 1 degree Fahrenheit (^{0}F) with snow fall and as high as 50^{0}F with rain. The ground remained

frozen which forced the snow melt and rain fall to runoff the frozen ground and into the brook. The high water levels made it difficult for the bypass pump to divert the entire flow of the WBBB around the work area. Therefore, an additional upstream sandbag dam was constructed around the eastern culvert to allow for a dry work/staging area. Stream flow from the main channel and unnamed tributary continued through the western culvert that was unobstructed. Any water that remained in the dry work/staging area was pumped out of the area using a transfer pump.

At each of the culverts the bypass pump intake was placed in a location that minimized uptake of brook sediments, and the bypass pump discharge was directed against a plywood and concrete block structure to dissipate the energy from the discharge and prevent erosion of the stream bed and/or banks. To monitor the occurrence of sediment disturbance, periodic visual inspections in accordance with the NYSDEC *Part 703: Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations* (NYSDEC Part 703) were made upstream and downstream of the work area. As stated in NYSDEC Part 703, a comparison of the upstream and downstream portions of the WBBB was made to determine that "no increase that will cause a substantial visible contrast to natural conditions" had occurred.

Subsequent to the completion of sediment removal from each culvert, the upstream and downstream sandbag dams were disassembled prior to shutting down the bypass pump. Disassembly in this manner prevented a sudden rush of turbid water downstream.

2.5 Culvert Sediment Removal

Accumulated sediments were removed from within the culverts at Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street. The culverts located within the site work areas are constructed of corrugated metal pipe (CMP). In addition, non-cohesive sediments that overlaid the clay layer or engineered base within the stream bed between the wing walls located upstream and downstream of the culvert were removed. The vertical extent of sediment removal did not extend below the invert elevation of the corrugated pipe of the culvert. The total sediment removal volume for the project was approximately 68 cubic yards or 91 tons. The characteristics of the culverts and the areas outside the culverts, as well as, the total removal volume/mass are summarized in **Table 1**.

Flow was diverted as discussed in **Section 2.4**. Sediment removal activities did not commence until surface water diversion measures were effective in dewatering the work area. At the Floradale Road culvert work area, a significant quantity of sediment blocked the downstream eastern culvert that prevented further IRM activities from continuing. At this location, a

temporary sandbag dam was used to divert surface flow through the western unblocked culvert. Once the eastern culvert was dewatered, sediment was directly loaded into a transport vehicle. Since this sediment was located above the waterline, no dewatering was needed. The temporary dam across the eastern culvert was then removed, and surface water diversion and sediment removal activities resumed in a manner similar to that previously described.

At the Pearl Street culvert work area, an additional sandbag dam was built around the eastern, blocked culvert and staging area, to allow flow to continue through the western, unblocked culvert throughout the sediment removal process. Foreign objects (e.g., a computer printer, cinder blocks, etc.) found in the western culvert were removed and added to the stockpile of sediment and material removed from the eastern, blocked culvert. However, the western culvert was never dammed off and cleaned separately. It was determined in the field that if all of the sediment was removed from inside the culverts, the invert elevation would be lower than the existing downstream channel elevation, and would thus create backward flow (upstream). This would then create a process and a place for sediment to buildup in the future. Due to this determination, sediment in the culverts was only removed down to an elevation that would continue to promote downstream flow.

In general, bulk sediments were removed from within the culverts and the wing walls with a walk-behind Bobcat MT52 Mini Track Loader and manually (hand tools), as necessary. Some residual sediment was left within the ribs of the culverts. This material was considered to be de minims and therefore not removed. The removed sediments were stockpiled within the work area to allow for dewatering and staging for loading purposes as discussed in **Section 2.6**.

2.6 Material Handling and Disposal

Sediments removed from within the culverts and areas immediately upstream and downstream of the culverts were stockpiled within the work area (between the wing walls) to allow for dewatering. The stockpiles were covered with polyethylene sheeting during dewatering and remained covered until being loaded into the transport vehicles to prevent additional water from entering the stockpiles due to precipitation. As mentioned in the previous section, some sediment from the Floradale Road work area was directly loaded into a transport vehicle. This sediment was located above the waterline in the brook and therefore did not need to be dewatered.

The stockpiled sediments were loaded into transport vehicles over the subject culverts (i.e., Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street) for transport to Waste Management's High Acres Landfill in Fairport, New York. As presented in the IRM Work Plan, composite sediment samples were collected from each of the culverts (**Figure 7**) and compared to Toxicity Characteristic Leaching Procedure limits, Resource Conservation and Recovery Act characteristics, and Toxic Substance Control Act limits. As shown in **Table 2**, the composite samples were found to be below the regulatory standards and were characterized as non-hazardous waste. Copies of the laboratory analytical results, as well as, the bills of lading are included as **Appendices E and F**, respectively.

Transport vehicles were lined prior to placement of material for transport to the disposal facility (including placement of absorbent material [i.e., speedi-dry] around the tailgate). Material loading was accomplished using standard construction equipment. Each loading area was lined with a polyethylene sheet to create a temporary containment area and to ensure that any material from the loading equipment would not contact the ground surface. As the material was being loaded, absorbent material (speedi-dry) was added to the truck to absorb any water that might separate from the sediments during transportation. Absorbent material was added in accordance with acceptance criteria provided by the disposal facility and as a precautionary measure. Upon completion of the material loading operations, any material that accumulated on the temporary containment area was cleaned up and placed within the transport vehicle. Additionally, the material used to construct the temporary containment area (i.e., polyethylene sheet) was then placed in the transportation vehicle for disposal.

During the direct loading of the sediment from the Floradale Road culvert, the transport vehicle was observed to be damaged. The damaged portions of the vehicle were repaired and additional polyethylene sheeting, absorbent pads, and speedi-dry were added.

2.7 Area Restoration

Because the construction activities were conducted in a manner that minimized impacts on the WBBB and adjacent areas, only minor restoration activities were required. As mentioned in **Section 2.4**, flagstone from the channel walls was moved at both the Sunflower Drive and Floradale Road culvert work areas to allow for proper sandbag dam construction and to prevent water from flowing around the dam behind the flagstone. At both of these locations, the stones were returned to their pre-construction locations following sediment removal. Materials used for sediment control and water diversion (e.g., geotextile fabric, sandbags, concrete blocks, etc.)

were completely removed from the WBBB, maintaining the pre-construction elevations of the stream bottom in those areas.

At the Brookview Lane culvert work area, a small area within the downstream portion of the OCDWEP easement was disturbed by the tires of the construction equipment during loading. After work was completed, the area was graded and seeded with grasses. In addition, at the Floradale Road culvert work area, a small area of asphalt on the road shoulder was damaged during the loading process. The area was restored with hot mix asphalt. Additionally, at Floradale Road, the edge of the culvert was damaged during the loading process. The OCDWEP was contacted and approved the cutting (removal) of the damaged section of the culvert as adequate restoration.

As indicated above, during material removal and loading operations, some traffic guardrails had to be temporarily removed. Upon completion of loading operations, these traffic guardrails were restored to their original configuration.

Pre- and post-construction photographs (**Appendix D**) were be used to document the completion of area restoration.

3.0 CERTIFICATION STATEMENT

INTERIM REMEDIAL MEASURES CERTIFICATION REPORT
CULVERT SEDIMENT REMOVAL
BLOODY BROOK, ONONDAGA COUNTY, NEW YORK

CERTIFICATION STATEMENT

I, Daniel T. Servetas, P.E., the Project Manager for the Interim Remedial Measures (IRM), Culvert Sediment Removal, certify that, to the best of my knowledge, the execution of the IRM activities in the West Branch of Bloody Brook, Town of Salina, Onondaga County, New York and the preparation of this IRM Certification Report were in general conformance with the New York State Department of Environmental Conservation-approved work plan entitled "Final Interim Remedial Measures Work Plan, Culvert Sediment Removal," dated April 22, 2008.

STATE OF NEW YORK
DANIEL T. SERVETAS
079068
LICENSED PROFESSIONAL ENGINEER

Daniel T. Servetas, P.E.
License Number 079068

In accordance with New York State Education Law, it is a violation for any person, unless he is acting under the direction of a licensed professional engineer, to alter this IRM Certification Report in any way.

TABLES

Table 1

Characteristics and Sediment Removal Volumes/Mass

Bloody Brook, Onondaga County, New York

Culvert Location	Description	Inlet Invert (ft msl)	Outlet Invert (ft msl)	Material Located Inside CMP Barrels Description	Material Located Outside CMP Barrels Description	Total Volume (cy)	Mass (tons)
Brookview Lane	Double CMP	370.4	370.0	Dark brown, medium grain SAND and subrounded GRAVEL, little silt, moist. (SM)	Sediment build-up with vegetation	15.67	21.16
Sunflower Drive	Double CMP	368.1	367.8	Dark brown medium grain SAND and subrounded COBBLE, little subrounded gravel, trace wood, moist. (SP)	Sediment build-up with vegetation	10.59	14.29
Floradale Road	Double CMP	366.1	366.3	Dark brown, medium grain, SAND, some fine grain sand and silt, little subrounded gravel, moist. (SP)	Sediment build-up with vegetation	29.59	39.95
Pearl Street	Double CMP	364.3	364.3	Dark brown, fine to medium grain SAND, some silt, trace wood, trace subrounded gravel, moist. (SM)	Sediment build-up with vegetation	11.91	16.08
					Totals:	**67.76**	**91.48**

Notes:

1. CMP = Corrugated metal pipe
2. ft = feet
3. msl = mean sea level
4. SM = Unified Soil Classification System group symbol for silty sand
5. SP = Unified Soil Classification System group symbol for poorly-graded sand
6. cy = cubic yards
7. It was assumed that the soil weight was approximately 100lbs per cubic foot for the volume calculation.

Table 2

Analytical Results and TCLP/TSCA Limits and Characteristics

Bloody Brook, Onondaga County, New York

Sample ID: Date Sample Collected: Type of Sample:	Units	BROOK-COMP 1/24/2008 Sediment	FLOR-COMP 1/24/2008 Sediment	SUN-COMP 1/24/2008 Sediment	PEARL-COMP 1/24/2008 Sediment	TCLP/TSCA Limits/Characteristics
Volatiles						
1,1-Dichloroethene	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	0.7
1,2-Dichloroethane	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	500
Benzene	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	500
Carbon Tetrachloride	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	500
Chlorobenzene	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	100,000
Chloroform	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	6,000
Methyl Ethyl Ketone	UG/L	ND (50)	ND (50)	ND (50)	ND (50)	200,000
Tetrachloroethene	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	700
Trichloroethene	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	500
Vinyl chloride	UG/L	ND (10)	ND (10)	ND (10)	ND (10)	200
Semivolatiles						
1,4-Dichlorobenzene	MG/L	ND (0.040)	ND (0.040)	ND (0.040)	ND (0.040)	7.5
2,4,5-Trichlorophenol	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	400
2,4,6-Trichlorophenol	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	2.0
2,4-Dinitrotoluene	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	0.13
Cresol, m-	MG/L	ND (0.040)	ND (0.040)	ND (0.040)	ND (0.040)	200
Cresol, o-	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	200
Cresol, p-	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	0.0016 J	200
Hexachlorobenzene	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	0.13
Hexachlorobutadiene	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	0.5
Hexachloroethane	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	3.0
Nitrobenzene	MG/L	ND (0.020)	ND (0.020)	ND (0.020)	ND (0.020)	2.0
Pentachlorophenol	MG/L	ND (0.040)	ND (0.040)	ND (0.040)	ND (0.040)	100
Pyridine	MG/L	ND (0.10)	ND (0.10)	ND (0.10)	ND (0.10)	5.0
Metals						
Arsenic, Total	MG/L	ND (0.010)	ND (0.010)	ND (0.010)	ND (0.010)	5.0
Barium, Total	MG/L	2.8	2.1	2.2	1.6	100
Cadmium, Total	MG/L	0.076	0.082	0.021	0.057	1.0
Chromium, Total	MG/L	ND (0.0040)	ND (0.0040)	ND (0.0040)	0.011	5.0
Lead, Total	MG/L	ND (0.0050)	ND (0.0050)	ND (0.0050)	0.059	5.0
Mercury, Total	MG/L	ND (0.00020)	ND (0.00020)	ND (0.00020)	ND (0.00020)	0.2
Selenium, Total	MG/L	ND (0.015)	ND (0.015)	ND (0.015)	ND (0.015)	1.0
Silver, Total	MG/L	ND (0.0030)	ND (0.0030)	ND (0.0030)	ND (0.0030)	5.0
Herbicides						
2,4,5-TP (Silvex)	MG/L	ND (0.0020)	ND (0.0020)	ND (0.0020)	ND (0.0020)	1.0
2,4-D	MG/L	ND (0.0020)	ND (0.0020)	ND (0.0020)	ND (0.0020)	10
Pesticides						
Chlordane	MG/L	ND (0.0020)	ND (0.0020)	ND (0.0020)	ND (0.0020)	0.03
Endrin	MG/L	ND (0.00020)	ND (0.00020)	ND (0.00020)	ND (0.00020)	0.02
Heptachlor	MG/L	ND (0.00020)	ND (0.00020)	ND (0.00020)	ND (0.00020)	0.008
Heptachlor epoxide	MG/L	ND (0.00020)	ND (0.00020)	ND (0.00020)	ND (0.00020)	0.008
Methoxychlor	MG/L	ND (0.00020)	ND (0.00020)	ND (0.00020)	ND (0.00020)	10
Toxaphene	MG/L	ND (0.0020)	ND (0.0020)	ND (0.0020)	ND (0.0020)	0.5
gamma-BHC (Lindane)	MG/L	ND (0.00020)	ND (0.00020)	ND (0.00020)	ND (0.00020)	0.4
RCRA Characteristics						
Corrosivity (pH)	S.U.	7.74	7.50	7.59	7.28	< 2 or > 12.5
Flashpoint	°F	>176	>176	>176	>176	< 104
HCN Released From Waste	MG/KG	ND (10)	ND (10)	ND (10)	ND (10)	See Note 13
H_2S Released From Waste	MG/KG	ND (10)	ND (10)	ND (10)	ND (10)	See Note 13
Polychlorinated Biphenyls						
PCB 1016	UG/KG	ND (18)	ND (99)	ND (41)	ND (1300)	50,000
PCB 1221	UG/KG	ND (18)	ND (99)	ND (41)	ND (1300)	50,000
PCB 1232	UG/KG	ND (18)	ND (99)	ND (41)	ND (1300)	50,000
PCB 1242	UG/KG	ND (18)	ND (99)	ND (41)	ND (1300)	50,000
PCB 1248	UG/KG	ND (18)	ND (99)	ND (41)	ND (1300)	50,000
PCB 1254	UG/KG	ND (18)	ND (99)	ND (41)	ND (1300)	50,000
PCB 1260	UG/KG	270	850	780	ND (1300)	50,000

Table 2

Analytical Results and TCLP/TSCA Limits and Characteristics

Bloody Brook, Onondaga County, New York

Notes:

1. Samples were collected to characterize sediments within culverts subject to maintenance activities in 2008.
2. Each analysis was performed on a composite sediment sample. Each composite sediment sample (e.g., Brook-Comp) was comprised of equal parts collected at four sub-sampling locations within each culvert work area (e.g., Brook-A, B, C, and D) as shown on Figure 6.
3. TCLP/TSCA = Toxicity Characteristic Leaching Procedure/Toxic Substance Control Act
4. RCRA = Resource Conservation and Recovery Act
5. MG/L = milligrams per liter.
6. UG/L = micrograms per liter.
7. MG/KG = milligrams per kilogram.
8. ^{0}F = degrees Fahrenheit.
9. UG/KG = micrograms per kilogram.
10. S.U. = Standard Units
11. ND = indicates constituent not detected over laboratory detection limit with the detection limit in parentheses.
12. J = data qualifier that indicates the analytical result is an estimated value.
13. For pH conditions between 2 and 12.5, cyanide or sulfide bearing waste can generate toxic gases, vapors or fumes in quantities sufficient to present a danger to human health or the environment.
14. No values in table exceed TCLP/TSCA Limits and Characteristics.

FIGURES

OFFICE	DRAWN BY		CHECKED BY		APPROVED BY		DRAWING NUMBER
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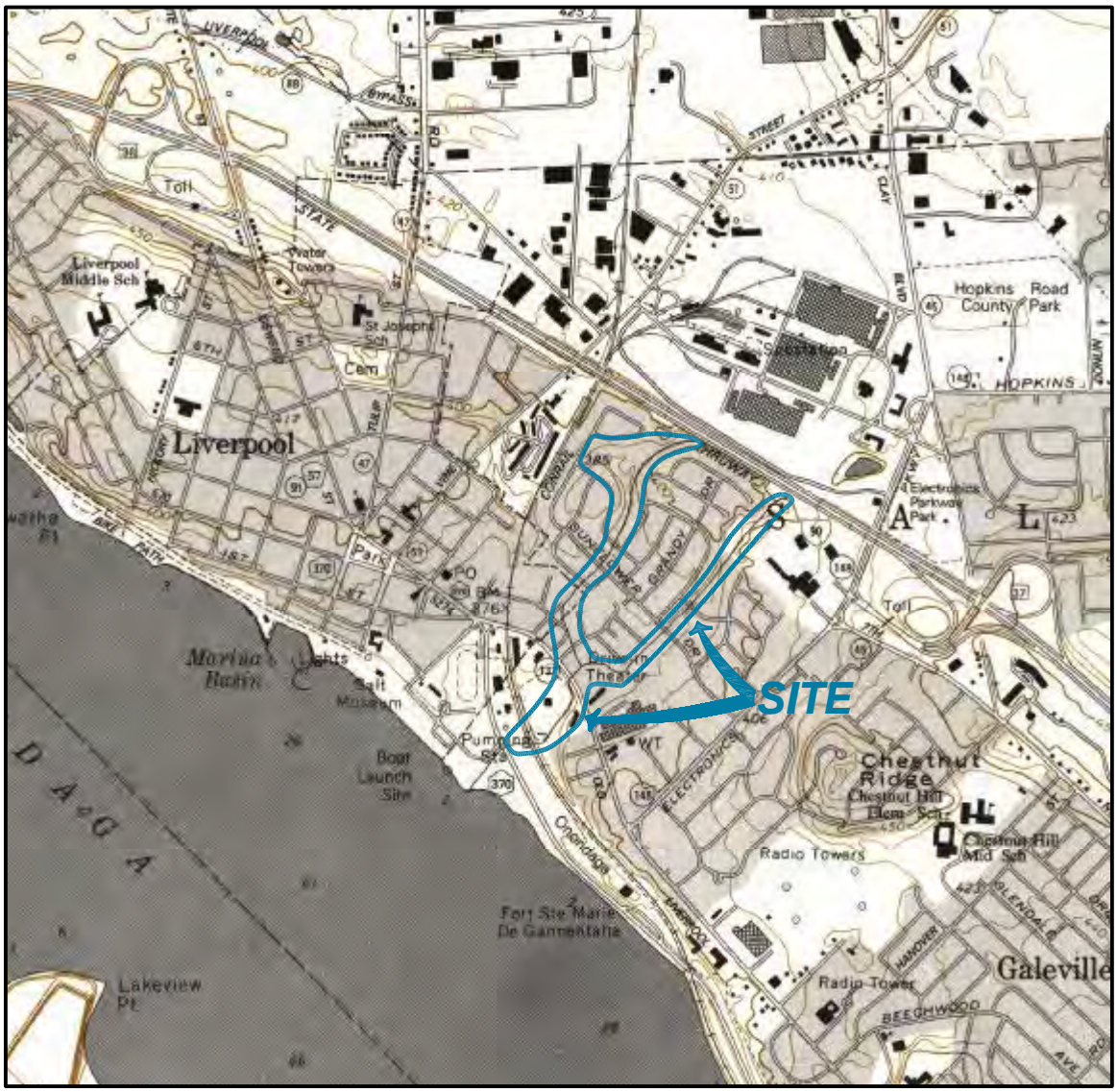

APPROXIMATE SCALE

0 2000 4000 FEET

REFERENCE:

NYSDOT 7.5 MIN TOPOGRAPHIC MAP OF SYRACUSE WEST, QUADRANGLE 1990, SCALE: 1" = 2000'.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
ONONDAGA COUNTY, NEW YORK
IRM CERTIFICATION REPORT–
CULVERT SEDIMENT REMOVAL

FIGURE 1
SITE LOCATION MAP

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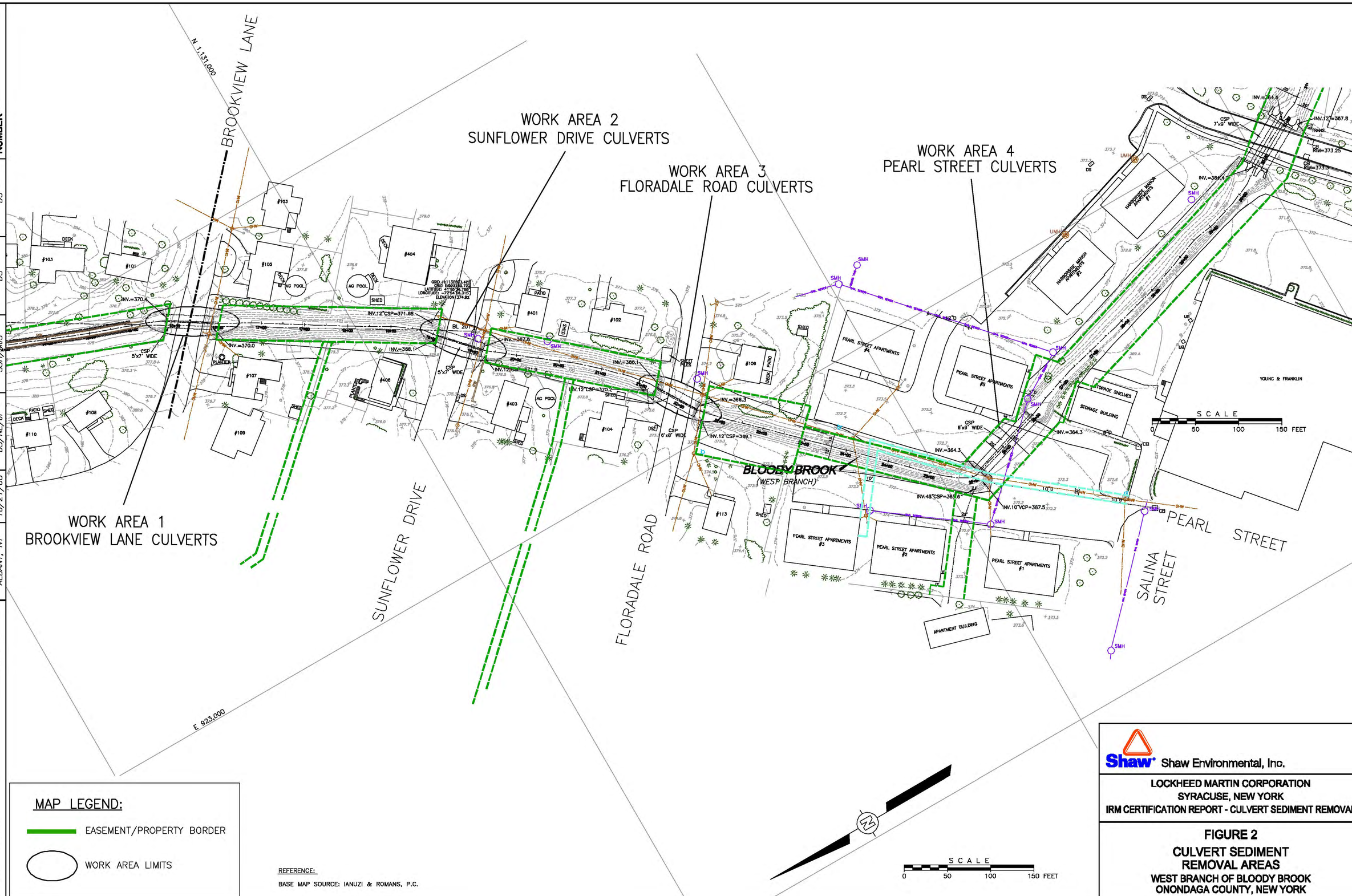

MAP LEGEND:

- EASEMENT/PROPERTY BORDER
- WORK AREA LIMITS

REFERENCE:

BASE MAP SOURCE: IANUZI & ROMANS, P.C.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
SYRACUSE, NEW YORK
IRM CERTIFICATION REPORT - CULVERT SEDIMENT REMOVAL

FIGURE 2

CULVERT SEDIMENT REMOVAL AREAS

WEST BRANCH OF BLOODY BROOK
ONONDAGA COUNTY, NEW YORK

Xref: 129916
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Plotted by: Samuel.Shkolnik

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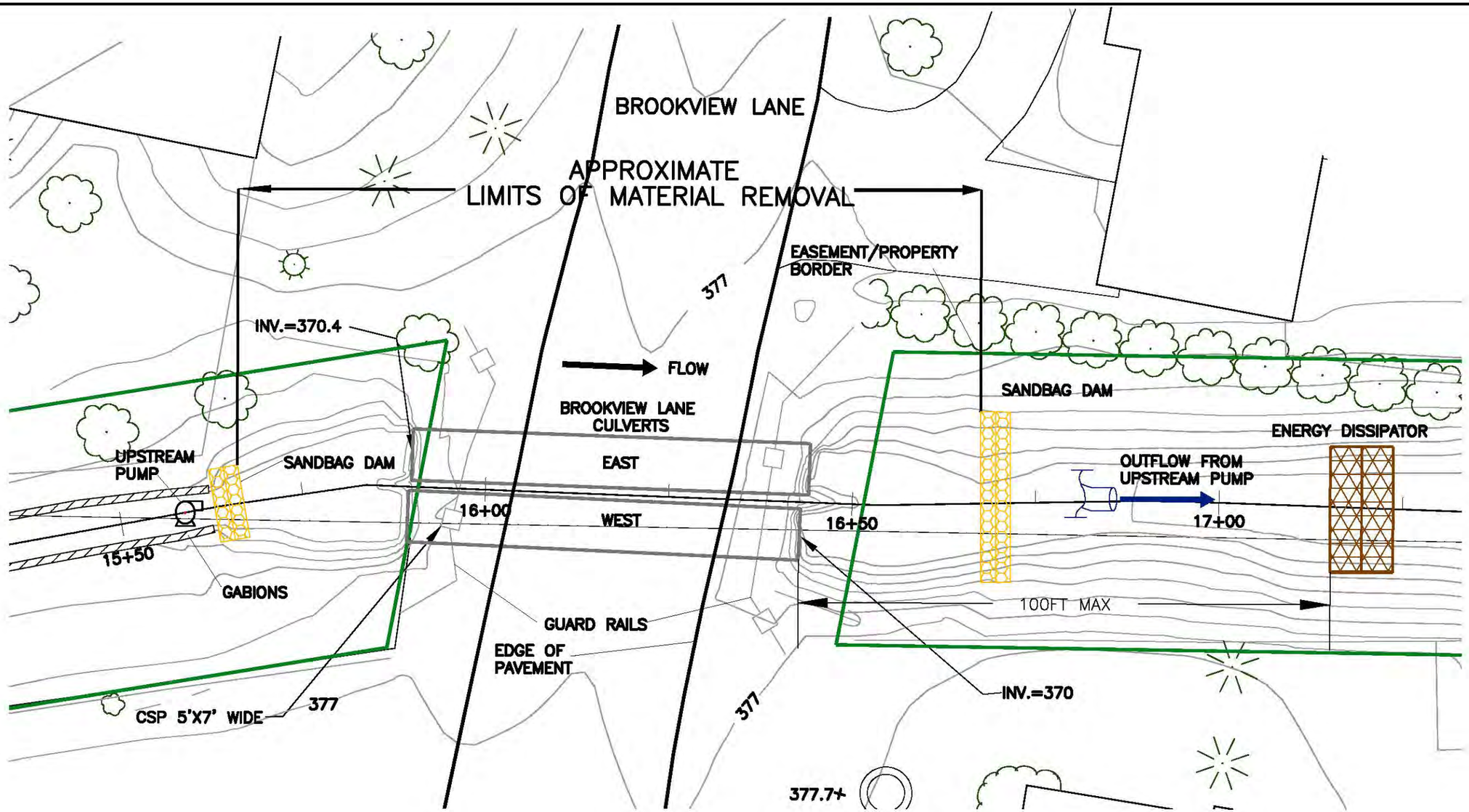

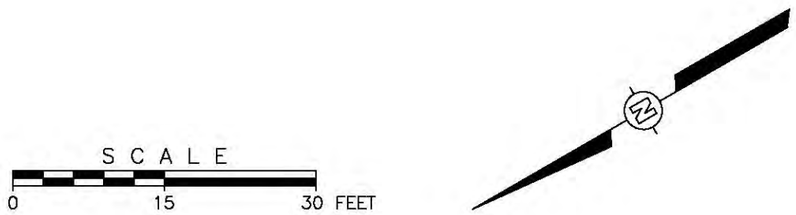

NOTES:

1) DIMENSIONS OF SAND BAG DAMS AND ENERGY DISSAPATOR ARE NOT TO SCALE. ADEQUATE SIZING OF THE SAND BAG DAMS AND ENERGY DISSAPATOR SHALL BE DETERMINED BY THE CONTRACTOR AND WILL BE SUBJECT TO THE ENGINEER'S APPROVAL.

2) LOCATION OF UTILITIES SHALL BE DETERMINED IN THE FIELD BY THE CONTRACTOR.

REFERENCE:

BASE MAP SOURCE: IANUZI & ROMANS, P.C.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
SYRACUSE, NEW YORK
IRM CERTIFICATION REPORT - CULVERT SEDIMENT REMOVAL

FIGURE 3
BROOKVIEW LANE CULVERTS

WEST BRANCH OF BLOODY BROOK
ONONDAGA COUNTY, NEW YORK

L:\project\LOCKHEED\BLOODY\IRM\129916B5.dwg
Plot Date/Time: 10/21/08 11:49am Xref: 118897X1
Plotted by: Samuil.Shkolnik Image: .

OFFICE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
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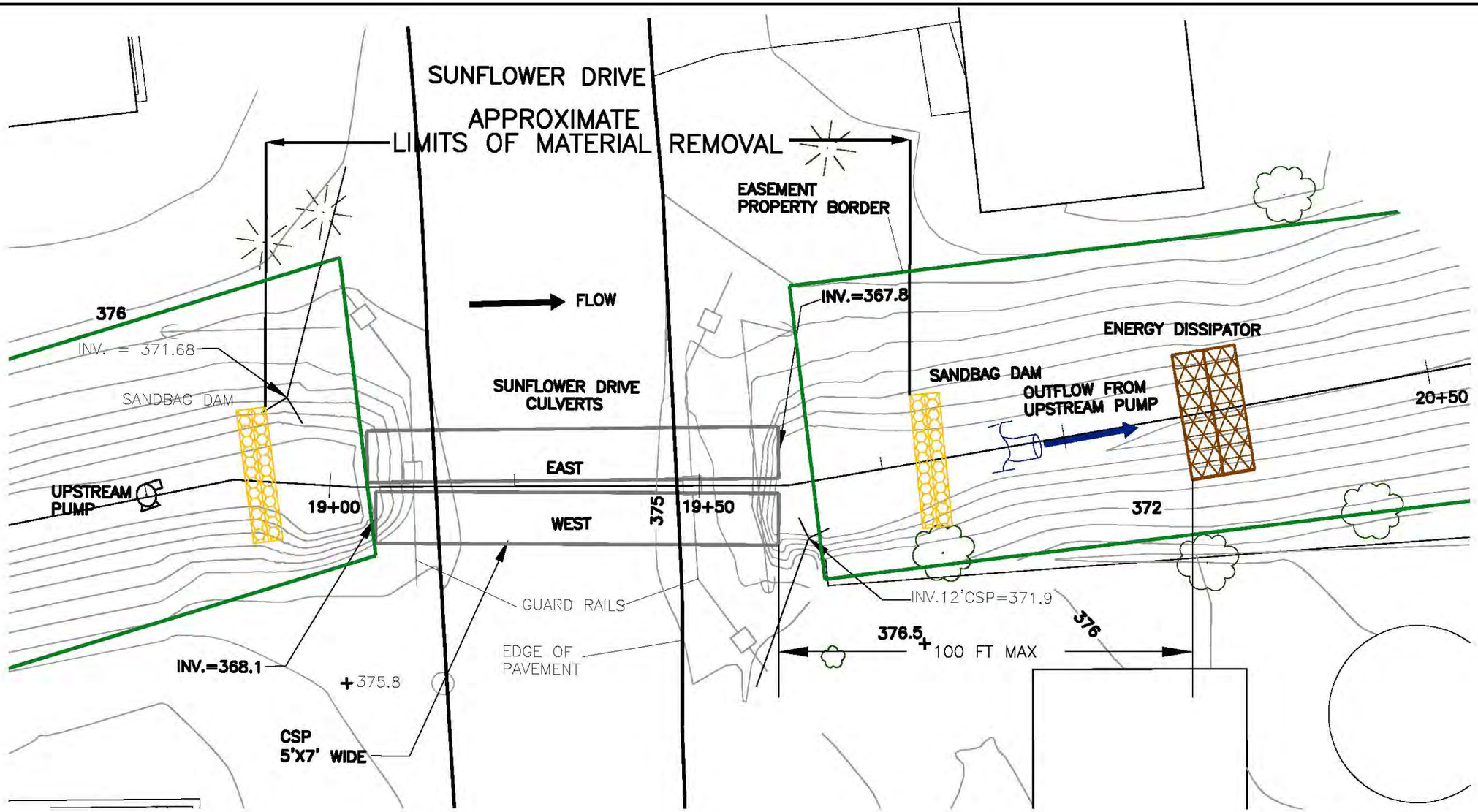

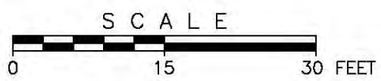

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REFERENCE:

BASE MAP SOURCE: IANUZI & ROMANS, P.C.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
SYRACUSE, NEW YORK
IRM CERTIFICATION REPORT - CULVERT SEDIMENT REMOVAL

FIGURE 4
SUNFLOWER DRIVE CULVERTS

WEST BRANCH OF BLOODY BROOK
ONONDAGA COUNTY, NEW YORK

L:\project\LOCKHEED\BLOODY\IRM\129916B6.dwg
Plot Date/Time: 10/21/08 11:50am Xref: 118897X1
Plotted by: Samuli.Shkolnik Image: .

OFFICE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
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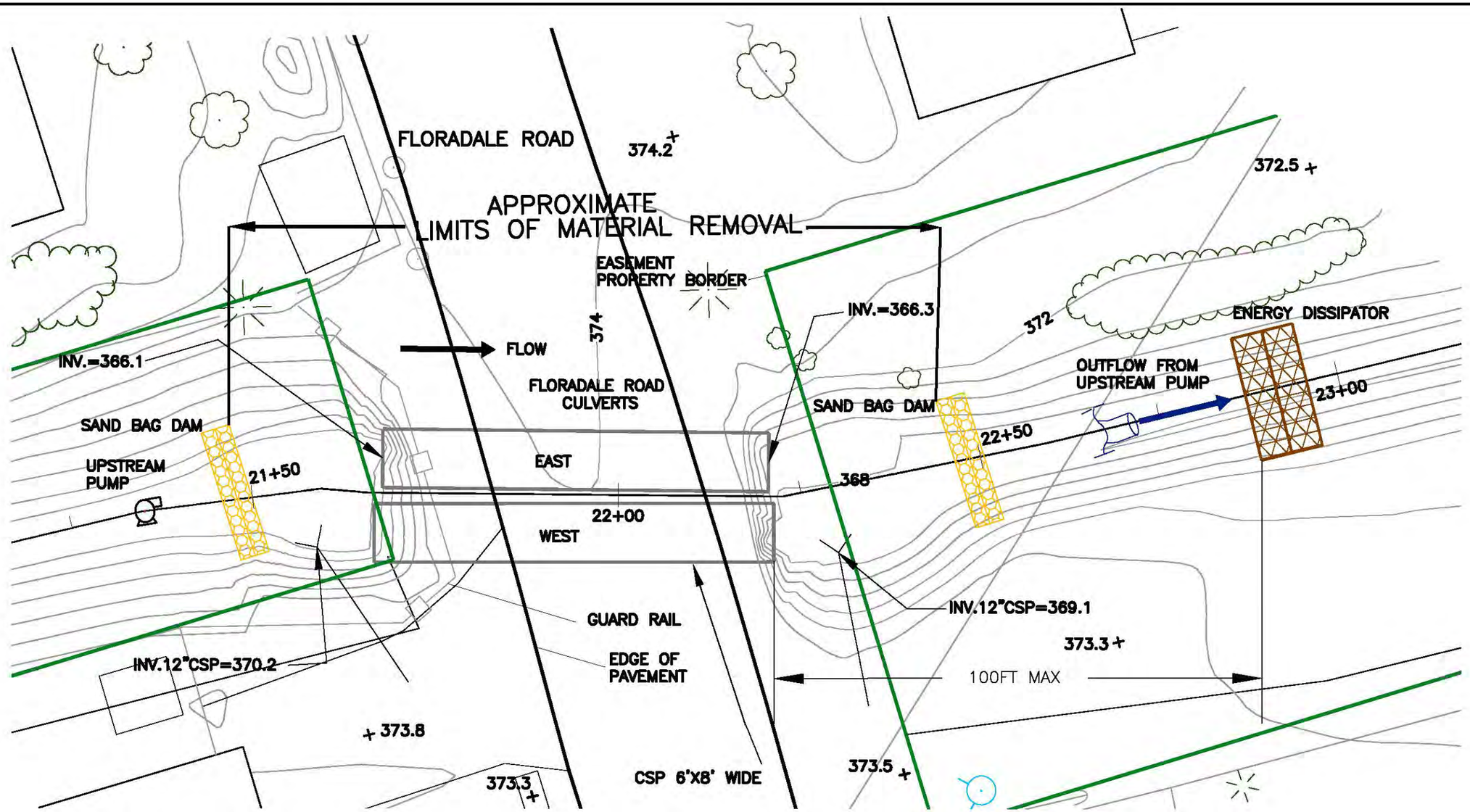

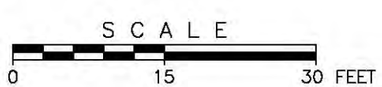

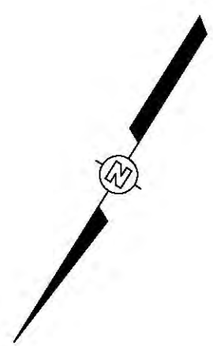

NOTES:

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REFERENCE:

BASE MAP SOURCE: IANUZI & ROMANS, P.C.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
SYRACUSE, NEW YORK
IRM CERTIFICATION REPORT - CULVERT SEDIMENT REMOVAL

FIGURE 5
FLORADALE ROAD CULVERTS

WEST BRANCH OF BLOODY BROOK
ONONDAGA COUNTY, NEW YORK

L:\project\LOCKHEED\BLOODY\IRM\129916B7.dwg
Plot Date/Time: 10/21/08 11:51am Xref: 118897X1
Plotted by: Samuli.Shkolnik Image: .

OFFICE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
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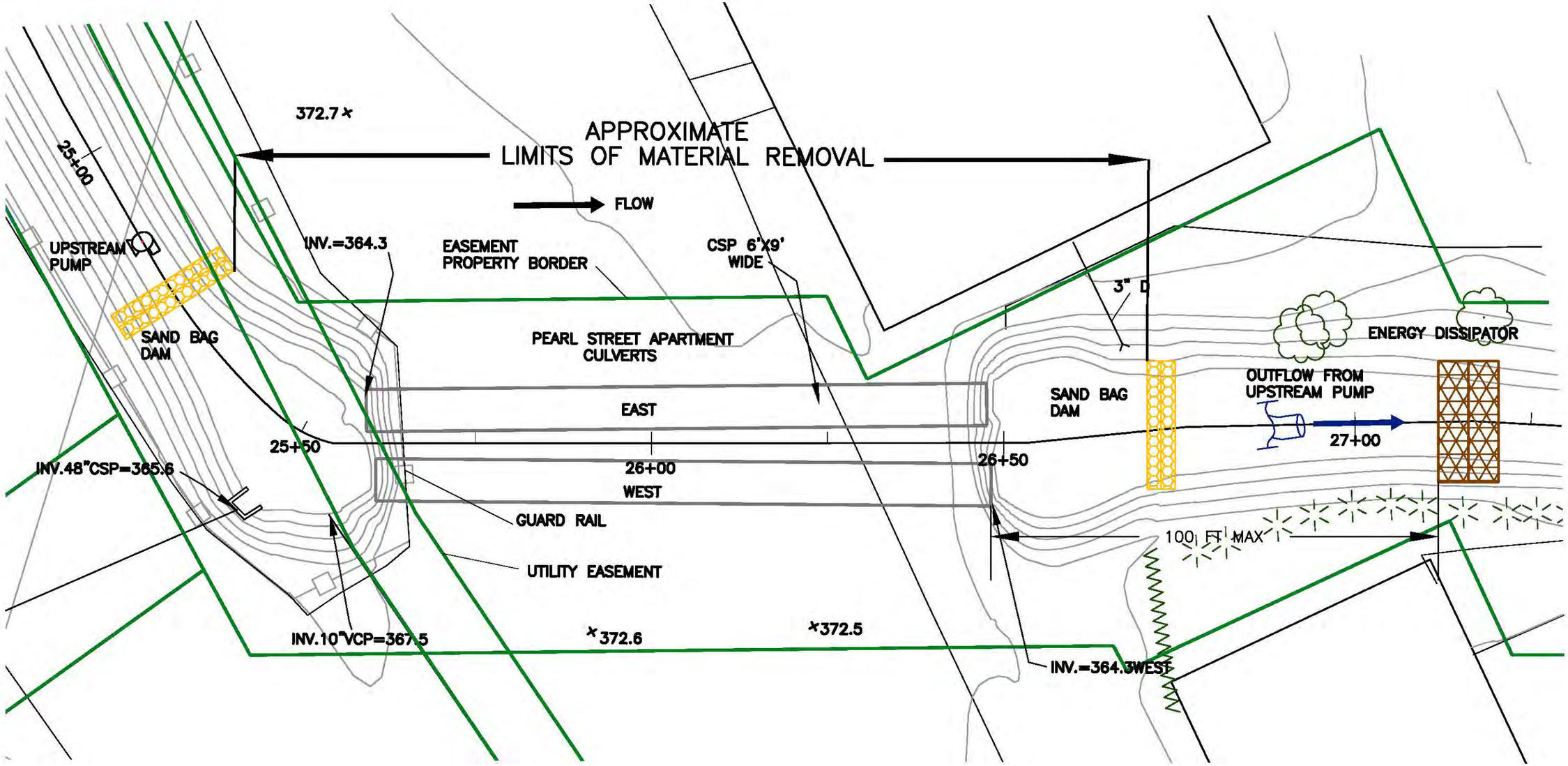

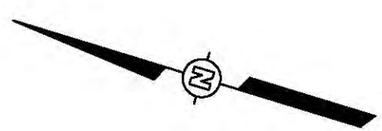

SCALE

0 15 30 FEET

NOTES:

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REFERENCE:

BASE MAP SOURCE: IANUZI & ROMANS, P.C.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
SYRACUSE, NEW YORK
IRM CERTIFICATION REPORT-CULVERT SEDIMENT REMOVAL

FIGURE 6
PEARL STREET APARTMENT CULVERTS

WEST BRANCH OF BLOODY BROOK
ONONDAGA COUNTY, NEW YORK

L:\project\LOCKHEED\BLOODY\IRM\129916B8.dwg
Plot Date/Time: 01/13/09 10:29am Xref: 118897X1
Plotted by: Samuil.Shkolnik Image: .

OFFICE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY	DRAWING NUMBER
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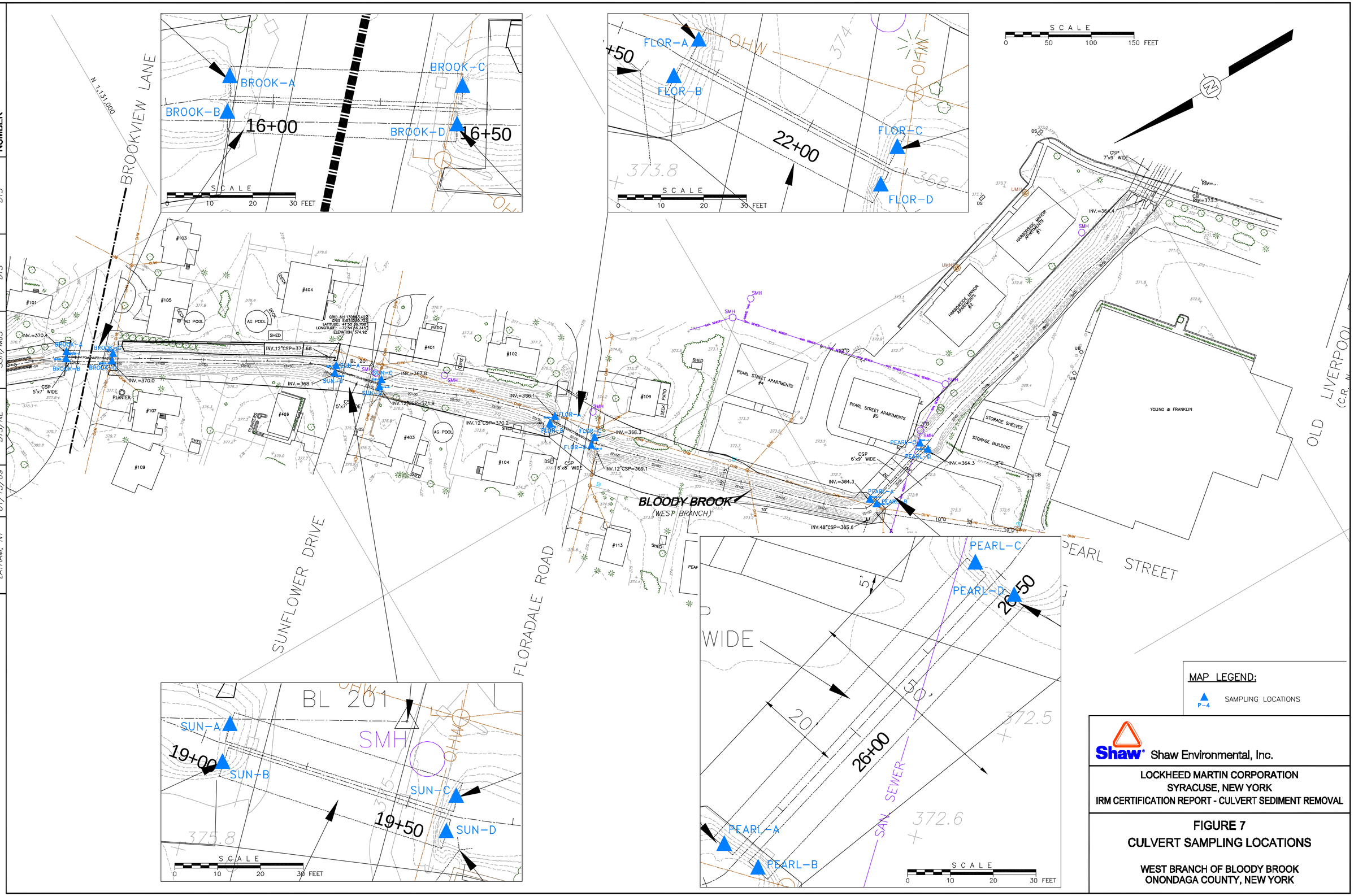

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Image: .

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Plot Date/Time: 01/13/09 10:30am
Plotted by: Samuil.Shkolnik

APPENDIX A

APPROVAL LETTER FROM NYSDEC

New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau D, 12th Floor
625 Broadway, Albany, New York 12233-7013
Phone: (518) 402-9676 • **FAX:** (518) 402-9020
Website: www.dec.ny.gov

Alexander B. Grannis
Commissioner

June 13, 2008

Myron Parkolap
Environmental Engineer
Lockheed Martin Maritime Systems & Sensors
Post Office Box 4840
Syracuse, NY 13221-4840

RE: West Branch of Bloody Brook, April 2008 Final Interim Remedial Measures Work Plan, Culvert Sediment Removal (Site No. V-00501)

Dear Mr. Parkolap:

The Department has reviewed, and hereby approves, the April 22, 2008 document entitled "Final Interim Remedial Measures Work Plan, Culvert Sediment Removal" (Work Plan).

The remedial work, as per Section 11.0 Implementation Schedule of the Work Plan, should commence by August 13, 2008. This work includes removal and proper disposal of approximately 170 cubic yards of sediment contained within four culverts in the West Branch of Bloody Brook.

If you have any questions regarding this letter, please feel free to contact me at 518-402-9767.

Sincerely,

Richard A. Mustico, P.E.
Project Manager
Remedial Bureau D
Division of Environmental Remediation

c: Deborah Christian, Esq. - OGC
Gregg Townsend - NYSDEC, Syracuse
Henriette Hamel - NYSDOH, Syracuse
Geoffrey Laccetti - NYSDOH
Robert Nunes - USEPA, NYC
George A. Shanahan, Esq. - USEPA, NYC
Steve Martin - Onondaga County
Heather Daniels - Lockheed Martin
Virginia Robbins, Esq. - Bond, Shoeneck & King
Daniel Servetas - Shaw Environmental

APPENDIX B

USACE LETTER OF APPROVAL

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

LOCKHEED MARTIN
MAY 2 0 2008
ENVIRONMENT, SAFETY, & HEALTH

May 14, 2008

Regulatory Branch

SUBJECT: Department of Army Application No. 2008-00823, Nationwide Permit Nos. (33) and (38) as Published in the Federal Register, Volume 72, No. 47, on Monday March 12, 2007

Ms. Heather Daniels
497 Electronics Parkway
Liverpool, New York 13088

Dear Ms. Daniels:

This pertains to the proposal submitted by Lockheed Martin Corporation to install temporary sandbag dams in the West Branch of Bloody Brook and to temporarily stockpile sediment for dewatering before transport to High Acres Landfill in Fairport, New York. This work is in assocation with removing appoximately 172 cubic yards of sediment from four culverts in Bloody Brook located at Brookview Lane, Sunflower Drive, Floradale Road, and Pearl Street, in the Town of Salina/Village of Liverpool, Onondaga County, New York.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permits provided that the attached conditions are satisfied.

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked. This verification will remain valid for two years if during this two year period the Nationwide Permits are reissued without modification or your activity complies with any subsequent permit modification. Please note that if you commence or are under contract to commence this activity in reliance of your Permits prior to the date these Nationwide Permits are suspended or revoked, or is modified such that your activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of these Nationwide Permits, unless these Nationwide Permits have been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or

reverification.

During our review we considered all applicable Federal requirements as well as state Water Quality Certification (WQC) conditions. We have made every effort to ensure that your project complies with these requirements. However, we have neither the resources nor the statutory authority to conclusively determine whether your project complies with ALL New York State Water Quality Certification conditions. In this regard, I strongly suggest that you closely review the WQC conditions attached at the end of this document. If you are certain that you will remain in compliance with ALL conditions attached to this Permit no further coordination is required. However, if you have any doubt about your ability to comply with the state WQC conditions you must resolve those issues with the appropriate DEC Regional office before you commence work. If the state determines that you need to obtain a project specific WQC you should forward to this office a copy of their final decision at the conclusion of the process. Your initiation of work as authorized by the enclosed Nationwide Permits acknowledges your acceptance of the general and special conditions contained therein. Direct your WQC inquiries to:

Regional Permit Administrator
New York State Department of Environmental Conservation
615 Erie Blvd. West
Syracuse, NY 13204

This affirmation is limited to the attached Nationwide Permits and associated Water Quality Certification, and does not obviate the need to obtain any other project specific Federal, state, or local authorization. Specifically, you may need to obtain Article 15 (Protection of Water), Article 24 (Freshwater Wetland), and/or Article 34 (Coastal Erosion Management) authorization from the New York State Department of Environmental Conservation.

In addition to the general conditions attached to these Nationwide Permits, your attention is directed to the following Special Conditions which are also appended at the end of the Nationwide Permit General Conditions:

1. Dredging operations shall be strictly controlled to minimize spillage and re-suspension of bottom sediments.

2. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until work is completed and the area is stabilized.

Regulatory Branch
SUBJECT: Department of Army Application No. 2008-00823, Nationwide Permit Nos. (33) and (38) as Published in the Federal Register, Volume 72, No. 47, on Monday March 12, 2007

3. Disturbance to the bed and/or banks of the stream shall be limited to those areas shown on the attached project plans.

4. All necessary precautions shall be taken to preclude the contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious substance associated with the project.

Finally, this letter contains an approved jurisdictional determination for the subject waterway, valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the determination before the expiration. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Mr. Mike Montone, Regulatory Review Officer
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10032
Cincinnati, OH 45202-3222
Phone: 513-684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **July 14, 2008**.

Questions pertaining to this matter should be directed to me at (716) 879-4308, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: amy.m.krueger@usace.army.mil

Regulatory Branch
SUBJECT: Department of Army Application No. 2008-00823, Nationwide Permit Nos. (33) and (38) as Published in the Federal Register, Volume 72, No. 47, on Monday March 12, 2007

Sincerely,

Amy M. Krueger
Biologist

Enclosures

cc: NYS Department of Environmental Conservation, Region 7 – Syracuse, w/o enclosures

COMPLIANCE CERTIFICATION

General Condition 14 of the Nationwide Permit you were affirmed requires that:

"Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions; c) The signature of the permittee certifying the completion of the work and mitigation."

APPLICANT:	POINT of CONTACT:	File Number: 2008-00823
Lockheed Martin Corporation	Ms. Heather Daniels	File Closed: May 14, 2008
497 Electronics Parkway	497 Electronics Parkway	
Liverpool, New York 13088	Liverpool, New York 13088	

Upon completion of the activity authorized by this permit sign this certification and return it to the address listed below within **30-days** of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

_____ _____

Heather Daniels Date

Permittee Telephone Number: _____

Project Location: located at Bloody Brook, in the Town of Salina, Onondaga County, New York

Project Description: to install temporary sandbag dams and temporarily stockpile sediment for dewatering in association with removing appoximately 172 cubic yards of sediment from four culverts

Authorized Impacts (Waters of U.S. Impacted by Project): 0

Waterway and/or Project Setting: in Bloody Brook

Return completed form to:

Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Lockheed Martin Corporation	File Number: 2008-00823	Date: May 14, 2008
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Amy Krueger U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207 (716) 879-4308 amy.m.krueger@usace.army.mil	If you only have questions regarding the appeal process you may also contact: Mr. Michael Montone U.S. Army Corps of Engineers Great Lakes and Ohio River Division 550 Main Street, Room 10032 Cincinnati, OH 45202-3222 (513) 684-6212;FAX(513) 684-2460 michael.g.montone@lrdor.usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 14, 2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Lockheed Martin Corporation (2008-00823)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NY County/parish/borough: Onondaga City: Salina/Liverpool
Center coordinates of site (lat/long in degree decimal format): Lat. 43.10385° N, Long. -76.19689° W.
Universal Transverse Mercator:
Name of nearest waterbody: Bloody Brook

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Onondaga Lake
Name of watershed or Hydrologic Unit Code (HUC): 4140201

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: May 14, 2008
- ☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

- ☐ Waters subject to the ebb and flow of the tide.
- ☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There Are "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
   - ☐ TNWs, including territorial seas
   - ☐ Wetlands adjacent to TNWs
   - ☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
   - ☐ Non-RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   - ☐ Impoundments of jurisdictional waters
   - ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: 900 linear feet: width (ft) and/or acres.
   Wetlands: 0 acres.

   c. **Limits (boundaries) of jurisdiction** based on: Not established at this time.
   Elevation of established OHWM (if known):n/a.

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   - ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: .

---

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW: .

   Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size: Pick List
   Drainage area: Pick List
   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through Pick List tributaries before entering TNW.

   Project waters are Pick List river miles from TNW.
   Project waters are Pick List river miles from RPW.
   Project waters are Pick List aerial (straight) miles from TNW.
   Project waters are Pick List aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: .

   Identify flow route to TNW[5]: .
   Tributary stream order, if known: .

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[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
Presence of run/riffle/pool complexes. Explain:
Tributary geometry: Pick List
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Pick List
Estimate average number of flow events in review area/year: Pick List
Describe flow regime:
Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:
☐ Dye (or other) test performed:

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☐ abrupt change in plant community

☐ Discontinuous OHWM.[7] Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:
☐ oil or scum line along shore objects
☐ fine shell or debris deposits (foreshore)
☐ physical markings/characteristics
☐ tidal gauges
☐ other (list):

☐ Mean High Water Mark indicated by:
☐ survey to available datum;
☐ physical markings;
☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain:
Identify specific pollutants, if known:

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[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List. Explain: .

Surface flow is: Pick List

Characteristics: .

Subsurface flow: Pick List. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List.

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: Pick List

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Photographs indicate developed banks and streambed. Bloody Brook is represented by a solid line on the Syracuse West USGS Quad Map. Bloody Brook is listed as a tributry of Onongada Lake on the New York State Department of Environmental Conservation's (NYSDEC) website and a portion is classified as "B.".
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):
- ☒ Tributary waters: **900** linear feet width (ft).
- ☐ Other non-wetland waters: acres.
  Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   - ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   - ☐ Tributary waters: linear feet width (ft).
   - ☐ Other non-wetland waters: acres.
     Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   - ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
     - ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
     - ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   - ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   - ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   - ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   - ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   - ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: .
- ☐ Other factors. Explain: .

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[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
- ☐ Tributary waters: linear feet width (ft).
- ☐ Other non-wetland waters: acres.
  - Identify type(s) of waters: .
- ☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- ☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Syracuse West.
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
- ☒ National wetlands inventory map(s). Cite name: Online.
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Live Search Maps online.
  - or ☒ Other (Name & Date): provided by applicant.
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify): NYSDEC website, Onondaga Lake Partnership website, NYS Atlas and Gazetteer, Live Search Maps website.

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

ACTIVITIES AUTHORIZED BY NATIONWIDE PERMIT

33. Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to upland areas, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

Section 401 Water Quality Certification

Pursuant to Section 401 of the Clean Water Act and 6 NYCRR Part 608, Section 608.9, the New York State Department of Environmental Conservation hereby certifies that the activities listed below, undertaken in accordance with all the listed Special and General Conditions, will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards. Those NWPs with no Special Conditions remain subject to General Conditions unless otherwise indicated.

Water Quality Certification – Special Conditions:

1. This certification does not apply to hydro power projects.

2. Dewatering must be limited to immediate work areas that are coffer-dammed or otherwise isolated from the larger water body or waters of the United States. Dewatering must be localized and not drain extensive areas of a water body or reduce the water level such that vegetation, fish and other aquatic vertebrates are killed or their eggs and nests are exposed to dessication, freezing or depredation in areas outside of the immediate work site.

3. Impoundment drawdowns shall occur prior to October 15th (before November 1st for Long Island waters) or after March 1st. If a drawdown is necessary during this period, then both the air and water temperature must be 50° F or higher and the cloud cover must be less than 50 percent during the drawing down of water.

4. Coffer dams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a watercourse.

New York State Department of State
Coast Zone Management Consistency Determination

I. Pursuant to 15 CFR Part 930.41, the DOS concurs with the Corps consistency determination for the following NWPs:

2. Structures in Artificial Canals
4. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities
5. Scientific Measuring Devices
10. Mooring Buoys
15. U.S. Coast Guard Approved Bridges
20. Oil Spill Cleanup
21. Surface Coal Mining Operations
24. Indian Tribe or State Administered Section 404 Program
34. Cranberry Production Activities
35. Emergency Watershed Protection and Rehabilitation
47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
49. Coal Remining Activities
50. Underground Coal Mining Activities

II. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would be conducted within canals that are more than fifty percent (50%) bulkheaded (see III below regarding NWP #3 and NWP A, and IV below regarding NWP #13):

3. Maintenance
13. Bank Stabilization
45. Repair of Uplands Damaged by Discrete Events

III. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would occur outside of areas covered by the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; 4) Scenic Areas of Statewide Significance; and 5) Harbor Management Plans.

However, pursuant to 15 CFR Parts 930.41 and 930.43, the DOS objects to the Corps consistency determination for the following NWPs where the activities would occur within the above listed special management areas:

1. Aids to Navigation
3. Maintenance (except in canals that are more than 50% bulkheaded - see II above)
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
9. Structures in Fleeting and Anchorage Areas
11. Temporary Recreational Structures
12. Utility Line Activities
14. Linear Transportation Projects
16. Return Water From Upland Contained Disposal Areas
18. Minor Discharges
19. Minor Dredging
22. Removal of Vessels
23. Approved Categorical Exclusions
25. Structural Discharges
26. [reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Activities
32. Completed Enforcement Activities
33. Temporary Construction, Access and Dewatering
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events (except in canals that are more than 50% bulkheaded - see II above)
46. Discharges into Ditches
48. Existing Commercial Shellfish Aquaculture Activities

IV. The DOS also objects to the Corps consistency determination for the following NWPs anywhere in the New York coastal area:

8. Oil and Gas Structures
13. Bank Stabilization (except in canals that are more than 50% bulkheaded - see II above)
17. Hydropower Projects

To ensure that the Corps' NWPs and activities authorized by them would be consistent with the CMP and approved LWRPs, the following conditions should apply to: 1) the NWPs listed in III above that would occur in the listed CMP special management areas; and 2) the NWPs listed in IV above, except for NWPs #3 and #13 when the activities authorized by them would occur in canals that are more than fifty percent (50%) bulkheaded (see item II above):

Within thirty (30) days of receipt by DOS of an applicant's submission, which should include a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, DOS will inform the applicant and the Corps whether:

1) Necessary data and information is missing from the applicant's submission. If so, the DOS will notify the applicant and the Corps of the missing necessary data and information, and state that the DOS review will not commence until the date the necessary data and information is provided;

2) The activity meets the General Concurrence criteria set forth in the CMP and therefore, further review of the proposed activity by the DOS, and the DOS concurrence with an individual consistency certification for the proposed activity, are not required; or

3) DOS review of the proposed activity and DOS concurrence with the applicant's consistency certification is necessary. If DOS indicates review of the activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless DOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D, or unless DOS indicates the activity meets CMP General Concurrence criteria (see item 2 above).

DOS concurrence with an applicant's consistency certification shall not be presumed unless DOS fails to concur with or object to an applicant's consistency certification within six (6) months of commencement of DOS review of an applicant's consistency certification and all necessary data and information in accordance with 15 CFR Parts 930.62 or 930.63.

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at http://www.fws.gov/ and http://www.noaa.gov/fisheries.html respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by

the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation

activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

D. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

E. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a "single and complete project" is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

F. General Conditions applicable to all NWPs for which Water Quality Certification has been provided are as follows:

1. *Monitoring Requirement.* The Corps of Engineers shall prepare and submit an annual report that evaluates the use and effectiveness of the Nationwide Permit program in New York State. Such report must contain, as a minimum, the number of times each Nationwide Permit has been used in the reporting period; the number of acres of disturbance or linear feet of disturbance on a by-permit basis; and the number of acres of mitigation required on a by-permit basis. The first report will be submitted by January 31, 2008 and by January 31 of each year following. At its discretion, and not as a substitute for the required annual report, the Corps may provide copies of any monthly reports that are submitted to headquarters.

2. *Endangered or Threatened Species.* This certification does not authorize any activity likely to jeopardize the existence of an endangered species or threatened species listed in 6 NYCRR Part 182, or likely to destroy or adversely modify the habitat of such species. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental Natural Heritage Program at 625 Broadway, Albany, NY 12233-4757.

3. *Natural Heritage Sites.* This certification does not authorize any activity in any location that supports a rare species or significant natural community as identified and tracked by the New York Natural Heritage Program. Information about where such locations

are known to exist may be found at DEC regional offices, the New York Natural Heritage Program in Albany, New York or, after September 1, 2007, on the DEC website at www.dec.state.ny.us.

4. *State-owned Lands.* Prior to undertaking any Nationwide Permit activity that will involve or occupy state-owned lands now or formerly under the waters of New York State, the party proposing the activity must first obtain all necessary approvals from:

NYS Office of General Services
Division of Real Estate Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, NY 12242
Tel. (518) 474-4944

5. *Tidal Wetlands.* This authorization does not authorize any activities in tidal wetlands as defined in Article 25 of NYS ECL, with the exception of NWP numbers 4, 20 and 48.

6. *Wild, Scenic and Recreational Rivers.* This certification does not authorize activities in any Wild, Scenic or Recreational River segments.

7. *Combined use of permits.* This authorization does not allow the stacking of NWPs so that in combination they exceed 1/10 of an acre of fill or 200 linear feet of stream disturbance. When used in combination, the most restrictive conditions apply.

8. *Public Service Commission.* This certification does not authorize activities regulated pursuant to Article VII of the New York State Public Service Law. For such projects, Section 401 Water Quality Certification is obtained from the New York State Public Service Commission.

9. *Floodplains.* This certification does not authorize permanent discharge of dredge materials or fill into the waters of the United States within the 100-year floodplain with the exception of up to 25 cubic yards, or the loss of less than 1/10 acre, for NWPs 3, 4, 5, 6, 18, 27, 30, 32, 36, 37, and 47.

INFORMATION ON NATIONWIDE PERMIT VERIFICATION

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2012.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Please note that if you commence or are under contract to commence this activity in reliance of your permit prior to the date this Nationwide permit is suspended or revoked, or is modified such that your activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of this permit, unless this permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to insure that the project complies with their requirements.

ACTIVITIES AUTHORIZED BY NATIONWIDE PERMIT

38. Cleanup of Hazardous and Toxic Waste. Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 27.) (Sections 10 and 404)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

Water Quality Certification

General Water Quality Certification, pursuant to Section 401 of the Clean Water Act, has been denied for this Nationwide Permit. Individual Water Quality Certification must be obtained from the New York State Department of Environmental Conservation prior to undertaking activities described by this permit. This permit will then be subject to all terms and conditions placed upon the individual Water Quality Certification issued by the New York State Department of Environmental Conservation.

New York State Department of State
Coast Zone Management Consistency Determination

I. Pursuant to 15 CFR Part 930.41, the DOS concurs with the Corps consistency determination for the following NWPs:

2. Structures in Artificial Canals
4. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities
5. Scientific Measuring Devices
10. Mooring Buoys
15. U.S. Coast Guard Approved Bridges
20. Oil Spill Cleanup
21. Surface Coal Mining Operations
24. Indian Tribe or State Administered Section 404 Program
34. Cranberry Production Activities
35. Emergency Watershed Protection and Rehabilitation
47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
49. Coal Remining Activities
50. Underground Coal Mining Activities

II. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would be conducted within canals that are more than fifty percent (50%) bulkheaded (see III below regarding NWP #3 and NWP A, and IV below regarding NWP #13):

3. Maintenance
13. Bank Stabilization
45. Repair of Uplands Damaged by Discrete Events

III. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would occur outside of areas covered by the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; 4) Scenic Areas of Statewide Significance; and 5) Harbor Management Plans.

However, pursuant to 15 CFR Parts 930.41 and 930.43, the DOS objects to the Corps consistency determination for the following NWPs where the activities would occur within the above listed special management areas:

1. Aids to Navigation
3. Maintenance (except in canals that are more than 50% bulkheaded - see II above)
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
9. Structures in Fleeting and Anchorage Areas
11. Temporary Recreational Structures
12. Utility Line Activities
14. Linear Transportation Projects
16. Return Water From Upland Contained Disposal Areas
18. Minor Discharges
19. Minor Dredging
22. Removal of Vessels
23. Approved Categorical Exclusions
25. Structural Discharges
26. [reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities

28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Activities
32. Completed Enforcement Activities
33. Temporary Construction, Access and Dewatering
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events (except in canals that are more than 50% bulkheaded - see II above)
46. Discharges into Ditches
48. Existing Commercial Shellfish Aquaculture Activities

IV. The DOS also objects to the Corps consistency determination for the following NWPs anywhere in the New York coastal area:

8. Oil and Gas Structures
13. Bank Stabilization (except in canals that are more than 50% bulkheaded - see II above)
17. Hydropower Projects

To ensure that the Corps' NWPs and activities authorized by them would be consistent with the CMP and approved LWRPs, the following conditions should apply to: 1) the NWPs listed in III above that would occur in the listed CMP special management areas; and 2) the NWPs listed in IV above, except for NWPs #3 and #13 when the activities authorized by them would occur in canals that are more than fifty percent (50%) bulkheaded (see item II above):

Within thirty (30) days of receipt by DOS of an applicant's submission, which should include a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, DOS will inform the applicant and the Corps whether:

1) Necessary data and information is missing from the applicant's submission. If so, the DOS will notify the applicant and the Corps of the missing necessary data and information, and state that the DOS review will not commence until the date the necessary data and information is provided;

2) The activity meets the General Concurrence criteria set forth in the CMP and therefore, further review of the proposed activity by the DOS, and the DOS concurrence with an individual consistency certification for the proposed activity, are not required; or

3) DOS review of the proposed activity and DOS concurrence with the applicant's consistency certification is necessary. If DOS indicates review of the activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless DOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D, or unless DOS indicates the activity meets CMP General Concurrence criteria (see item 2 above).

DOS concurrence with an applicant's consistency certification shall not be presumed unless DOS fails to concur with or object to an applicant's consistency certification within six (6) months of commencement of DOS review of an applicant's consistency certification and all necessary data and information in accordance with 15 CFR Parts 930.62 or 930.63.

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream

smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at http://www.fws.gov/ and http://www.noaa.gov/fisheries.html respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA

Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering

mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

D. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

E. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic

functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a "single and complete project" is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

INFORMATION ON NATIONWIDE PERMIT VERIFICATION

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2012.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Please note that if you commence or are under contract to commence this activity in reliance of your permit prior to the date this Nationwide permit is suspended or revoked, or is modified such that your activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of this permit, unless this permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to insure that the project complies with their requirements.

SPECIAL CONDITIONS

Application No. 2008-00823

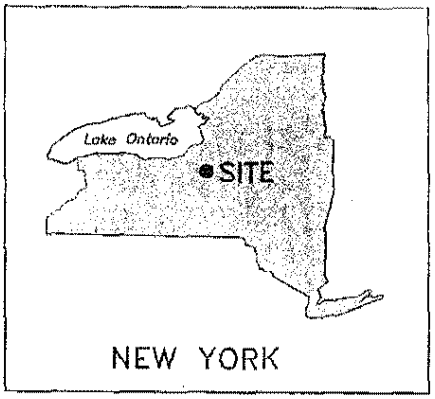
Nationwide Permit Nos. 33 and 38

1. Dredging operations shall be strictly controlled to minimize spillage and re-suspension of bottom sediments.

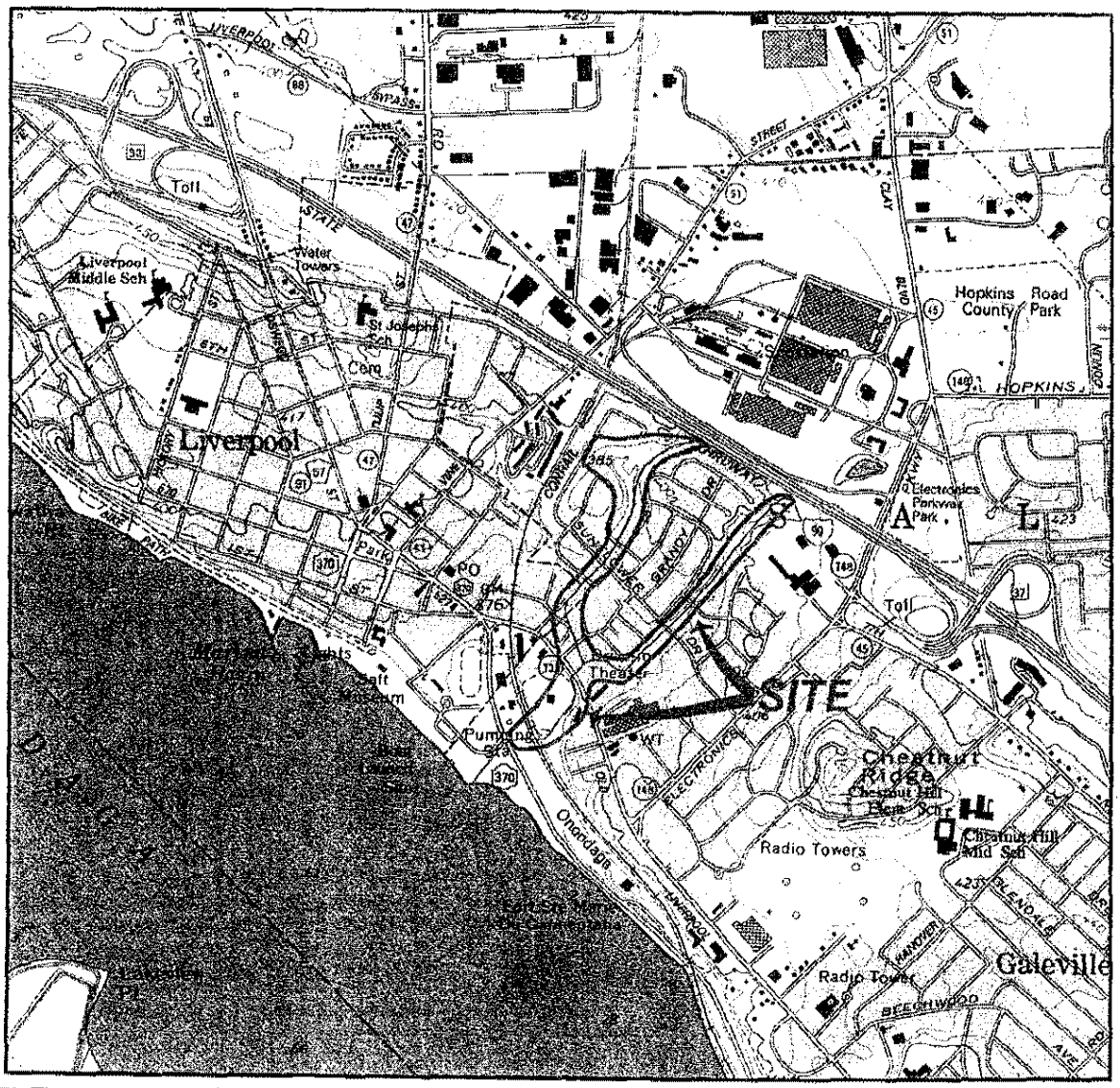
2. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until work is completed and the area is stabilized.

3. Disturbance to the bed and/or banks of the stream shall be limited to those areas shown on the attached project plans.

4. All necessary precautions shall be taken to preclude the contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious substance associated with the project.



Lockheed Martin Corporation
D/A Processing No. 2008-00823
Onondaga County, New York
Quad: Syracuse West
Sheet 1 of 3



OFFICE	DRAWN BY		CHECKED BY		APPROVED BY		DRAWING NUMBER
ALBANY, NY	S. SHKOLNIK	02-22-08	DTS	02-22-08	DTS	02-22-08	129916A1

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Plot Date/Time: 03/06/08 11:19am Image: BB1
Format Revised: 12/15/99 Xref: .

APPROXIMATE SCALE

0 2000 4000 FEET

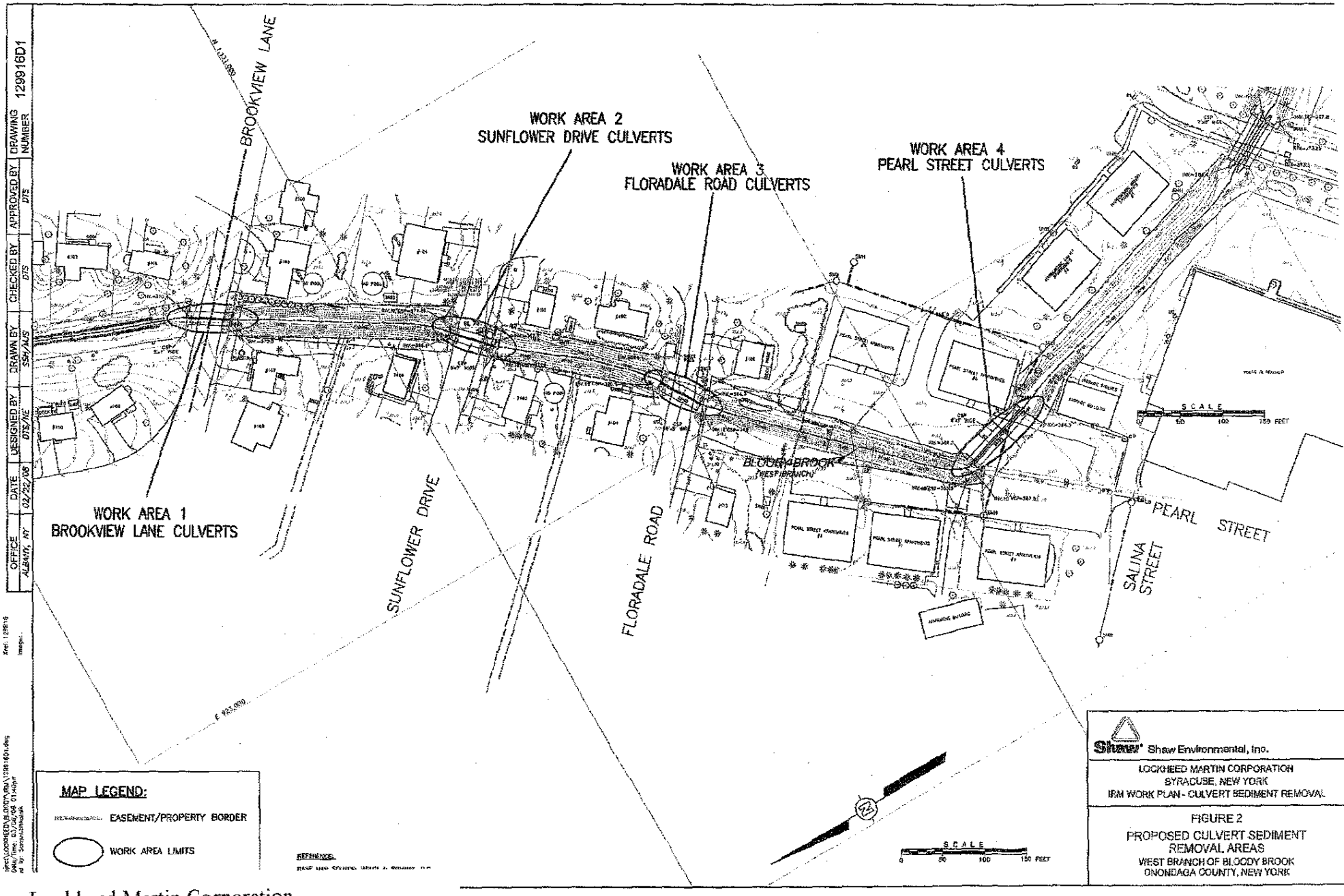
REFERENCE:

NYSDOT 7.5 MIN TOPOGRAPHIC MAP OF SYRACUSE WEST, QUADRANGLE 1990, SCALE: 1" = 2000'.

Shaw Environmental, Inc.

LOCKHEED MARTIN CORPORATION
ONONDAGA COUNTY, NEW YORK

FIGURE 1
SITE LOCATION MAP



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D/A Processing No. 2008-00823
Onondaga County, New York
Quad: Syracuse West
Sheet 2 of 3

Table 1

Characteristics and Estimated Sediment Removal Volumes/Mass

Bloody Brook, Onondaga County, New York

Culvert Location	Description	Inlet Invert (ft msl)	Outlet Invert (ft msl)	Material Located Inside CMP Barrels		Material Located Outside CMP Barrels		Total Volume (cy)	Mass (tons)
				Description	Volume (cy)	Description	Volume (cy)		
Brookview Lane	Double CMP	370.4	370.0	Dark brown, medium grain SAND and subrounded GRAVEL, little silt, moist. (SM)	17.82	Sediment build-up with vegetation	6.67	24.49	33.0615
Sunflower Drive	Double CMP	368.1	367.8	Dark brown medium grain SAND and subrounded COBBLE, little subrounded gravel, trace wood, moist. (SP)	14.52	Sediment build-up with vegetation	5.22	19.74	26.649
Floradale Road	Double CMP	366.1	366.3	Dark brown, medium grain, SAND, some fine grain sand and silt, little subrounded gravel, moist. (SP)	26.18	Sediment build-up with vegetation	20.89	47.07	63.5445
Pearl Street	Double CMP	364.3	364.3	Dark brown, fine to medium grain SAND, some silt, trace wood, trace subrounded	73.34	Sediment build-up with vegetation	7.30	80.64	108.864
							Totals	172	232

Notes:
1. CMP = Corrugated metal pipe
2. ft = feet
3. msl = mean sea level
4. SM = Unified Soil Classification System group symbol for silty sand
5. SP = Unified Soil Classification System group symbol for poorly-graded sand
6. cy = cubic yards

Lockheed Martin Corporation
D/A Processing No. 2008-00823
Onondaga County, New York
Quad: Syracuse West
Sheet 3 of 3

APPENDIX C

USACE SIGNED
COMPLIANCE CERTIFICATION FORM

COMPLIANCE CERTIFICATION

General Condition 14 of the Nationwide Permit you were affirmed requires that:

"Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions; c) The signature of the permittee certifying the completion of the work and mitigation."

APPLICANT:	POINT of CONTACT:	File Number: 2008-00823
Lockheed Martin Corporation	Ms. Heather Daniels	File Closed: May 14, 2008
497 Electronics Parkway	497 Electronics Parkway	
Liverpool, New York 13088	Liverpool, New York 13088	

Upon completion of the activity authorized by this permit sign this certification and return it to the address listed below within **30-days** of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

Heather Daniels _____ Date 1/9/09

Permittee Telephone Number: 315 456-2459

Project Location: located at Bloody Brook, in the Town of Salina, Onondaga County, New York

Project Description: to install temporary sandbag dams and temporarily stockpile sediment for dewatering in association with removing appoximately 172 cubic yards of sediment from four culverts

Authorized Impacts (Waters of U.S. Impacted by Project): 0

Waterway and/or Project Setting: in Bloody Brook

Return completed form to:

Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207

APPENDIX D

PHOTO LOGS

Brookview Lane Culvert

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Brookview Lane Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/18/08

Location:
Salina, New York

Comments:
Area Upstream of Brookview Lane Culvert Before IRM Activities

Photographer:

Nickcole Evans

Date:
01/07/08

Location:
Salina, New York

Comments:
Area Downstream of Brookview Lane Culvert Before IRM Activities

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Brookview Lane Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/18/08

Location:
Salina, New York

Comments:
Setup of Bypass Pump in Upstream Easement Area at Brookview Lane Culvert

Photographer:

Jill Piskorz

Date:
08/19/08

Location:
Salina, New York

Comments:
Dissipation Setup Downstream of Brookview Lane Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Brookview Lane Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/19/08

Location:
Salina, New York

Comments:
Sandbag Dam in Upstream Area at Brookview Lane Culvert with Bypass Pump and Small Pump Setup to Dewater

Photographer:

Jill Piskorz

Date:
08/19/08

Location:
Salina, New York

Comments:
Dewatered Upstream Area at Brookview Lane Culvert – Beginning Sediment Removal with Mini Track Loader

Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Brookview Lane Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/19/08

Location:
Salina, New York

Comments:
Staging Sediments from Brookview Lane Culvert in Downstream Area

Photographer:

Jill Piskorz

Date:
08/21/08

Location:
Salina, New York

Comments:
Loading Stockpiled Sediments from Brookview Lane Culvert into Transport Vehicle

Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Brookview Lane Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/22/08

Location:
Salina, New York

Comments:
Area Upstream of Brookview Lane Culvert After IRM Activities

Photographer:

Jill Piskorz

Date:
08/22/08

Location:
Salina, New York

Comments:
Area Downstream of Brookview Lane Culvert After IRM Activities

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Brookview Lane Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
09/15/08

Location:
Salina, New York

Comments:
Downstream Easement Area at Brookview Lane Culvert Damaged by Equipment During Cleanout – Restored with Topsoil and Seed

Shaw E & I, Inc.

Sunflower Drive Culvert

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Sunflower Drive Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Nickcole Evans

Date:
01/07/08

Location:
Salina, New York

Comments:
Area Upstream of Sunflower Drive Culvert Before IRM Activities

Photographer:

Nickcole Evans

Date:
01/07/08

Location:
Salina, New York

Comments:
Area Downstream of Sunflower Drive Culvert Before IRM Activities

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Sunflower Drive Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/25/08

Location:
Salina, New York

Comments:
Water Flowing Behind Rock Wing Walls Past Sandbag dam in Upstream Area at Sunflower Drive Culvert

Photographer:

Jill Piskorz

Date:
08/25/08

Location:
Salina, New York

Comments:
Rock From Wing Wall Incorporated Into Sandbag Dam in Upstream Area at Sunflower Drive Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Sunflower Drive Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/25/08

Location:
Salina, New York

Comments:
Dissipation Setup Downstream of Sunflower Drive Culvert

Photographer:

Jill Piskorz

Date:
08/25/08

Location:
Salina, New York

Comments:
Beginning Sediment Removal with Mini Track Loader at Sunflower Drive Culvert

Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Sunflower Drive Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Matt Sausville

Date:
08/25/08

Location:
Salina, New York

Comments:
View of Sunflower Drive Culvert Work Area from Street

Photographer:

Matt Sausville

Date:
08/26/08

Location:
Salina, New York

Comments:
Stockpiled Sediments/Staging Area in Upstream Area at Sunflower Drive Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Sunflower Drive Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:
Matt Sausville

Date:
08/28/08

Location:
Salina, New York

Comments:
Area Upstream of Sunflower Drive Culvert After IRM Activities

Photographer:
Matt Sausville

Date:
08/28/08

Location:
Salina, New York

Comments:
Area Downstream of Sunflower Drive Culvert After IRM Activities

Shaw™
Shaw E & I, Inc.

Floradale Road Culvert

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Nickcole Evans

Date:
01/07/08

Location:
Salina, New York

Comments:
Area Upstream of Floradale Road Culvert Before IRM Activities

Photographer:

Nickcole Evans

Date:
01/07/08

Location:
Salina, New York

Comments:
Area Downstream of Floradale Road Culvert Before IRM Activities

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Matt Sausville

Date:
09/02/08

Location:
Salina, New York

Comments:
Sandbag dam in Upstream Area to Divert Water from Culvert with Large Blockage in Downstream Area at Floradale Road Culvert

Photographer:

Matt Sausville

Date:
09/02/08

Location:
Salina, New York

Comments:
Removing Large Blockage in Downstream Area (Prior to Culvert Cleanout) at Floradale Road Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Matt Sausville

Date:
09/02/08

Location:
Salina, New York

Comments:
Damaged Downstream Culvert during Removal of Large Blockage at Floradale Road Culvert

Photographer:

Matt Sausville

Date:
09/03/08

Location:
Salina, New York

Comments:
Dewatered Upstream Sandbag Dam and Bypass Pumps at Floradale Road Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Matt Sausville

Date:
09/03/08

Location:
Salina, New York

Comments:
Dissapation Setup in Downstream Area at Floradale Road Culvert

Photographer:

Matt Sausville

Date:
09/04/08

Location:
Salina, New York

Comments:
Covered Sediment Stockpile in Downstream Area at Floradale Road Culvert
***Date on Picture is Incorrect. See correct date above.**

Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Nickcole Evans

Date:
09/05/08

Location:
Salina, New York

Comments:
Preparation of Transport Vehicle for Loading Sediment from Floradale Road Culvert
***Date on Picture is Incorrect. See correct date above.**

Photographer:

Nickcole Evans

Date:
09/05/08

Location:
Salina, New York

Comments:
Loading Staged Sediment from Floradale Road Culvert into Transport Vehicle
***Date on Picture is Incorrect. See correct date above.**

Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Nickcole Evans

Date:
09/05/08

Location:
Salina, New York

Comments:
Damage to Floradale Road from Transport Vehicle
***Date on Picture is Incorrect. See correct date above.**

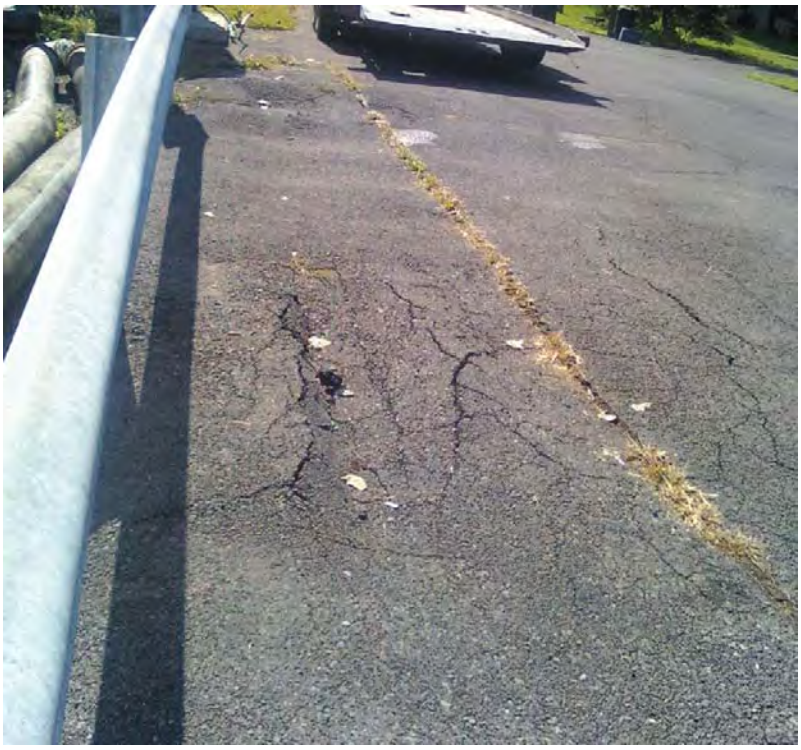
Photographer:

Jill Piskorz

Date:
09/08/08

Location:
Salina, New York

Comments:
Damage on Upstream Shoulder of Floradale Road Culvert Work Area



Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:
Jill Piskorz

Date:
09/08/08

Location:
Salina, New York

Comments:
Area Upstream of Floradale Road Culvert After IRM Activities

Photographer:
Jill Piskorz

Date:
09/08/08

Location:
Salina, New York

Comments:
Area Downstream of Floradale Road Culvert After IRM Activities

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Floradale Road Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
09/15/08

Location:
Salina, New York

Comments:
Damage From Transport Vehicle in Floradale Road Repaired with Asphalt Patch

Photographer:

Jill Piskorz

Date:
09/15/08

Location:
Salina, New York

Comments:
Damage on Upstream Shoulder of Floradale Road Culvert Repaired with Asphalt Patch

Shaw E & I, Inc.

Pearl Street Culvert

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Pearl Street Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
08/20/08

Location:
Salina, New York

Comments:
Area Upstream of Pearl Street Culvert Before IRM Activities

Photographer:

Jill Piskorz

Date:
08/20/08

Location:
Salina, New York

Comments:
Area Downstream of Pearl Street Culvert Before IRM Activities

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Pearl Street Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
12/09/08

Location:
Salina, New York

Comments:
Bypass Pump Setup in Easement in Upstream Area at Pearl Street Culvert

Photographer:

Jill Piskorz

Date:
12/09/08

Location:
Salina, New York

Comments:
Sandbag Dams and Bypass Pump in Upstream Area at Pearl Street Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Pearl Street Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

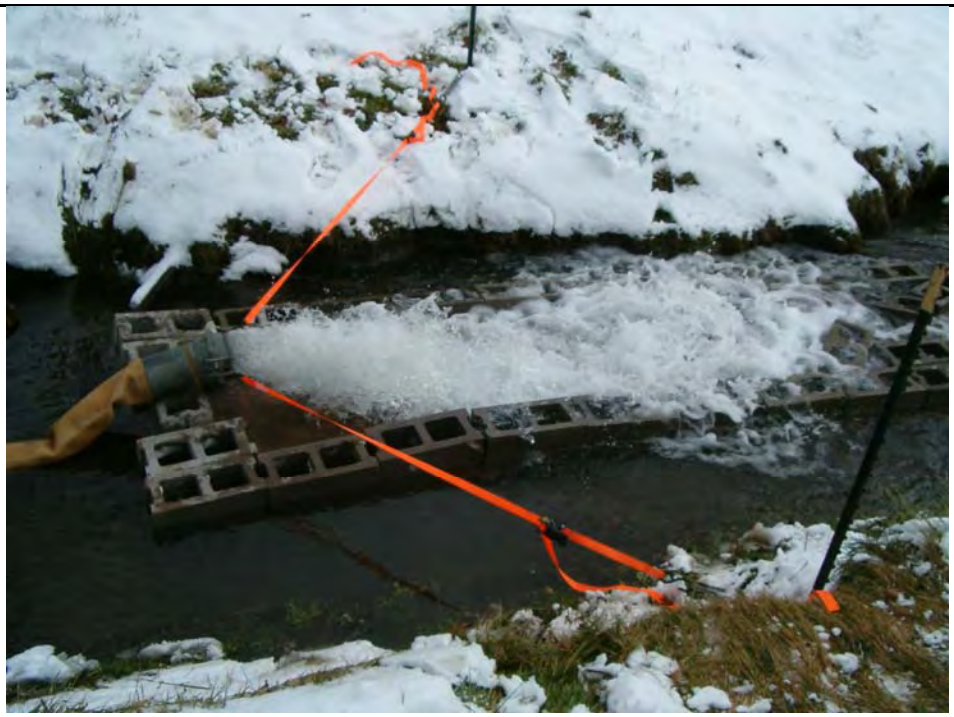
Photographer:

Jill Piskorz

Date:
12/09/08

Location:
Salina, New York

Comments:
Dissipation Setup Downstream of Pearl Street Culvert



Photographer:

Jill Piskorz

Date:
12/11/08

Location:
Salina, New York

Comments:
Sandbag Dam Surrounding Staging Area Upstream of Pearl Street Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Pearl Street Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
12/18/08

Location:
Salina, New York

Comments:
Using Shovels and Gradall to Remove Sediment and Stage in Upstream Area of Pearl Street Culvert

Photographer:

Jill Piskorz

Date:
12/18/08

Location:
Salina, New York

Comments:
Sediment Buildup Removed with Shovels in Downstream Area at Pearl Street Culvert

Shaw™
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Pearl Street Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:

Jill Piskorz

Date:
12/18/08

Location:
Salina, New York

Comments:
Using Gradall to Load Staged Sediment in Upstream Area into Transport Vehicle

Photographer:

Jill Piskorz

Date:
12/19/08

Location:
Salina, New York

Comments:
Using Gradall to Load Bypass Pump During Demobilization

Shaw
Shaw E & I, Inc.

Shaw Environmental & Infrastructure, Inc.
Photographic Record – Pearl Street Culvert Cleanout

Customer:	**Lockheed Martin Corporation**	**Project Number:**	**129916**
Site Name:	**Bloody Brook**	**Site Location:**	**Liverpool, New York**

Photographer:
Jill Piskorz

Date:
12/29/08

Location:
Salina, New York

Comments:
Area Upstream of Pearl Street Culvert After IRM Activities

Photographer:
Jill Piskorz

Date:
12/29/08

Location:
Salina, New York

Comments:
Area Downstream of Pearl Street Culvert After IRM Activities

Shaw™
Shaw E & I, Inc.

APPENDIX E

ANALYTICAL DATA

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

ANALYTICAL REPORT
Revised

Job#: A08-0908

Project#: NY3A9090
Site Name:
Task: Electronics Park

Nickcole Evans
Shaw E&I
6992 Knolls Avenue North
Canastota, NY 13032

CC: Daniel Servetas

TestAmerica Laboratories Inc.

Candace L. Fox

Candace L. Fox
Project Manager

02/15/2008

The results presented in this report relate only to the analytical testing and condition of the sample at receipt. This report pertains to only those samples actually tested. All pages of this report are integral parts of the analytical data. Therefore, this report should be reproduced only in its entirety.

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

DATA QUALIFIER PAGE

These definitions are provided in the event the data in this report requires the use of one or more of the qualifiers. Not all qualifiers defined below are necessarily used in the accompanying data package.

ORGANIC DATA QUALIFIERS

ND or U Indicates compound was analyzed for, but not detected.

J Indicates an estimated value. This flag is used either when estimating a concentration for tentatively identified compounds where a 1:1 response is assumed, or when the data indicates the presence of a compound that meets the identification criteria but the result is less than the sample quantitation limit but greater than zero.

C This flag applies to pesticide results where the identification has been confirmed by GC/MS.

B This flag is used when the analyte is found in the associated blank, as well as in the sample.

E This flag identifies compounds whose concentrations exceed the calibration range of the instrument for that specific analysis.

D This flag identifies all compounds identified in an analysis at the secondary dilution factor.

N Indicates presumptive evidence of a compound. This flag is used only for tentatively identified compounds, where the identification is based on the Mass Spectral library search. It is applied to all TIC results.

P This flag is used for CLP methodology only. For Pesticide/Aroclor target analytes, when a difference for detected concentrations between the two GC columns is greater than 25%, the lower of the two values is reported on the data page and flagged with a "P".

A This flag indicates that a TIC is a suspected aldol-condensation product.

1 Indicates coelution.

* Indicates analysis is not within the quality control limits.

INORGANIC DATA QUALIFIERS

ND or U Indicates element was analyzed for, but not detected. Report with the detection limit value.

J or B Indicates a value greater than or equal to the instrument detection limit, but less than the quantitation limit.

N Indicates spike sample recovery is not within the quality control limits.

S Indicates value determined by the Method of Standard Addition.

E Indicates a value estimated or not reported due to the presence of interferences.

H Indicates analytical holding time exceedance. The value obtained should be considered an estimate.

G Indicates a value greater than or equal to the project reporting limit but less than the laboratory quantitation limit

* Indicates the spike or duplicate analysis is not within the quality control limits.

+ Indicates the correlation coefficient for the Method of Standard Addition is less than 0.995.

METHOD 8260 - TCLP VOLATILES
ANALYSIS DATA SHEET

Client No.

BROOK-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090805

Sample wt/vol: 5.00 (g/mL) ML Lab File ID: P4245.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: not dec. 100 Heated Purge: N Date Analyzed: 01/29/2008

GC Column: ZB-624 ID: 0.25 (mm) Dilution Factor: 10.00

Soil Extract Volume: _____ (uL) Soil Aliquot Volume: _____ (uL)

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/L	Q
71-43-2	Benzene	10	U
78-93-3	2-Butanone	50	U
56-23-5	Carbon Tetrachloride	10	U
108-90-7	Chlorobenzene	10	U
67-66-3	Chloroform	10	U
107-06-2	1,2-Dichloroethane	10	U
75-35-4	1,1-Dichloroethene	10	U
127-18-4	Tetrachloroethene	10	U
79-01-6	Trichloroethene	10	U
75-01-4	Vinyl chloride	10	U

METHOD 8260 - TCLP VOLATILES
ANALYSIS DATA SHEET

Client No.

FLOR-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090803

Sample wt/vol: 5.00 (g/mL) ML Lab File ID: P4243.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: not dec. 100 Heated Purge: N Date Analyzed: 01/29/2008

GC Column: ZB-624 ID: 0.25 (mm) Dilution Factor: 10.00

Soil Extract Volume: _____ (uL) Soil Aliquot Volume: _____ (uL)

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/L	Q
71-43-2	Benzene	10	U
78-93-3	2-Butanone	50	U
56-23-5	Carbon Tetrachloride	10	U
108-90-7	Chlorobenzene	10	U
67-66-3	Chloroform	10	U
107-06-2	1,2-Dichloroethane	10	U
75-35-4	1,1-Dichloroethene	10	U
127-18-4	Tetrachloroethene	10	U
79-01-6	Trichloroethene	10	U
75-01-4	Vinyl chloride	10	U

METHOD 8260 - TCLP VOLATILES
ANALYSIS DATA SHEET

Client No.

PEARL-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090801

Sample wt/vol: 5.00 (g/mL) ML Lab File ID: P4241.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: not dec. 100 Heated Purge: N Date Analyzed: 01/29/2008

GC Column: ZB-624 ID: 0.25 (mm) Dilution Factor: 10.00

Soil Extract Volume: _____ (uL) Soil Aliquot Volume: _____ (uL)

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/L	Q
71-43-2	Benzene	10	U
78-93-3	2-Butanone	50	U
56-23-5	Carbon Tetrachloride	10	U
108-90-7	Chlorobenzene	10	U
67-66-3	Chloroform	10	U
107-06-2	1,2-Dichloroethane	10	U
75-35-4	1,1-Dichloroethene	10	U
127-18-4	Tetrachloroethene	10	U
79-01-6	Trichloroethene	10	U
75-01-4	Vinyl chloride	10	U

METHOD 8260 - TCLP VOLATILES
ANALYSIS DATA SHEET

Client No.

SUN-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090804

Sample wt/vol: 5.00 (g/mL) ML Lab File ID: P4244.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: not dec. 100 Heated Purge: N Date Analyzed: 01/29/2008

GC Column: ZB-624 ID: 0.25 (mm) Dilution Factor: 10.00

Soil Extract Volume: _____ (uL) Soil Aliquot Volume: _____ (uL)

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/L	Q
71-43-2	Benzene	10	U
78-93-3	2-Butanone	50	U
56-23-5	Carbon Tetrachloride	10	U
108-90-7	Chlorobenzene	10	U
67-66-3	Chloroform	10	U
107-06-2	1,2-Dichloroethane	10	U
75-35-4	1,1-Dichloroethene	10	U
127-18-4	Tetrachloroethene	10	U
79-01-6	Trichloroethene	10	U
75-01-4	Vinyl chloride	10	U

METHOD 8270 - TCLP BASE NEUTRAL/ACID EXTRACTABLES
ANALYSIS DATA SHEET

Client No.

BROOK-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090805

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: X22032.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: 100 decanted: (Y/N) N Date Extracted: 01/29/2008

Concentrated Extract Volume: 1000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.0

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
106-46-7	1,4-Dichlorobenzene	0.040	U
121-14-2	2,4-Dinitrotoluene	0.020	U
118-74-1	Hexachlorobenzene	0.020	U
87-68-3	Hexachlorobutadiene	0.020	U
67-72-1	Hexachloroethane	0.020	U
108-39-4	3-Methylphenol	0.040	U
95-48-7	2-Methylphenol	0.020	U
106-44-5	4-Methylphenol	0.020	U
98-95-3	Nitrobenzene	0.020	U
87-86-5	Pentachlorophenol	0.040	U
110-86-1	Pyridine	0.10	U
95-95-4	2,4,5-Trichlorophenol	0.020	U
88-06-2	2,4,6-Trichlorophenol	0.020	U

METHOD 8270 - TCLP BASE NEUTRAL/ACID EXTRACTABLES
ANALYSIS DATA SHEET

Client No.

FLOR-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090803

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: X22030.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: 100 decanted: (Y/N) N Date Extracted: 01/29/2008

Concentrated Extract Volume: 1000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.0

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
106-46-7	1,4-Dichlorobenzene	0.040	U
121-14-2	2,4-Dinitrotoluene	0.020	U
118-74-1	Hexachlorobenzene	0.020	U
87-68-3	Hexachlorobutadiene	0.020	U
67-72-1	Hexachloroethane	0.020	U
108-39-4	3-Methylphenol	0.040	U
95-48-7	2-Methylphenol	0.020	U
106-44-5	4-Methylphenol	0.020	U
98-95-3	Nitrobenzene	0.020	U
87-86-5	Pentachlorophenol	0.040	U
110-86-1	Pyridine	0.10	U
95-95-4	2,4,5-Trichlorophenol	0.020	U
88-06-2	2,4,6-Trichlorophenol	0.020	U

METHOD 8270 - TCLP BASE NEUTRAL/ACID EXTRACTABLES
ANALYSIS DATA SHEET

Client No.

PEARL-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090801

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: X22028.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: 100 decanted: (Y/N) N Date Extracted: 01/29/2008

Concentrated Extract Volume: 1000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 7.0

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
106-46-7	1,4-Dichlorobenzene	0.040	U
121-14-2	2,4-Dinitrotoluene	0.020	U
118-74-1	Hexachlorobenzene	0.020	U
87-68-3	Hexachlorobutadiene	0.020	U
67-72-1	Hexachloroethane	0.020	U
108-39-4	3-Methylphenol	0.040	U
95-48-7	2-Methylphenol	0.020	U
106-44-5	4-Methylphenol	0.0016	J
98-95-3	Nitrobenzene	0.020	U
87-86-5	Pentachlorophenol	0.040	U
110-86-1	Pyridine	0.10	U
95-95-4	2,4,5-Trichlorophenol	0.020	U
88-06-2	2,4,6-Trichlorophenol	0.020	U

METHOD 8270 - TCLP BASE NEUTRAL/ACID EXTRACTABLES
ANALYSIS DATA SHEET

Client No.

SUN-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090804

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: X22031.RR

Level: (low/med) LOW Date Samp/Recv: 01/24/2008 01/25/2008

% Moisture: 100 decanted: (Y/N) N Date Extracted: 01/29/2008

Concentrated Extract Volume: 1000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.0

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
106-46-7	1,4-Dichlorobenzene	0.040	U
121-14-2	2,4-Dinitrotoluene	0.020	U
118-74-1	Hexachlorobenzene	0.020	U
87-68-3	Hexachlorobutadiene	0.020	U
67-72-1	Hexachloroethane	0.020	U
108-39-4	3-Methylphenol	0.040	U
95-48-7	2-Methylphenol	0.020	U
106-44-5	4-Methylphenol	0.020	U
98-95-3	Nitrobenzene	0.020	U
87-86-5	Pentachlorophenol	0.040	U
110-86-1	Pyridine	0.10	U
95-95-4	2,4,5-Trichlorophenol	0.020	U
88-06-2	2,4,6-Trichlorophenol	0.020	U

METHOD 8081 - TCLP PESTICIDES
ANALYSIS DATA SHEET

Client No.

BROOK-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090805

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 6A03198.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh) : SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
58-89-9	gamma-BHC (Lindane)	0.00020	U
57-74-9	Chlordane	0.0020	U
72-20-8	Endrin	0.00020	U
76-44-8	Heptachlor	0.00020	U
1024-57-3	Heptachlor epoxide	0.00020	U
72-43-5	Methoxychlor	0.00020	U
8001-35-2	Toxaphene	0.0020	U

METHOD 8081 - TCLP PESTICIDES
ANALYSIS DATA SHEET

Client No.

FLOR-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090803

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 6A03196.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
58-89-9	gamma-BHC (Lindane)	0.00020	U
57-74-9	Chlordane	0.0020	U
72-20-8	Endrin	0.00020	U
76-44-8	Heptachlor	0.00020	U
1024-57-3	Heptachlor epoxide	0.00020	U
72-43-5	Methoxychlor	0.00020	U
8001-35-2	Toxaphene	0.0020	U

METHOD 8081 - TCLP PESTICIDES
ANALYSIS DATA SHEET

Client No.

PEARL-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090801

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 6A03194.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 7.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
58-89-9	gamma-BHC (Lindane)	0.00020	U
57-74-9	Chlordane	0.0020	U
72-20-8	Endrin	0.00020	U
76-44-8	Heptachlor	0.00020	U
1024-57-3	Heptachlor epoxide	0.00020	U
72-43-5	Methoxychlor	0.00020	U
8001-35-2	Toxaphene	0.0020	U

METHOD 8081 - TCLP PESTICIDES
ANALYSIS DATA SHEET

Client No.

SUN-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090804

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 6A03197.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
58-89-9	gamma-BHC (Lindane)	0.00020	U
57-74-9	Chlordane	0.0020	U
72-20-8	Endrin	0.00020	U
76-44-8	Heptachlor	0.00020	U
1024-57-3	Heptachlor epoxide	0.00020	U
72-43-5	Methoxychlor	0.00020	U
8001-35-2	Toxaphene	0.0020	U

METHOD 8082 - POLYCHLORINATED BIPHENYLS
ANALYSIS DATA SHEET

Client No.

BROOK-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090805

Sample wt/vol: 30.06 (g/mL) G Lab File ID: 12A16099.TX0

% Moisture: 10 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SONC Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: _ Sulfur Cleanup: (Y/N) Y

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/KG	Q
12674-11-2	Aroclor 1016	18	U
11104-28-2	Aroclor 1221	18	U
11141-16-5	Aroclor 1232	18	U
53469-21-9	Aroclor 1242	18	U
12672-29-6	Aroclor 1248	18	U
11097-69-1	Aroclor 1254	18	U
11096-82-5	Aroclor 1260	270	

METHOD 8082 - POLYCHLORINATED BIPHENYLS
ANALYSIS DATA SHEET

Client No.

FLOR-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090803

Sample wt/vol: 30.11 (g/mL) G Lab File ID: 12A16097.TX0

% Moisture: 16 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SONC Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 5.00

GPC Cleanup: (Y/N) N pH: _ Sulfur Cleanup: (Y/N) Y

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/KG	Q
12674-11-2	Aroclor 1016	99	U
11104-28-2	Aroclor 1221	99	U
11141-16-5	Aroclor 1232	99	U
53469-21-9	Aroclor 1242	99	U
12672-29-6	Aroclor 1248	99	U
11097-69-1	Aroclor 1254	99	U
11096-82-5	Aroclor 1260	850	

METHOD 8082 - POLYCHLORINATED BIPHENYLS
ANALYSIS DATA SHEET

Client No.

PEARL-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090801

Sample wt/vol: 30.50 (g/mL) G Lab File ID: 12A16095.TX0

% Moisture: 39 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SONC Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 50.00

GPC Cleanup: (Y/N) N pH: _ Sulfur Cleanup: (Y/N) Y

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/KG	Q
12674-11-2	Aroclor 1016	1300	U
11104-28-2	Aroclor 1221	1300	U
11141-16-5	Aroclor 1232	1300	U
53469-21-9	Aroclor 1242	1300	U
12672-29-6	Aroclor 1248	1300	U
11097-69-1	Aroclor 1254	1300	U
11096-82-5	Aroclor 1260	1300	U

METHOD 8082 - POLYCHLORINATED BIPHENYLS
ANALYSIS DATA SHEET

Client No.

SUN-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090804

Sample wt/vol: 30.39 (g/mL) G Lab File ID: 12A16098.TX0

% Moisture: 19 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SONC Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 2.00

GPC Cleanup: (Y/N) N pH: _ Sulfur Cleanup: (Y/N) Y

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) UG/KG	Q
12674-11-2	Aroclor 1016	41	U
11104-28-2	Aroclor 1221	41	U
11141-16-5	Aroclor 1232	41	U
53469-21-9	Aroclor 1242	41	U
12672-29-6	Aroclor 1248	41	U
11097-69-1	Aroclor 1254	41	U
11096-82-5	Aroclor 1260	780	

METHOD 8151 - TCLP HERBICIDES
ANALYSIS DATA SHEET

Client No.

BROOK-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090805

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 13B65162.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
94-75-7	2,4-D	0.0020	U
93-72-1	2,4,5-TP (Silvex)	0.0020	U

METHOD 8151 - TCLP HERBICIDES
ANALYSIS DATA SHEET

Client No.

FLOR-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090803

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 13B65160.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
94-75-7	2,4-D	0.0020	U
93-72-1	2,4,5-TP (Silvex)	0.0020	U

METHOD 8151 - TCLP HERBICIDES
ANALYSIS DATA SHEET

Client No.

PEARL-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090801

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 13B65157.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
94-75-7	2,4-D	0.0020	U
93-72-1	2,4,5-TP (Silvex)	0.0020	U

METHOD 8151 - TCLP HERBICIDES
ANALYSIS DATA SHEET

Client No.

SUN-COMP

Lab Name: TestAmerica Laboratories Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix: (soil/water) SOIL Lab Sample ID: A8090804

Sample wt/vol: 250.00 (g/mL) ML Lab File ID: 13B65161.TX0

% Moisture: 100 decanted: (Y/N) N Date Samp/Recv: 01/24/2008 01/25/2008

Extraction: (SepF/Cont/Sonc/Soxh): SEPF Date Extracted: 01/29/2008

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 01/30/2008

Injection Volume: 1.00 (uL) Dilution Factor: 1.00

GPC Cleanup: (Y/N) N pH: 6.00 Sulfur Cleanup: (Y/N) N

CAS NO.	COMPOUND	CONCENTRATION UNITS: (ug/L or ug/Kg) MG/L	Q
94-75-7	2,4-D	0.0020	U
93-72-1	2,4,5-TP (Silvex)	0.0020	U

TESTAMERICA LABORATORIES INC.

Shaw E & I

- 1 -

INORGANIC ANALYSIS DATA PACKAGE

Client: Shaw E & I **SDG No.:** A08-0908 **Method Type:**

Sample ID: A8090805 **Client ID:** BROOK-COMP

Matrix: WATER **Date Received:** 1/25/2008 **Date Collected:** 1/24/2008 **Level:** LOW

% Solids: **Sample Wt/Vol:** 50.0 **Final Vol:** 50.0

Prep Batch ID: A8B09517 **Prep Date:** 1/29/2008

Analyte		Concentration	Units	C	Qual	RL	RL	Dil	Analytical Date	Analytical Time	Instrument	Run	M
Arsenic	<	10.0	ug/L	U		10.0	10.0	1	1/30/2008	10:47	SUPERTRACE2	A01290x	P
Barium		**2840**	**ug/L**			**2.0**	2.0	**1**	**1/30/2008**	**10:47**	SUPERTRACE2	A01290x	P
Cadmium		**75.9**	**ug/L**			**1.0**	1.0	**1**	**1/30/2008**	**10:47**	SUPERTRACE2	A01290x	P
Chromium	<	4.0	ug/L	U		4.0	4.0	1	1/30/2008	10:47	SUPERTRACE2	A01290x	P
Lead	<	5.0	ug/L	U		5.0	5.0	1	1/30/2008	10:47	SUPERTRACE2	A01290x	P
Selenium	<	15.0	ug/L	U		15.0	15.0	1	1/30/2008	10:47	SUPERTRACE2	A01290x	P
Mercury	<	0.200	ug/L	U		0.200	0.200	1	1/29/2008	13:53:55	LEEMAN PS2	G01298TC	CV
Silver	<	3.0	ug/L	U		3.0	3.0	1	1/30/2008	10:47	SUPERTRACE2	A01290x	P

Comments:

TESTAMERICA LABORATORIES INC.

Shaw E & I

- 1 -

INORGANIC ANALYSIS DATA PACKAGE

Client: Shaw E & I **SDG No.:** A08-0908 **Method Type:**

Sample ID: A8090803 **Client ID:** FLOR-COMP

Matrix: WATER **Date Received:** 1/25/2008 **Date Collected:** 1/24/2008 **Level:** LOW

% Solids: **Sample Wt/Vol:** 50.0 **Final Vol:** 50.0

Prep Batch ID: A8B09517 **Prep Date:** 1/29/2008

Analyte		Concentration	Units	C	Qual	RL	RL	Dil	Analytical Date	Time	Instrument	Run	M
Arsenic	<	10.0	ug/L	U		10.0	10.0	1	1/30/2008	10:14	SUPERTRACE2	A01290x	P
Barium		**2110**	**ug/L**			**2.0**	2.0	**1**	**1/30/2008**	**10:14**	SUPERTRACE2	A01290x	P
Cadmium		**82.1**	**ug/L**			**1.0**	1.0	**1**	**1/30/2008**	**10:14**	SUPERTRACE2	A01290x	P
Chromium	<	4.0	ug/L	U		4.0	4.0	1	1/30/2008	10:14	SUPERTRACE2	A01290x	P
Lead	<	5.0	ug/L	U		5.0	5.0	1	1/30/2008	10:14	SUPERTRACE2	A01290x	P
Selenium	<	15.0	ug/L	U		15.0	15.0	1	1/30/2008	10:14	SUPERTRACE2	A01290x	P
Mercury	<	0.200	ug/L	U		0.200	0.200	1	1/29/2008	13:46:44	LEEMAN PS2	G01298TC	CV
Silver	<	3.0	ug/L	U		3.0	3.0	1	1/30/2008	10:14	SUPERTRACE2	A01290x	P

Comments:

TESTAMERICA LABORATORIES INC.

Shaw E & I

- 1 -

INORGANIC ANALYSIS DATA PACKAGE

Client: Shaw E & I **SDG No.:** A08-0908 **Method Type:**

Sample ID: A8090801 **Client ID:** PEARL-COMP

Matrix: WATER **Date Received:** 1/25/2008 **Date Collected:** 1/24/2008 **Level:** LOW

% Solids: **Sample Wt/Vol:** 50.0 **Final Vol:** 50.0

Prep Batch ID: A8B09576 **Prep Date:** 1/30/2008

Analyte		Concentration	Units	C	Qual	RL	RL	Dil	Analytical Date	Time	Instrument	Run	M
Arsenic	<	10.0	ug/L	U		10.0	10.0	1	1/30/2008	21:02	SUPERTRACE	101300W	P
Barium		**1600**	**ug/L**			**2.0**	2.0	**1**	**1/30/2008**	**21:02**	SUPERTRACE	101300W	P
Cadmium		**57.3**	**ug/L**			**1.0**	1.0	**1**	**1/30/2008**	**21:02**	SUPERTRACE	101300W	P
Chromium		**11.4**	**ug/L**			**4.0**	4.0	**1**	**1/30/2008**	**21:02**	SUPERTRACE	101300W	P
Lead		**58.8**	**ug/L**			**5.0**	5.0	**1**	**1/30/2008**	**21:02**	SUPERTRACE	101300W	P
Selenium	<	15.0	ug/L	U		15.0	15.0	1	1/30/2008	21:02	SUPERTRACE	101300W	P
Mercury	<	0.200	ug/L	U		0.200	0.200	1	2/1/2008	17:02:20	LEEMAN PS2	H02018TC	CV
Silver	<	3.0	ug/L	U		3.0	3.0	1	1/30/2008	21:02	SUPERTRACE	101300W	P

Comments:

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TESTAMERICA LABORATORIES INC.

Shaw E & I

- 1 -

INORGANIC ANALYSIS DATA PACKAGE

Client: Shaw E & I **SDG No.:** A08-0908 **Method Type:**

Sample ID: A8090804 **Client ID:** SUN-COMP

Matrix: WATER **Date Received:** 1/25/2008 **Date Collected:** 1/24/2008 **Level:** LOW

% Solids: **Sample Wt/Vol:** 50.0 **Final Vol:** 50.0

Prep Batch ID: A8B09517 **Prep Date:** 1/29/2008

Analyte		Concentration	Units	C	Qual	RL	RL	Dil	Analytical Date	Time	Instrument	Run	M
Arsenic	<	10.0	ug/L	U		10.0	10.0	1	1/30/2008	10:20	SUPERTRACE2	A01290x	P
Barium		**2160**	**ug/L**			**2.0**	2.0	**1**	**1/30/2008**	**10:20**	SUPERTRACE2	A01290x	P
Cadmium		**21.1**	**ug/L**			**1.0**	1.0	**1**	**1/30/2008**	**10:20**	SUPERTRACE2	A01290x	P
Chromium	<	4.0	ug/L	U		4.0	4.0	1	1/30/2008	10:20	SUPERTRACE2	A01290x	P
Lead	<	5.0	ug/L	U		5.0	5.0	1	1/30/2008	10:20	SUPERTRACE2	A01290x	P
Selenium	<	15.0	ug/L	U		15.0	15.0	1	1/30/2008	10:20	SUPERTRACE2	A01290x	P
Mercury	<	0.200	ug/L	U		0.200	0.200	1	1/29/2008	13:48:19	LEEMAN PS2	G01298TC	CV
Silver	<	3.0	ug/L	U		3.0	3.0	1	1/30/2008	10:20	SUPERTRACE2	A01290x	P

Comments:

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51/1102

Wet Chemistry Analysis

Client Sample No.

BROOK-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix (soil/water): SOIL Lab Sample ID: A8090805

% Solids: 0.0 Date Samp/Recv: 01/24/2008 01/25/2008

Parameter Name	Units of Measure	Result	C	Q	M	Method Number	Analyzed Date
Corrosivity (pH)	S.U.	7.74				9045	01/28/2008
Flashpoint	°F	>176				1010	01/30/2008
H2S Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008
HCN Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008

Comments:

52/1102

Wet Chemistry Analysis

Client Sample No.

FLOR-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix (soil/water): SOIL Lab Sample ID: A8090803

% Solids: 0.0 Date Samp/Recv: 01/24/2008 01/25/2008

Parameter Name	Units of Measure	Result	C	Q	M	Method Number	Analyzed Date
Corrosivity (pH)	S.U.	7.50				9045	01/28/2008
Flashpoint	°F	>176				1010	01/30/2008
H2S Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008
HCN Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008

Comments:

53/1102

Wet Chemistry Analysis

Client Sample No.

PEARL-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix (soil/water): SOIL Lab Sample ID: A8090801

% Solids: 61.3 Date Samp/Recv: 01/24/2008 01/25/2008

Parameter Name	Units of Measure	Result	C	Q	M	Method Number	Analyzed Date
Corrosivity (pH)	S.U.	7.28				9045	01/29/2008
Flashpoint	°F	>176				1010	01/29/2008
H2S Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008
HCN Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008

Comments:

54/1102

Wet Chemistry Analysis

Client Sample No.

SUN-COMP

Lab Name: TestAmerica Laboratories Inc. Contract: _____

Lab Code: RECNY Case No.: _____ SAS No.: _____ SDG No.: _____

Matrix (soil/water): SOIL Lab Sample ID: A8090804

% Solids: 0.0 Date Samp/Recv: 01/24/2008 01/25/2008

Parameter Name	Units of Measure	Result	C	Q	M	Method Number	Analyzed Date
Corrosivity (pH)	S.U.	7.59				9045	01/28/2008
Flashpoint	°F	>176				1010	01/30/2008
H2S Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008
HCN Released From Waste	MG/KG	10	U			SECT7.3	01/29/2008

Comments:

Chain Of Custody Documentation

Chain of Custody Record

TestAmerica
THE LEADER IN ENVIRONMENTAL TESTING

TAL-4142 (0907)

Client	Project Manager	Date	Chain of Custody Number
SHAW E & I	DAN Servetas	01-24-08	387520
Address	**Telephone Number (Area Code)/Fax Number**	**Lab Number**	**Page 3 of 3**
13 American British Blvd	518-783-1996		

City	State	Zip Code	Site Contact	Lab Contact
Latham	NY	12110		C. Fox

Project Name and Location (State)	Carrier/Waybill Number
Stony Brook Culvert IRM	

Contract/Purchase Order/Quote No.

Sample I.D. No. and Description (Containers for each sample may be combined on one line)	Date	Time	Matrix: Air	Aqueous	Sed.	Soil	Containers & Preservatives: Unpres.	H2SO4	HNO3	HCl	NaOH	ZnAc/NaOH	Analysis: PCBs 8082	TC VOC 8260	TC METAL	TC BN	TC PEST	TC HERB	CN REACD	HS REACD	CORR	FLASHPT	Special Instructions/ Conditions of Receipt
Brook-Comp	01-24-08	15:20			X		X						X	X	X	X	X	X	X	X	X	X	Analyze "comp" samples. Do not analyze balance of samples pending client approval.

Possible Hazard Identification
☐ Non-Hazard ☐ Flammable ☐ Skin Irritant ☐ Poison B ☒ Unknown

Sample Disposal
☐ Return To Client ☒ Disposal By Lab ☐ Archive For _____ Months (A fee may be assessed if samples are retained longer than 1 month)

Turn Around Time Required
☐ 24 Hours ☐ 48 Hours ☐ 7 Days ☐ 14 Days ☐ 21 Days ☒ Other 5-Day

QC Requirements (Specify)

	Date	Time		Date	Time
1. Relinquished By: Michael M Evans	01-24-2008	16:10	1. Received By: R. English, TAL SYR	01-24-08	16:10
2. Relinquished By: R. English	01-24-08	18:30	2. Received By: CBell TAL BUFFALO	1/25/08	0900
3. Relinquished By			3. Received By		

Comments

DISTRIBUTION: WHITE - Returned to Client with Report; CANARY - Stays with the Sample; PINK - Field Copy

4°C-0°

103/1102

Chain of Custody Record

TestAmerica
THE LEADER IN ENVIRONMENTAL TESTING

TAL-4142 (0907)

Client	Project Manager	Date	Chain of Custody Number
SHAW E & I	Dan [illegible]	1/24/2008	387521
Address	**Telephone Number (Area Code)/Fax Number**	**Lab Number**	**Page 2 of 3**
13 American British Blvd.	518-783-1996		
City / State / Zip Code	**Site Contact**	**Lab Contact**	
Latham / NY / 12110		C. Fox	
Project Name and Location (State)	**Carrier/Waybill Number**		
Bloody Brook Culvert IRM			
Contract/Purchase Order/Quote No.			

Analysis (Attach list if more space is needed)

Sample I.D. No. and Description (Containers for each sample may be combined on one line)	Date	Time	Air	Aqueous	Sed.	Soil	Unpres.	H2SO4	HNO3	HCl	NaOH	ZnAc/NaOH	PCBs 8082	TL VOA 8260	TL METAL	TL BN	TL PEST	TL HERB	CN RELSD	HS RELSD	CORR	FLASHPT
Flor-C	01-24-08	11:50			X		X						X	X	X	X	X	X	X	X	X	X
Flor-D	01-24-08	11:50			X		X						X	X	X	X	X	X	X	X	X	X
Flor-Comp.	01-24-08	11:50			X		X						X	X	X	X	X	X	X	X	X	X
Sun-A	01-24-08	14:00			X		X						X	X	X	X	X	X	X	X	X	X
Sun-B	01-24-08	14:00			X		X						X	X	X	X	X	X	X	X	X	X
Sun-C	01-24-08	14:00			X		X						X	X	X	X	X	X	X	X	X	X
Sun-D	01-24-08	14:00			X		X						X	X	X	X	X	X	X	X	X	X
Sun-Comp.	01-24-08	14:00			X		X						X	X	X	X	X	X	X	X	X	X
Brook-A	01-24-08	15:20			X		X						X	X	X	X	X	X	X	X	X	X
Brook-B	01-24-08	15:20			X		X						X	X	X	X	X	X	X	X	X	X
Brook C	01-24-08	15:20			X		X						X	X	X	X	X	X	X	X	X	X
Brook D	01-24-08	15:20			X		X						X	X	X	X	X	X	X	X	X	X

Special Instructions/Conditions of Receipt

Analyze "Comp" Samples. Do not analyze balance of samples pending client approval.

Possible Hazard Identification

☐ Non-Hazard ☐ Flammable ☐ Skin Irritant ☐ Poison B ☒ Unknown

Sample Disposal

☐ Return To Client ☒ Disposal By Lab ☐ Archive For _____ Months (A fee may be assessed if samples are retained longer than 1 month)

Turn Around Time Required

☐ 24 Hours ☐ 48 Hours ☐ 7 Days ☐ 14 Days ☐ 21 Days ☒ Other 5 Day

QC Requirements (Specify)

1. Relinquished By	Date	Time	1. Received By	Date	Time
Michael M Evans	1/24/2008	16:10	R English, TAL Syr	01/24/08	16:10
2. Relinquished By	**Date**	**Time**	**2. Received By**	**Date**	**Time**
R English	01-24-08	18:30	Bell TAL Buffalo	1/25/08	0900
3. Relinquished By	**Date**	**Time**	**3. Received By**	**Date**	**Time**

Comments

DISTRIBUTION: WHITE - Returned to Client with Report; CANARY - Stays with the Sample; PINK - Field Copy

4@2.0°C

104/1102

Chain of Custody Record

82049

TestAmerica
THE LEADER IN ENVIRONMENTAL TESTING

TAL-4142 (0907)

Client	Project Manager	Date	Chain of Custody Number
SHAW E&I	Dan Servetus	01-24-08	387519
Address	**Telephone Number (Area Code)/Fax Number**	**Lab Number**	**Page 1 of 3**
13 American British Blvd.	518-783-1896		

City	State	Zip Code	Site Contact	Lab Contact
LATHAM	NY	12110		

Project Name and Location (State)	Carrier/Waybill Number
Beverly Brook Culvert TRM	

Contract/Purchase Order/Quote No.

Sample I.D. No. and Description (Containers for each sample may be combined on one line)	Date	Time	Matrix: Air	Aqueous	Sed.	Soil	Containers & Preservatives: Unpres.	H2SO4	HNO3	HCl	NaOH	ZnAc/NaOH	Analysis (Attach list if more space is needed): VOAs 8260	TC VOA 8260	TC METAL	TC BN	TC PEST	TC HERB	CN/REACTS	HS REACTS	CCRA	FLASHPOINT	Special Instructions/ Conditions of Receipt
Pearl - A	01-24-08	09:45			✓		✓						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	Analyze "Comp. Samples.
Pearl - B	01-24-08	09:45			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	Do not analyze
Pearl - C	01-24-08	09:45			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	balance of
Pearl - D	01-24-08	09:45			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	samples pending
Pearl - Comp.	01-24-08	09:45			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	client approval.
Town - A	[illegible]	[illegible]			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	
Town - B	01-24-08	16:50			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	
Town - C	01-24-08	16:50			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	
Town - D	01-24-08	16:50			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	
Town - Comp.	01-24-08	16:50			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	
Flor - A	01-24-08	11:30			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	
Flor - B	01-24-08	11:30			✗		✗						✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	

Possible Hazard Identification
☐ Non-Hazard ☐ Flammable ☐ Skin Irritant ☐ Poison B ☒ Unknown

Sample Disposal
☐ Return To Client ☒ Disposal By Lab ☐ Archive For _____ Months (A fee may be assessed if samples are retained longer than 1 month)

Turn Around Time Required
☐ 24 Hours ☐ 48 Hours ☐ 7 Days ☐ 14 Days ☐ 21 Days ☒ Other 5-DAY

QC Requirements (Specify)

1. Relinquished By	Date	Time	1. Received By	Date	Time
Nichole McEvans	01-24-2008	16:10	R English, TAL SYR	01-24-08	16:10
2. Relinquished By	**Date**	**Time**	**2. Received By**	**Date**	**Time**
R. English	01-24-08	18:30	Bell TAL Buffalo	1/25/08	0900
3. Relinquished By	**Date**	**Time**	**3. Received By**	**Date**	**Time**

Comments

DISTRIBUTION: WHITE - Returned to Client with Report; CANARY - Stays with the Sample; PINK - Field Copy

4@2.0°c

105/1102

APPENDIX F

BILLS OF LADING

VEOLIA ENVIRONMENTAL SERVICES

RTL 7

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000038046	1	(877) 818-0087	ZZ 00019454

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840; EP8-48
SYRACUSE, NY 13221

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR., LOT 28-02047
BETWEEN MP 3 & MP 285
LIVERPOOL, NY 13088

Generator's Phone:

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC. — U.S. EPA ID Number: NYD980768947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address: HIGH ACRES LANDFILL & RECYCL, 425 PERINTON PARKWAY, FAIRPORT, NY 14450-9104 — U.S. EPA ID Number: NOT REQ 050

Facility's Phone: 585 223-6132

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1 NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	005	T	NONE L
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
PERMIT#9A-278* ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL* *HAZMAT NY

15. **GENERATOR S/OFFEROR S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: MYROSLAV PARKOLAP — Signature: [signature] — Month 08 Day 21 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment

Transporter 1 Printed/Typed Name: MICHAEL RONCONE — Signature: [signature] — Month 08 Day 21 Year 08

Transporter 2 Printed/Typed Name — Signature — Month Day Year

18. Discrepancy

18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection

Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number

Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)

1.	2.	3.	4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a

Printed/Typed Name: Paula Schweizer — Signature: [signature] — Month 8 Day 21 Year 08

GENERATOR — INT'L — TRANSPORTER — DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 5[illegible]

Customer Name VEOLIA-051132 VEOLIA-051132
Ticket Date 08/21/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 00019454
Destination
PO
Profile 051132 (LOCKHEED MARTIN-SOIL(D))
Generator 150-LOCKHEEDMARTIN LOCKHEED MARTIN

Carrier HAZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# NULL Values
Container
Driver
Check#
Billing # 0005097
Gen EPA ID
Bed CELL 10

	Time	Scale	Operator	Inbound		
In	08/21/2008 14:05:28	A_Scale_1	SMARVIN		Gross	52158 lb
Out	08/21/2008 14:34:01	B_Scale_2	pschwalz		Tare	36486 lb
					Net	15720 lb
					Tons	7.85

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Reason	Origin
1	Cont Soil Dot-RGC-	100	7.85	Tons				DNY
2	P2ENV-Environmenta	100		%				ANY
3	FUEL-Fuel Surcharg	100		%				GKO

7.85

Total Fees
Total Ticket

Driver's Signature [signature]

404WM

VEOLIA ENVIRONMENTAL SERVICES

RTL 7

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036046	1	(877) 818-0087	ZZ 00019455

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840, EP8-48
SYRACUSE, NY 13221

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR., LOT 28-02047
BETWEEN MP & MP 285
LIVERPOOL, NY 13088

Generator's Phone:

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC — U.S. EPA ID Number: NYD980769947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address: HIGH ACRES LANDFILL & RECYCL, 425 PERINTON PARKWAY, FAIRPORT, NY 14450-9104 — U.S. EPA ID Number: NOT REQ 050

Facility's Phone: 585 223-6132

9a. HM	9b. U.S. DOT Description (Including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1 NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	015	T	NONE / L
	2. Profile # 051132					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
PERMIT#9A-278* ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL* *HAZMAT NY

15. **GENERATOR S/OFFEROR S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

GENERATOR

Generator's/Offeror's Printed/Typed Name: MYROSLAW PAEKOLAP — Signature: [signature] — Month 08 Day 21 Year 08

INT'L

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

TRANSPORTER

17. Transporter Acknowledgment of Receipt of Shipment

Transporter 1 Printed/Typed Name: Kevin Maggard — Signature: [signature] — Month 08 Day 21 Year 08

Transporter 2 Printed/Typed Name — Signature — Month Day Year

DESIGNATED FACILITY

18. Discrepancy

18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection

Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number

Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)

1.	2.	3.	4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a

Printed/Typed Name: Paula Schweizer — Signature: [signature] — Month 8 Day 21 Year 08

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
480 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-5135

Original
Ticket# 4[illegible]

Customer Name VEOLIA-051132 VEOLIA-051132
Ticket Date 08/21/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 413447
Destination
PO
Profile 051132 (LOCKHEED MARTIN-SOIL(C))
Generator 190-LOCKHEEDMARTIN LOCKHEED MARTIN

Carrier HAZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# RTL7 Volume
Container
Driver
Check#
Billing # 0005095
Gen EPA ID
Grid CELL 10

	Time	Scale	Operator	Inbound		
In	08/21/2008 12:12:39	A_Scale_1	BMARVIN		Gross	[illegible] lb
Out	08/21/2008 12:37:03	A_Scale_2	pschwalz		Tare	[illegible] lb
					Net	[illegible] lb
					Tons	[illegible]

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Pet-RGC-	100	13.31	Tons				UNO
2	DSCNV-Environmental	100		%				UNO
3	FUEL-Fuel Surcharg	100		%				UNO

13.31

Total Fees

Total Ticket

Driver's Signature

404WM

VEOLIA ENVIRONMENTAL SERVICES

291

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036046	1	(877) 818-0067	ZZ 00019453

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840; EF5-49
SYRACUSE, NY 13221
Generator's Phone: 315 456-1456

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR LOT 28-02047
BETWEEN MP 284 & MP 285
LIVERPOOL, NY 13088

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC — U.S. EPA ID Number: NYD980789947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address: HIGH ACRES LANDFILL & RECYCL, 425 PERINTON PARKWAY, FAIRPORT, NY 14450-9104
Facility's Phone: 585 223-6132 — U.S. EPA ID Number: NOT REQ 050

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1. NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	FINAL 0008 ~~00015~~	T	NONE / L
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
ER Service Contracted by VESTS"NEED CERTIFICATE OF DISPOSAL" "HAZMAT NY PERMIT#9A-278"

ESTIMATED WEIGHT # RB223

15. **GENERATOR S/OFFEROR S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: MYROSLAW PARKOLAP — Signature: [signature] — Month 08 Day 27 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment
Transporter 1 Printed/Typed Name: Robert A. Dobrich — Signature: Robert A Dobrich — Month 08 Day 27 Year 08
Transporter 2 Printed/Typed Name — Signature — Month Day Year

18. Discrepancy
18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number
Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a
Printed/Typed Name: Paula Schweizer — Signature: [signature] — Month 08 Day 27 Year 08

GENERATOR — INT'L — TRANSPORTER — DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 693827

Customer Name VEOLIA-051132 VEOLIA-051132
Ticket Date 08/27/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 00019453
Destination
PO
Profile 051132 (LOCKHEED MARTIN-SOIL(C))
Generator 190-LOCKHEEDMARTIN LOCKHEED MARTIN

Carrier HAZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# 291 Volume
Container
Driver
Check#
Billing # 0005096
Gen EPA ID
Grid CELL 10

	Time	Scale	Operator	Inbound		
In	08/27/2008 11:55:01	A_Scale_1	pschweiz		Gross	58100 lb
Out	08/27/2008 12:34:05	B_Scale_2	pschweiz		Tare	44560 lb
					Net	13540 lb
					Tons	6.77

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Pet-AGC-	100	6.77	Tons				DND
2	03ENV-Environments	100		%				DND
3	FUEL-Fuel Surcharg	100		%				DND

6.77

Total Fees

Total Ticket

Driver's Signature Robert A Dolbuck

404WM

VEOLIA
ENVIRONMENTAL SERVICES

293

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036048	1	(877) 818-0087	ZZ 00019456

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840 EP6-48
SYRACUSE, NY 13221

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR. LOT 28-02047
BETWEEN MP 284 & MP 285
LIVERPOOL, NY 13088

Generator's Phone:

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC — U.S. EPA ID Number: NYD980769947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address: HIGH ACRES LANDFILL & RECYCL, 425 PERINTON PARKWAY, FAIRPORT, NY 14450-9104 — U.S. EPA ID Number: NOT REQ 050

Facility's Phone: 585 223-6132

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1 NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	00006 ~~00015~~ T		NONE L
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL* *HAZMAT NY
PERMIT#9A-278**

ESTIMATED WEIGHT

15. **GENERATOR S/OFFEROR S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: X MYROSLAW PARKOLAP — Signature: X [signature] — Month 08 Day 27 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment
Transporter 1 Printed/Typed Name: X GRANT WILLIAMS — Signature: X [signature] — Month 08 Day 27 Year 08
Transporter 2 Printed/Typed Name — Signature — Month Day Year

18. Discrepancy
18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
Shipping Document Tracking Number:
18b. Alternate Facility (or Generator) — U.S. EPA ID Number
Facility's Phone:
18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a
Printed/Typed Name: S. Ranallotto — Signature: S. Ranallotto — Month 8 Day 27 Year 08

GENERATOR — INT'L — TRANSPORTER — DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
425 Pexinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 693904

Customer Name VEOLIA-051132 VEOLIA-051132
Ticket Date 08/27/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 770001945
Destination
PO
Profile 051132 (LOCKHEED MARTIN-SOIL(C))
Generator 100-LOCKHEEDMARTIN LOCKHEED MARTIN

Carrier HAZ MATMGT ENVIRONMENTAL GROUP
Vehicle# 293 Volume
Container
Driver
Check#
Billing # 0005096
Gen EPA ID
Grid CELL SV 9V

	Time	Scale	Operator	Inbound		
In	08/27/2008 14:24:40	A_Scale_1	pschweiz		Gross	54700 lb
Out	08/27/2008 15:07:11	B_Scale_2	pschweiz		Tare	39740 lb
					Net	15040 lb
					Tons	7.52

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Pet-REG--	100	7.52	Tons				ONU
2	P3ENV-Environmenta	100		%				ONU
3	FUEL-Fuel Surcharg	100		%				ONU

7.52

Total Fees

Driver's Signature

Total Ticket

404WM

VEOLIA
ENVIRONMENTAL SERVICES

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036046	1	(877) 818-0087	ZZ 00019457

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840; EP6-48
SYRACUSE, NY 13221

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR. LOT 28-02047
BETWEEN MP294 & MP 295
LIVERPOOL, NY 13088

Generator's Phone:

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC — U.S. EPA ID Number: NYD980769947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address: HIGH ACRES LANDFILL & RECYCL, 425 PERINTON PARKWAY, FAIRPORT, NY 14450-9104 — U.S. EPA ID Number: NOT REQ 050

Facility's Phone: 585 223-6132

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes		
	1 NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	015	T	NONE L		
	2.							
	3.							
	4.							

14. Special Handling Instructions and Additional Information
PERMIT#9A-278** ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL* *HAZMAT NY

15. **GENERATOR S/OFFEROR S CERTIFICATE:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: MYROSLAW PARKAS — Signature — Month 09 Day 02 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment
Transporter 1 Printed/Typed Name: GRANT WILLIAMS — Signature — Month 09 Day 02 Year 08
Transporter 2 Printed/Typed Name — Signature — Month Day Year

18. Discrepancy
18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
Shipping Document Tracking Number:
18b. Alternate Facility (or Generator) — U.S. EPA ID Number
Facility's Phone:
18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a
Printed/Typed Name: Tarla D Chweizer — Signature — Month 9 Day 2 Year 08

GENERATOR — INT'L — TRANSPORTER — DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 694620

Customer Name VEOLIA-051132 VEOLIA-051132
Ticket Date 09/02/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 00019457
Destination
PO
Profile 051132 (LOCKHEED MARTIN-SOIL(C))
Generator 170-LOCKHEEDMARTIN LOCKHEED MARTIN

Carrier HOZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# 223 Valvoy
Container
Driver
Check#
Billing # 0000000
Gen EPA ID
Grid CELL 10

	Time	Scale	Operator	Inbound		
In	09/02/2008 12:01:15	A_Scale_1	pschweiz		Gross	38920 lb
Out	09/02/2008 12:39:18	B_Scale_2	pschweiz		Tare	18900 lb
					Net	19920 lb
					Tons	9.96

Comments:

	Product	LDR	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Gvt-RGC-	100	9.96	Tons				ONO
2	ENV-Environmental	100		%				ONO
3	FUEL-Fuel Surcharg	100		%				ONO

9.96

Total Fees
Total Ticket

Driver's Signature

404WM

VEOLIA
ENVIRONMENTAL SERVICES

349

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036046	1	(877) 818-0087	ZZ 00019463

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840, EP5-48
SYRACUSE, NY 13221

Generator's Phone:

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR. LOT 28-02047
BETWEEN MP284 & MP 285
LIVERPOOL, NY 13088

6. Transporter 1 Company Name
HAZMAT ENVIRONMENTAL GROUP INC
U.S. EPA ID Number: NYD980769947

7. Transporter 2 Company Name
U.S. EPA ID Number:

8. Designated Facility Name and Site Address
HIGH ACRES LANDFILL & RECYCL
425 PERINTON PARKWAY
FAIRPORT, NY 14450-9104
Facility's Phone: 585 223-8132
U.S. EPA ID Number: NOT REQ 050

9a. HM	9b. U.S. DOT Description (Including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1. NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	EST 010	T	NONE L
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
PERMIT#9A-278** ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL* *HAZMAT NY

15. GENERATOR S/OFFEROR S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: MYROSLAW PARKOLAP
Signature:
Month Day Year: 09 02 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment
Transporter 1 Printed/Typed Name: ANTHONY CARN
Signature:
Month Day Year: 09 02 08
Transporter 2 Printed/Typed Name: NEAL HIBB. JJS
Signature:
Month Day Year: 09 05 08

18. Discrepancy
18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) U.S. EPA ID Number
Facility's Phone:
18c. Signature of Alternate Facility (or Generator) Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a
Printed/Typed Name: S. Karalli
Signature: S. Karalli
Month Day Year: 09 05 08

GENERATOR — INT'L — TRANSPORTER — DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
4425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 695519

Customer Name VEOLIA-051132 VEOLIA-051132
Ticket Date 09/05/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 77800019463
Destination
PO
Profile 051132 (LOCKHEED MARTIN-SOIL(C))
Generator 150 LOCKHOCOMARTIN LOCKHEED MARTIN

Carrier HAZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# 343 Value
Container
Driver
Check#
Billing # 0008090
Gen EPA ID
Grid CELL 84 90

	Time	Scale	Operator	Inbound		
In	09/05/2008 09:44:30	A_Scale_1	smarvin		Gross	62400 lb
Out	09/05/2008 10:30:08	B_Scale_2	smarvin		Tare	40900 lb
					Net	21500 lb
					Tons	10.75

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Pet-RGC-	100	10.75	Tons				ONS
2	P3ENV-Environmental	100		X				ONS
3	FUEL-Fuel Surcharg	100		X				ONS

10.79

Total Fees
Total Ticket

Driver's Signature

dd4WM

VEOLIA ENVIRONMENTAL SERVICES

349

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036046	1	(877) 818-0087	ZZ 00019480

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHILIP TALUCCI
P.O. BOX 4840; EP8-48
SYRACUSE, NY 13221

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR. LOT 28-02047
BETWEEN MP284 & MP 285
LIVERPOOL, NY 13088

Generator's Phone:

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC — U.S. EPA ID Number: NYD980769947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address: HIGH ACRES LANDFILL & RECYCL, 425 PERINTON PARKWAY, FAIRPORT, NY 14450-9104 — U.S. EPA ID Number: NOT REQ 050

Facility's Phone: 585 223-6132

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1 NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	EST 020	T	NONE L
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL*HAZMAT NY
PERMIT#9A-278**

15. **GENERATOR S/OFFEROR S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: MYROSLAW PARKOLAB — Signature: [signature] — Month 09 Day 05 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment
Transporter 1 Printed/Typed Name: JOSAC HIBBITTS — Signature: [signature] — Month 09 Day 05 Year 08
Transporter 2 Printed/Typed Name — Signature — Month Day Year

18. Discrepancy
18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number
Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a
Printed/Typed Name: S. Karalli D — Signature: S. Karalli D — Month 9 Day 5 Year 08

GENERATOR — INT'L — TRANSPORTER — DESIGNATED FACILITY

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-5132

Original
Ticket# 695734

Customer Name VEOLIA-DS1132 VEOLIA-DS1132
Ticket Date 09/06/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 7700019480
Destination
PO
Profile DS1132 (LOCKHEED MARTIN-SOIL(D))
Generator 190-LOCKHEEDMARTIN LOCKHEED MARTIN

Carrier HAZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# 349 Volume
Container
Driver
Check#
Billing # 0008096
Gen EPA ID
Grid CELL 10

	Time	Scale	Operator	Inbound		
In	09/06/2008 07:11:20	A_Scale_1	swarvin		Gross	79260 lb
Out	09/06/2008 07:49:31	B_Scale_2	swarvin		Tare	40860 lb
					Net	38400 lb
					Tons	19.20

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Pet-RCC-	100	19.20	Tons				DNO
2	PSENV-Environmenta	100		%				DNO
3	FUEL-Fuel Surcharg	100		%				DNO

19.20

Total Fees
Total Ticket

Driver's Signature

VEOLIA ENVIRONMENTAL SERVICES

49900 Haz 405

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000038048	1	(877) 818-0087	ZZ 00018261

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN: PHIL TALUCCI
PO BOX 4840 EP6-48
LIVERPOOL, NY 13221
Generator's Phone: 315 456-1456

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR LOT 28-02047
BETWEEN MP & MP 285
LIVERPOOL, NY 13088

6. Transporter 1 Company Name: HAZMAT ENVIRONMENTAL GROUP INC — U.S. EPA ID Number: NYD980769947

7. Transporter 2 Company Name — U.S. EPA ID Number:

8. Designated Facility Name and Site Address
HIGH ACRES LANDFILL & RECYCL
425 PERINTON PARKWAY
FAIRPORT, NY 14450-9104
Facility's Phone: 585 223-6132
U.S. EPA ID Number: NOT REQ 050

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes		
	1. NON REGULATED MATERIAL, (SOIL/GRAVEL/SILT), NONE, NONE 054133	001	CM	EST 003	T	NONE L		
	2.							
	3.							
	4.							

14. Special Handling Instructions and Additional Information
PERMIT#9A-278* ER Service Contracted by VESTS*NEED CERTIFICATE OF DISPOSAL**HAZMAT NY

15. GENERATOR S/OFFEROR S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name: Myroslav Parkolap — Signature: [signature] — Month 12 Day 12 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment

Transporter 1 Printed/Typed Name	Signature	Month	Day	Year
GRANT WILLIAMS	[signature]	12	12	08
Transporter 2 Printed/Typed Name	Signature			

18. Discrepancy

18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection

Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number:
Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)

1.	2.	3.	4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a

Printed/Typed Name: Jaclyn Pilgrim — Signature: [signature] — Month 12 Day 12 Year 08

DESIGNATED FACILITY TO GENERATOR

WASTE MANAGEMENT

High Acres LF
425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 713476

Customer Name VEOLIAENVSVC-054133 VEOLIA EN
Ticket Date 12/12/2008
Payment Type Credit Account
Manual Ticket#
Hauling Ticket#
Route
State Waste Code
Manifest 220001826I
Destination
PO
Profile 054133 (SOIL FROM EXCAVATION)
Generator 190-LOCKHEEDMARTINCORP LOCKHEED MARTIN CORPORATION

Carrier HAZ HAZMAT ENVIRONMENTAL GROUP
Vehicle# 406 Volume
Container
Driver
Check#
Billing # 0605140
Gen EPA ID
Grid CELL 10

	Time	Scale	Operator	Inbound		
In	12/12/2008 13:22:37	A_Scale_1	jpilgrim		Gross	49900 lb
Out	12/12/2008 13:52:31	B_Scale_2	jpilgrim		Tare	40000 lb
			* Manual Weight		Net	9900 lb
					Tons	4.95

Comments

	Product	LOC	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil RCR Fees	100	4.95	tons				ERI
2	P3ENV-Environmental	100		%				ERI
3	FUEL-Fuel Surcharg	100		%				ERI

Total Fees

Total Ticket

Driver's Signature G. Williams

404WM

VEOLIA
ENVIRONMENTAL SERVICES

SHIPPING DOCUMENT	1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Shipping Document Tracking Number
	NYR000036048	1	(877) 818-0092	ZZ 00019460

5. Generator's Name and Mailing Address
LOCKHEED MARTIN CORPORATION
ATTN. PHILIP TALUCCI
P.O. BOX 4840, EP6-48
SYRACUSE, NY 13221

Generator's Site Address (if different than mailing address)
LOCKHEED MARTIN CORPORATION
MIDWOOD DR. LOT 28-02047
BETWEEN MP284 & MP 285
LIVERPOOL, NY 13088

Generator's Phone:

6. Transporter 1 Company Name: PRICE TRUCKING — U.S. EPA ID Number: NYD 046265524

7. Transporter 2 Company Name — U.S. EPA ID Number

8. Designated Facility Name and Site Address
HIGH ACRES LANDFILL & RECYCL
425 PERINTON PARKWAY
FAIRPORT, NY 14450-9104

U.S. EPA ID Number: NOT REQ 0 3 0

Facility's Phone: 585 223-8132

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Codes
	1. NON REGULATED MATERIAL (SOIL/GRAVEL/SILT), NONE, NONE	001	CM	15	T	NONE
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information
ER Service Contracted by VESTS"NEED CERTIFICATE OF DISPOSAL" "HAZMAT NY PERMIT#9A-278"

15. **GENERATOR S/OFFEROR S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name — Signature — Month 12 Day 18 Year 08

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:
Transporter signature (for exports only): Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Shipment
Transporter 1 Printed/Typed Name: KOKOC TOSSAH — Signature — Month 12 Day 19 Year 08
Transporter 2 Printed/Typed Name — Signature — Month — Day — Year

18. Discrepancy
18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection
Shipping Document Tracking Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number
Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month — Day — Year

19. Report Management Method Codes (i.e., codes for treatment, disposal, and recycling systems)
1. 2. 3. 4.

20. Designated Facility Owner or Operator: Certification of receipt of shipment except as noted in Item 18a
Printed/Typed Name — Signature — Month — Day — Year

GENERATOR / SHIPPER'S INITIAL COPY

29992

WASTE MANAGEMENT

High Acres LF
425 Perinton Pkwy
Fairport, NY, 14450
Ph: (585) 223-6132

Original
Ticket# 714451

Customer Name	VEOLIA-051132 VEOLIA-051132	Carrier	PRI PRICE TRUCKING CORP
Ticket Date	12/19/2008	Vehicle#	4000
Payment Type	Credit Account	Container	
Manual Ticket#		Driver	
Hauling Ticket#		Check#	
Route		Billing #	0005096
State Waste Code		Gen EPA ID	
Manifest	00019460	Grid	CELL 10
Destination			
PO			
Profile	051132 (LOCKHEED MARTIN-SOIL(C))		
Generator	190-LOCKHEEDMARTIN LOCKHEED MARTIN		

	Time	Scale	Operator	Inbound		
In	12/19/2008 07:24:47	A_Scale_1	JPILGRIM		Gross	58180 lb
Out	12/19/2008 08:05:44	B_Scale_2	JPILGRIM		Tare	35920 lb
					Net	22260 lb
					Tons	11.13

Comments

	Product	LD%	Qty	UOM	Rate	Fee	Amount	Origin
1	Cont Soil Pet-RGC-	100	11.13	Tons				ONO
2	P3ENV-Environmenta	100		%				ONO
3	FUEL-Fuel Surcharg	100		%				ONO

Total Fees

Total Ticket

Driver's Signature

404WM

Table F-1

Rolloff and Sediment Removal Sumamry

Bloody Brook, Onondaga County, New York

Culvert Location	Date	Shipping Document Tracking Number	Estimated Mass (tons)	Actual Mass (tons)
Brookview Lane	8/21/2008	ZZ00019454	5.0	7.85
	8/21/2008	ZZ00019455	15.0	13.31
Sunflower Drive	8/27/2008	ZZ00019453	8.0	6.77
	8/27/2008	ZZ00019456	6.0	7.52
Floradale Road	9/2/2008	ZZ00019457	15.0	9.96
	9/5/2008*	ZZ00019463	10.0	10.79
	9/6/2008	ZZ00019480	20.0	19.2
Pearl Street	12/12/2008	ZZ00018261	3.0	4.95
	12/18/2008	ZZ00019460	15.0	11.13
			Total (tons):	**91.48**

Notes:

1. Estimated mass was recorded at the time of loading on site.
2. Actual mass was the final weight recorded at the landfill.
3. * - This soil was loaded on 9/2/08 but left to dewater at LMC until 9/5/08.