

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

-----X

IN THE MATTER OF ACCESS TO REAL	)	
PROPERTY IN WASHINGTON AND	)	
SARATOGA COUNTIES, NEW YORK,	)	
OWNED BY:	)	
	)	
THE NEW YORK STATE	)	
CANAL CORPORATION,	)	Index No.
	)	CERCLA-02-2007-2012
Respondent.	)	
	)	
	)	
Proceeding under Section 104(e) of the	)	
Comprehensive Environmental Response,	)	
Compensation, and Liability Act of 1980,	)	
as amended, 42 U.S.C. Section 9604(e).	)	
	)	
-----X		

ADMINISTRATIVE ORDER DIRECTING COMPLIANCE  
WITH REQUEST FOR ACCESS

TABLE OF CONTENTS

I. <u>JURISDICTION</u> .....	-1-
II. <u>STATEMENT OF PURPOSE</u> .....	-1-
III. <u>FINDINGS OF FACT</u> .....	-1-
IV. <u>CONCLUSIONS OF LAW AND DETERMINATIONS</u> .....	-7-
V. <u>ORDER</u> .....	-7-
VI. <u>ENFORCEMENT</u> .....	-8-
VII. <u>ADMINISTRATIVE RECORD</u> .....	-9-
VIII. <u>OPPORTUNITY TO CONFER</u> .....	-9-
IX. <u>EFFECTIVE DATE; COMPUTATION OF TIME</u> .....	-10-
X. <u>NOTICE OF INTENTION TO COMPLY</u> .....	-10-
XI. <u>TERMINATION</u> .....	-11-

## I. JURISDICTION

1. This Administrative Order (“Order”) is issued to the New York State Canal Corporation (hereinafter, “Respondent”), pursuant to the authority vested in the President of the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9604(e)(5), and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR § 300.400(d)(4). This authority was delegated to the Administrator of the United States Environmental Protection Agency (“EPA”) on January 23, 1987, by Executive Order No. 12580, redelegated to the Regional Administrators of EPA on May 11, 1994 by EPA Delegation No. 14-6, and, within EPA Region 2, further redelegated to the Director of the Emergency and Remedial Response Division on November 23, 2004.

## II. STATEMENT OF PURPOSE

2. This Order requires Respondent to grant EPA and its authorized representatives entry and access to the properties described herein for the purpose of taking a response action at the Hudson River PCBs Superfund Site (“Site”). This Order further requires Respondent to refrain from interfering with access to such properties by EPA and its authorized representatives for the purposes set forth herein.

## III. FINDINGS OF FACT

3. During an approximate 30-year period ending in 1977, manufacturing processes at two General Electric Company (“GE”) facilities, one in Fort Edward, New York, and the other in Hudson Falls, New York, used polychlorinated biphenyls (“PCBs”) in the manufacture of electrical capacitors. PCBs from both facilities were discharged into the Hudson River.
4. In September 1984, EPA placed the Site on the National Priorities List, established pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, and set forth at 40 C.F.R. Part 300, Appendix B.
5. In September 1984, EPA issued a Record of Decision (the “1984 ROD”) for the Site which included: (i) an interim no action decision with regard to PCBs in the sediments of the Upper Hudson River; (ii) in-place capping, containment, and monitoring of exposed “remnant deposit” sediments, and stabilization of the associated riverbanks and revegetation of those areas; and (iii) a detailed evaluation of the Waterford Water Works treatment facilities, including sampling and analysis of treatment operations to determine if an upgrade or alteration of the facilities was needed.
6. GE implemented the remedial action selected in the 1984 ROD for the remnant deposits

pursuant to a 1990 consent decree with EPA. GE is conducting maintenance and long-term monitoring activities under the 1990 consent decree.

7. In 1989, EPA decided to reassess the interim no-action decision in the 1984 ROD with respect to PCB-contaminated Hudson River sediments. Beginning in 1990, EPA conducted a Reassessment Remedial Investigation and Feasibility Study (“FS”) which included, *inter alia*, analyses of the fate, transport, and human health and environmental risks associated with PCB contamination at the Site.
8. In December 2000, EPA issued the Reassessment FS in which the Agency evaluated potential remedial alternatives to address PCB contamination at the Site. Concurrently with the Reassessment FS, EPA issued a Proposed Plan in which EPA identified its preferred remedial alternative for the Site. EPA held a public comment period on the Proposed Plan and supporting information from December 12, 2000 through April 17, 2001.
9. On February 1, 2002, EPA issued a Record of Decision (“ROD”) in which EPA selected a remedial action for the Site. The remedy selected in the ROD includes, *inter alia*, the targeted dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River. In the ROD, EPA estimated that the remedial action will remove approximately 2.65 million cubic yards of such sediment from the Upper Hudson River. The ROD calls for the dewatering and, if necessary, stabilization of dredged sediments at a sediment processing/transfer facility prior to those sediments being transported for disposal at an off-site disposal facility. The State of New York concurred on the remedy selected in the ROD.
10. In December 2004, EPA issued a *Facility Siting Report* in which the Agency selected the “Energy Park/Longe/New York State Canal Corporation” site (“Energy Park Site”) in the Village and Town of Fort Edward, New York as the location for a sediment processing/transfer facility needed for the remedy. The Energy Park Site is comprised of approximately 110 acres of land along the Champlain Canal. Respondent owns approximately 25 acres (“the 25 Acre Parcel”) of the Energy Park Site. The remainder of the Energy Park Site is privately owned by WCC, LLC. The 25 Acre Parcel is the portion of tax map parcel no. 163.-2-15.1 that is located within boundaries of the Energy Park Site. The 25 Acre Parcel is depicted on the map attached hereto as Exhibit 1. GE and WCC, LLC are in the process of finalizing a lease that will allow GE to construct and operate the portions of the sediment processing/transfer facility that will be constructed on the part of the Energy Park Site that is owned by WCC, LLC. GE has informed EPA that it expects that lease to be signed shortly.
11. On November 2, 2006, the United States District Court for the Northern District of New York approved a Consent Decree (“Consent Decree”) between the United States and GE under which GE will, *inter alia*, construct the sediment transfer/processing facility needed for the project and perform the first phase of the dredging (“Phase 1”) according

to an EPA-approved design, and in accordance with work plans and other documents to be submitted by GE, and approved by EPA, under the Consent Decree.

12. Following GE's completion of the Phase 1 dredging, the dredging-to-date will be evaluated by an independent peer review panel, which will consider possible changes to the engineering performance standards that were established by EPA. EPA will consider the conclusions of the peer review panel and determine whether changes to the performance standards should be made and will inform GE of any modifications that would be required during Phase 2 of the dredging program. GE is then to notify EPA as to whether it will implement Phase 2 of the dredging pursuant to the Consent Decree. If the company agrees to perform Phase 2, the work will be carried out under the terms of the Consent Decree. EPA has reserved all of its enforcement authorities to compel GE to perform Phase 2 if the company does not agree to do Phase 2 under the Consent Decree. The Phase 2 dredging is expected to take five years.
13. In January 2007, pursuant to the Consent Decree, GE submitted to EPA a *Remedial Action Work Plan [RAWP] for Phase 1 Facility Site Work Construction* that addresses construction of, *inter alia*, the sediment processing/transfer facility, access roads, wharf area, and work support marina that are needed to implement the remedy selected in the ROD. EPA approved the RAWP for Phase 1 Facility Site Work Construction on March 6, 2007. The RAWP for Phase 1 Facility Site Work Construction is available at [www.epa.gov/udson](http://www.epa.gov/udson). Respondent reviewed, and provided comment to EPA on, the RAWP for Phase 1 Facility Site Work Construction.
14. On the 25 Acre Parcel, GE will construct a wharf area and perform other work needed for the remedy. Such activities include excavation, placement of rip-rap, and construction of concrete retaining walls, wharfs, staging areas, a decontamination area, and a "loading and size separation area." The RAWP for Phase 1 Facility Site Work Construction also calls for GE to perform clearing, grading, grubbing, drainage and paving work on the 25 Acre Parcel, and to install utilities and a geotextile membrane on that property. RAWP for Phase 1 Facility Site Work Construction §§ 2.1, 2.1.3. During the remedial action, sediments dredged from the Hudson River will be off-loaded at the wharf area and transferred to the sediment processing/transfer facility for dewatering, and then transferred onto rail cars for transport to an off-site disposal facility.
15. In March 2007, pursuant to the Consent Decree, GE submitted to EPA a *Remedial Action Work Plan for Phase 1 Processing Equipment Installation and Remaining Site Work*, which covers the remaining facility site work, such as the installation of process equipment, piping, electrical, instrumentation, communications, and the commissioning of the systems. The RAWP for Phase 1 Processing Equipment Installation and Remaining Site Work, which is currently under review by EPA, describes equipment that will be installed on the 25 Acre Parcel, including a trommel screen system (§ 2.2.1), size separation processing equipment (§§ 2.2.3, 3.2.1), underground utilities and stormwater drainage (§ 7.2.1). The RAWP for Phase 1 Processing Equipment Installation and

Remaining Site Work is available at [www.epa.gov/udson](http://www.epa.gov/udson).

16. In order to implement the remedial action at the Site, GE must also construct a work support marina on property owned by Respondent (“Work Support Marina Property”) on the west bank of the Thompson Island Pool in the Town of Moreau, New York. Construction of the work support marina will include (i) improvement of an existing access road; (ii) clearing and grubbing of the site; (iii) placing fill and geotextile as sub-base for parking and staging areas; (iv) paving of roads, parking, and staging areas; (v) installation of security fencing, gates, and project-support trailers; (vi) distribution of electrical power, and (vii) installation of a gangway and floating docks. RAWP for Phase 1 Facility Site Work Construction § 2.1.5. The work support marina will serve as a marina for boats that will be used to support dredging operations and to oversee GE’s implementation of the remedy. The Work Support Marina Property is comprised of the portion of tax map parcel no. 65.-1-10 on which GE will construct the work support marina and associated infrastructure. The Work Support Marina Property is depicted on the map attached hereto as Exhibit 2.
17. In order to implement the remedial action, GE must also construct an approximately 2 mile-long Main Access Road that will connect existing Route 196 to the sediment processing/transfer facility. The Main Access Road will be constructed on property owned by Respondent and by other private and public entities along the Champlain Canal. Construction of the Main Access Road will include clearing and grubbing, subgrade construction, and final road surface installation. GE will also construct a bridge over the Glens Falls feeder canal. RAWP for Phase 1 Facility Site Work Construction § 2.1.1.3. The property on which the Main Access Road will be constructed (“Main Access Road Property”) and that is owned by Respondent is comprised of portions of tax map parcels 163.-2-15.1, 163.-2-15.2, and 139.-2-1. The Main Access Road Property is depicted on Exhibit 1. EPA provided Respondent with an opportunity to review GE’s design for the Main Access Road, and Respondent has found that design to be acceptable.
18. GE, Respondent and the public will use the Main Access Road after it is constructed. The Main Access Road will be the main access route to the sediment processing/transfer facility. Because the sediment processing/transfer facility will obstruct existing access to Lock 8 from the south, after its completion the Main Access Road will become the main access route to Lock 8 for Respondent (which operates Lock 8) and the public.
19. GE is in the process of obtaining from the other owners of property needed for the Main Access Road (i.e., those parcels not owned by Respondent) the necessary access to construct and use that road.
20. EPA has publicly announced that Phase 1 dredging is scheduled to occur in 2009. GE needs to begin construction work on the 25 Acre Parcel, Main Access Road Property, and Work Support Marina Property on schedule in order to help ensure that the Phase 1 dredging is performed in 2009.

21. The RAWP for Phase 1 Facility Site Work Construction includes a schedule (Figure 3-1) for construction activities on the 25 Acre Parcel, Main Access Road Property, and the Work Support Marina Property. Construction of the Main Access Road is scheduled begin in early April 2007, and is expected to be completed by the end of June 2007. Construction of the wharf area at the 25 Acre Parcel is scheduled to begin in May 2007, and be completed in early September 2008. The work support marina is scheduled to be completed in August 2008, and GE has informed EPA that the company intends to begin construction of the marina in the summer of 2007.
22. EPA expects GE to conduct remedial operations on the 25 Acre Parcel through approximately 2016. GE has informed EPA that it expects to use the work support marina for Phase 1 and the first year or two of Phase 2. The Main Access Road also will be used by GE through approximately 2016, although Respondent and the public may use the Main Access Road after it is constructed by GE.
23. For any property that is not owned or controlled by GE and where access is needed to implement the Consent Decree, Paragraph 34.a of the Consent Decree requires GE to use “best efforts to secure from [the owners or persons in control of such property]: (a) an agreement to provide access thereto for Settling Defendant, as well as for the United States on behalf of EPA, the State, and their respective representatives (including contractors), for the purpose of conducting any activity related to this Consent Decree...”
24. GE has been negotiating with Respondent to try to obtain the access that GE needs in order to perform the aforementioned activities on the 25 Acre Parcel, Main Access Road Property, and the Work Support Marina Property. To date, GE and Respondent have not been able to finalize agreements for such access. Their negotiations with respect to a lease for the 25 Acre Parcel have lasted over two years, and their negotiations with respect to an Access Agreement/Work Authorization (“Work Authorization”) for the Main Access Road Property have lasted over one year. As for the Work Support Marina Property, beginning in approximately mid-2006, GE began negotiating a lease with the New York State Department of Transportation (“NYSDOT”) under which GE would obtain access to that property. When those negotiations began, both GE and NYSDOT believed that NYSDOT was the owner of the Work Support Marina Property. However, in approximately February 2007, NYSDOT discovered that Respondent, and not NYSDOT, owns the Work Support Marina Property. On or about March 14, 2007, Respondent informed EPA that none of the access negotiations between GE and NYSDOT for the Work Support Marina Property could be applied to GE’s obtaining access from Respondent, and that Respondent and GE therefore needed to begin such access negotiations *de novo*.
25. The principal remaining obstacle to Respondent and GE being able to finalize the Work Authorization for the Main Access Road Property has to do with a requirement that the State has said GE would need to meet in its work on that property. Specifically, the New

York State Department of Labor (“DOL”) believes that GE and its contractors would need to pay “prevailing wages” for the access road work done pursuant to the Work Authorization. On March 27, 2007, DOL rejected GE’s arguments that the prevailing wage requirements are not applicable to such work, including GE’s argument that such work is not a “public works project” for purposes of the prevailing wage requirements of the New York State Labor Law.

26. GE has informed EPA that its contract for construction of the Main Access Road does not require its contractor to pay prevailing wages, and that GE would need to renegotiate its contract with its contractor for the Main Access Road, and/or seek new bids for that contract, if the company needs to ensure that its contractor meets the prevailing wage requirements and potentially other requirements. GE has informed EPA that there could be a substantial delay in the start of construction of the Main Access Road if GE had to renegotiate or rebid the contract for the Main Access Road. Such a delay in the start of construction of the road could force a delay in the start of the Phase 1 dredging.
27. The principal remaining obstacle to Respondent and GE being able to finalize a lease for the 25 Acre Parcel is the inability of the State and GE to finalize Appendix A of the lease, which would potentially contain “Standard Clauses” that are typically attached to Canal Corporation leases. Such Standard Clauses would include a requirement for GE and its contractors to comply with the prevailing wage requirements discussed in the preceding paragraph. GE does not believe that certain provisions of Appendix A are applicable to the lease and has proposed modifications to Appendix A. Respondent has informed GE that it cannot agree to GE’s proposed modifications to Appendix A without the approval of the New York State Office of the State Comptroller (“OSC”). It is EPA’s understanding that OSC is unwilling to entertain any changes to Appendix A. GE and the State have not been able to reach agreement on these issues.
28. Any attempt by GE and Respondent to reach agreement on a lease or Work Authorization for the Work Support Marina Property would face some or all of the same obstacles as are referred to in Paragraphs 25-27, above.
29. The inability, to date, of GE and Respondent to finalize agreements for GE’s use of the 25 Acre Parcel, the Main Access Road Property, and the Work Support Marina Property threatens to cause a delay in the critical construction work that is needed at these properties in order for the remedial action at the Site to be carried out. This Order is being issued in order that such a delay can be avoided.

#### IV. CONCLUSIONS OF LAW AND DETERMINATIONS

30. Respondent is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
31. PCBs are a hazardous substance within the meaning of Section 101(14) of CERCLA, 42



U.S.C. § 9601(14).

32. Releases of hazardous substances have occurred into the environment at the Site, within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1), as the terms “environment” and “release” are respectively defined in Sections 101(8) and 101(22) of CERCLA, 42 U.S.C. §§ 9601(8) and 9601(22). Such releases include, but are not limited to, PCBs that were discharged to the Hudson River from GE’s Hudson Falls and Fort Edward facilities.
33. The 25 Acre Parcel, Main Access Road Property, and the Work Support Marina Property are establishments, places or properties where entry is needed to effectuate a response action within the meaning of Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3).
34. Entry to the 25 Acre Parcel, Main Access Road Property, and the Work Support Marina Property by the agents, contractors, or other representatives of the United States is needed for the purposes of taking a response action within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1).
35. Respondent has not, to date, granted consent to GE having access to the 25 Acre Parcel, Main Access Road Property, or the Work Support Marina Property for the purpose of implementing the activities referred to in Paragraphs 14 - 18, above.

#### V. ORDER

36. Based on the Findings of Fact, Conclusions of Law and Determinations set forth above, and the Administrative Record, Respondent is hereby ordered to provide EPA and its officers, employees, agents, contractors, and other representatives, and the contractors of its representatives, full and unrestricted access to the 25 Acre Parcel, Main Access Road Property, and Work Support Marina Property, for the purpose of implementing the remedial action selected in the ROD, including but not limited to all those activities referred to in Paragraphs 14 - 18, above. Respondent shall provide such access for such period of time as is reasonably necessary for EPA and GE to complete the activities needed on those properties for implementation of the remedial action selected in the ROD.
37. Respondent shall not interfere with EPA's exercise of its access authorities pursuant to 42 U.S.C. § 9604(e) and 40 C.F.R. § 300.400(d), and shall not interfere with or otherwise limit any activity conducted at the 25 Acre Parcel, the Main Access Road Property, and the Work Support Marina Property pursuant to this Order by EPA, its officers, employees, agents, contractors, or other representatives. Any such interference shall be deemed a violation of this Order.
38. EPA hereby designates GE as its representative solely for the purpose of obtaining access

to the 25 Acre Parcel, the Main Access Road Property, and the Work Support Marina Property.

39. Nothing herein limits or otherwise affects any right of entry held by the United States pursuant to applicable laws, regulations, or permits.
40. This Order shall apply to and be binding upon the Respondent and its successors and assigns, and each and every agent of Respondent and upon all other persons and entities who are under the direct or indirect control of Respondent, including any and all lessees of Respondent.
41. In the event of any conveyance by the Respondent or its agents, successors or assigns, of any interest in the 25 Acre Parcel, Main Access Road Property, or the Work Support Marina Property, Respondent and its agents, successors, or assigns shall not convey the interest in any manner which would have the effect of hindering or otherwise limiting continued access by EPA and its representatives to such property for the purpose of carrying out the activities pursuant to this Order. Any such conveyance shall restrict the use of the properties so that the use will not interfere with activities undertaken or to be undertaken by EPA and its representatives. Respondent, or Respondent's agents, successors or assigns, shall notify EPA in writing at least thirty (30) calendar days prior to the conveyance of any interest in the 25 Acre Parcel, Main Access Road Property, or the Work Support Marina Property, and shall, prior to the transfer, notify the other parties involved in the conveyance of the provisions of this Order.

## VI. ENFORCEMENT

42. Compliance with this Order shall be enforceable pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). A court may impose a civil penalty on Respondent of up to \$32,500 for each day that Respondent unreasonably fails to comply with this Order, as provided in Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), and the Civil Monetary Penalty Inflation Adjustment Rule, 69 Fed. Reg. 7121, 40 C.F.R. Part 19.4. In addition, any person who is liable for a release or threat of release of a hazardous substance or pollutant or contaminant and who fails to comply with this Order may be liable for punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or other actions it may deem necessary for any purpose, including the prevention or abatement of a threat to the public health, welfare, or the environment arising from conditions at the Site, and recovery of the costs thereof.
43. Nothing in this Order constitutes a waiver, bar, release, or satisfaction of or a defense to any cause of action which EPA has now or may have in the future against Respondent, or against any entity which is not a party to this Order.

44. Nothing in this Order shall affect in any manner the right of EPA to issue any other orders to or take any other administrative or civil action against Respondent or any other parties under CERCLA which relate to the Site or any other site.
45. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

#### VII. ADMINISTRATIVE RECORD

46. EPA has established an Administrative Record which contains the documents that form the basis for the issuance of this Order. The Administrative Record is available for review on weekdays between the hours of 9:00 a.m. and 5:00 p.m. at the following address:

United States Environmental Protection Agency, Region 2  
290 Broadway, 18<sup>th</sup> Floor  
New York, New York 10007-1866

Respondent should contact Douglas Fischer, Esq. of EPA's Office of Regional Counsel at (212) 637-3180, if it wishes to schedule an appointment to review the Administrative Record.

#### VIII. OPPORTUNITY TO CONFER

47. Within three business days after receipt of this Order by Respondent, Respondent may request a conference with EPA, to be held no later than two business days after Respondent's request, on any matter pertinent to this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondent is ordered to take, or any other relevant and material issues or contentions which Respondent may have regarding this Order. Respondent may appear in person or by an attorney or other representative at the conference. Respondent may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or at least two business days before the effective date of this Order if Respondent does not request a conference. EPA will deem Respondent to have waived its right to the conference or to submit written comments if it fails to request the conference or submit comments within the specified time period(s). Any request for a conference or written comments or statements should be submitted to:

Douglas Fischer  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866  
(212) 637-3180

## IX. EFFECTIVE DATE; COMPUTATION OF TIME

48. This Order shall be effective four business days after its receipt by Respondent or Respondent's designated representative unless a conference is timely requested as provided above. If a conference is timely requested, then at the conclusion of the conference or after the conference, if EPA determines that no modification to the Order is necessary, the Order shall become effective immediately upon notification by EPA of such determination. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to Respondent by facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified or express mail to Respondent or its legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.
49. For purposes of this Order, the term "day" shall mean a calendar day unless expressly stated to be a business day. "Business day" shall mean a day other than a Saturday, Sunday, or federal legal holiday. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal legal holiday, the period shall run until the next business day.

## X. NOTICE OF INTENTION TO COMPLY

50. On or before the effective date of this Order, Respondent shall notify EPA in writing whether Respondent will comply with the terms of this Order. Respondent's failure to notify EPA of its unconditional intent to fully comply with this Order by the time the Order becomes effective shall be 1) construed as a denial of EPA's request for access, and 2) as of the effective date of the Order, treated as a violation of the Order. Such written notice shall be sent to Douglas Fischer at the address set forth in Paragraph 47, above.

XI. TERMINATION

51. This Order and all of its terms and provisions shall remain in effect until the Director of the Emergency and Remedial Response Division, EPA Region 2, or his designee, notifies Respondent in writing that access to the 25 Acre Parcel, Main Access Road Property, and the Work Support Marina Property is no longer needed for the remedial action.

SO ORDERED.

---

George Pavlou, Director  
Emergency and Remedial Response  
Division

Date of Issuance

U.S. Environmental Protection Agency, Region 2

# Exhibit 1

# Exhibit 2

# Exhibit 3



