

## GENOVA, BURNS &amp; GIANTOMASI ATTORNEYS-AT-LAW

FOI # 12292

ANGELO J. GENOVA 0+\*  
 JAMES M. BURNS 0  
 FRANCIS J. GIANTOMASI 0+  
 JOHN C. PETRELLA 0  
 JAMES J. MCGOVERN III 0  
 LAURENCE D. LAUFER +  
 JEFFREY R. RICH 0+  
 JUDSON M. STEIN 0  
 KATHLEEN BARNETT EINHORN 0+  
 CELIA S. BOSCO 0+  
 BRIAN W. KRONICK 0  
 JAMES BUCCI 0+\*  
 PATRICK W. MCGOVERN 0+  
 PETER R. YAREM 0  
 WILLIAM F. HARRISON 0  
 DOUGLAS E. SOLOMON 0+

RALPH J. SALERNO 0  
 KEITH A. KRAUSS 0+  
 MICHAEL J. OLIVEIRA 0+  
 HARRY G. KAPRALOS 0+  
 REBECCA MOLL FREED 0+  
 JENNIFER MAZAWAY 0+  
 JOHN R. VREELAND 0+  
 JENNIFER BOREK 0+  
 JOHN W. BARTLETT 0+  
 JASON L. SOBEL 0+  
 DENA B. CALO 0\*

## COUNSEL

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 GREGORY E. NAGY 0  
 DAVID P. COOKE 0+  
 NICHOLAS R. AMATO 0  
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OF COUNSEL

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 JISHA V. DYMOND 0+  
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 ERICA RUSTAD FERREIRA 0+  
 ROBERT W. FERROUSON, III 0  
 LAUREN J. MARCUS 0

RONALD H. DEMARIA  
 (1939-2004)

MEMBER OF NEW JERSEY BAR 0  
 MEMBER OF NEW YORK BAR +  
 MEMBER OF PENNSYLVANIA BAR +  
 MEMBER OF DISTRICT OF COLUMBIA  
 MEMBER OF FLORIDA BAR -  
 MEMBER OF CONNECTICUT BAR \*

April 21, 2011

**VIA FACSIMILE & OVERNIGHT UPS**

The Port Authority of New York and New Jersey  
 FOI Administrator  
 Office of the Secretary  
 225 Park Avenue South  
 17th Floor  
 New York, New York 10003

Re: FOI Request for NYNJPA documents

Dear Sir / Madam:

Please accept this correspondence as a formal request for a copy of the following documents pursuant to the Port Authority of New York and New Jersey's ("Port Authority") FOI Policy:

1) Any and all Agreements between Port Authority and Utex Holdings, LLC (dba "UTEX" or "TDM AMERICAS") and/or any of its affiliates (hereinafter collectively "UTEX") for the receipt, unloading, handling and/or processing of dredged material resulting from the Multi-Facility Maintenance Dredging Contract, No. MFP-654.130, dated May 2010, entered into by and between Port Authority and Donjon Marine Co.

2) Any and all Agreements between Port Authority and Clean Earth Technologies and/or any of its affiliates (hereinafter "Clean Earth") for the receipt, unloading, handling and/or processing of dredged material resulting from the Multi-Facility Maintenance Dredging Contract, No. MFP-654.130, dated May 2010, entered into by and between Port Authority and Donjon Marine Co.

494 BROAD STREET NEWARK, NJ 07102-3230

TELEPHONE 973-533-0777 FACSIMILE 973-533-1112 WEBSITE www.genovaburns.com

RECEIVED 04-21-11 15:57 FROM-

TO- office of the secret P002/003

## GENOVA, BURNS &amp; GIANTOMASI | ATTORNEYS-AT-LAW

The Port Authority of New York and New Jersey  
FOI Administrator  
April 21, 2011  
Page 2

3) Any and all communications, including but not limited to, letters, memorandums and emails, sent by or on behalf of the Port Authority to UTEX from May 2010 to the present, regarding any and all Agreements entered into between Port Authority and UTEX for the receipt, unloading, handling and/or processing of dredged material resulting from the Multi-Facility Maintenance Dredging Contract, No. MFP-654.130, dated May 2010, entered into by and between Port Authority and Donjon Marine Co.

4) Any and all communications, including but not limited to, letters, memorandums and emails, sent by or on behalf of the Port Authority to Clean Earth from May 2010 to the present, regarding any and all Agreements entered into between Port Authority and UTEX for the receipt, unloading, handling and/or processing of dredged material resulting from the Multi-Facility Maintenance Dredging Contract, No. MFP-654.130, dated May 2010, entered into by and between Port Authority and Donjon Marine Co.

5) Any and all communications, including but not limited to, letters, memorandums and emails, received by the Port Authority from UTEX from May 2010 to the present, regarding any and all Agreements entered into between Port Authority and UTEX for the receipt, unloading, handling and/or processing of dredged material resulting from the Multi-Facility Maintenance Dredging Contract, No. MFP-654.130, dated May 2010, entered into by and between Port Authority and Donjon Marine Co.

6) Any and all communications, including but not limited to, letters, memorandums and emails, received by the Port Authority from Clean Earth from May 2010 to the present, regarding any and all Agreements entered into between Port Authority and UTEX for the receipt, unloading, handling and/or processing of dredged material resulting from the Multi-Facility Maintenance Dredging Contract, No. MFP-654.130, dated May 2010, entered into by and between Port Authority and Donjon Marine Co.

Kindly provide a copy of the above requested documents to this office at your earliest convenience, and advise this office of the cost associated with same. Thank you for your consideration.

Very truly yours,

GENOVA, BURNS & GIANTOMASI

  
JENNIFER BOREK

JB:dmc

Enc.

2474\005\Letters\Port Authority.FOI request.042111.docx

RECEIVED 04-21-'11 15:57 FROM-

TO- office of the secret P003/003

**THE PORT AUTHORITY OF NY & NJ**

Daniel D. Duffy  
*FOI Administrator*

November 13, 2012

Jennifer Borek, Esq.  
Genova, Burns & Giantomasi  
494 Broad Street  
Newark, NJ 07102-3230

Re: Freedom of Information Reference No. 12292

Dear Ms. Borek:

This is a response to your April 21, 2011 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy attached) for copies of records between the Port Authority and Utex Holdings, LLC, and records between the Port Authority and Clean Earth Technologies related to Contract No. MFP-654.130 - Multi-Facility Maintenance Dredging.

Material responsive to your request and available under the Code can be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/12292-LPA.pdf>. Paper copies of the available records are available upon request.

Certain material responsive to your request is exempt from disclosure pursuant to Exemption (4) of the Code.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Daniel D. Duffy  
FOI Administrator

Attachment

225 Park Avenue South  
New York, NY 10003  
T: 212 435 3642 F: 212 435 7555

## Masters, Matt

---

**From:** Gallagher, Timothy  
**Sent:** Tuesday, April 12, 2011 7:09 AM  
**To:** Masters, Matt  
**Cc:** Shaw, Ron; Solomon, Omar; Gill, Robert; 'ssands@cleaneearthinc.com'; 'tsequenzia@utex-environmentalservices.com'; 'rick.hgcapital@gmail.com'; 'Foster, David'; Wojnar, George; 'kerri.mullins@donjon.com'; Barry-Smith, Annette; 'dsansing@utex-environmentalservices.com'; Inturrisi, Georgiana  
**Subject:** MFP 654.130 - Maintenance Dredging - WO#1 Start

All,

Donjon Marine intends to start work this Wednesday, April 13, 2011. Work will commence at Berth 56 and continue until we exhaust the 50,000CY limit.

Tim Gallagher  
973-332-2354

## Masters, Matt

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, April 06, 2011 5:24 PM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; don sansing; tony sequenzia2; steve sands; dan morrow; chris dods  
**Subject:** workorder release maintenance dredging

Ron; good afternoon. I understand from our managers whom attended todays meetiung that that the work order is being released to DonJon for the approximately 34,000 cubic yards of maintenance dredging with surveying to be completed by the weekend and dredging to commence early next week. From that we should expect a schedule of PDM delivered to the Clean Earth facilities beginning mid to late next. We also understand that UTEX will be responsible for incremental movement of \$1,500 per movement to the Clean Earth Facility in Jersey City regardless of the number of barges moved at a time. We also expect the barges to average in the 2,000 to 3,000 cubic yards. I trust this is a correct understanding and accordingly we have executed our contract with Clean Earth.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Tuesday, April 05, 2011 9:14 AM  
**To:** Malione, Bernice; Masters, Matt; jack leiblernew  
**Subject:** FW:  
**Attachments:** Deed Restriction Final (3 22 2011\_2).docx

fyi; to make sure you have latest and greatest

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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Date: Tue, 5 Apr 2011 09:10:13 -0400  
From: [umdresch@gw.dec.state.ny.us](mailto:umdresch@gw.dec.state.ny.us)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
Subject: Re:

See att.

Udo M. Drescher  
Assistant Regional Attorney  
NYS DEC Region 2  
47-40 21st Street  
Long Island City, NY 11101-5407  
Phone: 718 482-4963  
Fax: 718 482-4962  
[www.dec.ny.gov](http://www.dec.ny.gov)

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>>> Rickr UTEX <[rickr@hotmail.com](mailto:rickr@hotmail.com)> 4/5/2011 9:06 AM >>>  
Udo; do you mind forwarding the last version of the Declarations need to make sure I have the latest and greatest.  
Thanks

Rick Redle  
UTEX Holdings, LLC

4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## DECLARATION

THIS DECLARATION is made by 380 Development LLC, hereinafter called the "Declarant," who has an office for the transaction of business at \_\_\_\_\_ [insert address].

## WITNESSETH

WHEREAS the Declarant is the owner of certain real property located in the City and State of New York, identified as Richmond County Tax Block 1760 Lot 1, Block 1835 Lots 1, 50, 150, 300, 350, 400, 500 and 550, which real property is depicted on the site plan attached hereto as Attachment A and is described in the metes and bounds descriptions attached hereto as Attachment B-1 through Attachment B-9, and which real property is hereinafter referred to as the "Subject Property"; and

WHEREAS the Subject Property consists of two complexes of properties that at times were commonly referred to as "GATX Site" and "Duke Energy Site," respectively, with the GATX Site consisting of Block 1760 Lot 1 and Block 1835 Lots 1 an 150 and the *Duke Energy Site* consisting of Block 1835 Lots 50, 300, 350, 400, 500 and 550.

WHEREAS the New York State Department of Environmental Conservation ("DEC" or "the Department") approved a remedy to eliminate or mitigate all significant threats to the environment presented by contamination disposed at the GATX Site, and such remedy requires that the Subject Property be subject to restrictive covenants.

WHEREAS the Declarant is the successor-in-interest and the party to an agreement with the DEC to, among other things, provide for the remediation of contaminated media on the GATX Site, which remediation is to include the placement of a composite cover system as approved in a site management plan ("Sit Management Plan"), dated \_\_\_\_\_, on areas of contamination as well as the management of storm water associated with the Subject Property and potential changes in groundwater due to sea level rise.<sup>1</sup> This agreement was established by an Order on Consent issued under DEC file number D2-0001-98-01-02 on March 31, 1998 and was modified by the Modified Order on Consent dated \_\_\_\_\_, 2011, which is hereinafter referred to as "Order on Consent" and which is attached hereto as Attachment D.

WHEREAS Declarant represents and warrants that to the best of its knowledge and

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1 The Site Management Plan is attached in part (cover page and table of contents) as Attachment C.

except for easements that already existed prior to December 31, 2010, no restriction of record on the use of the Subject Property, nor any present or presently existing future estate or interest in the Subject Property, nor any lien, obligation, covenant, limitation, or encumbrance of any kind precludes, presently or potentially, the imposition of the restrictions, covenants, obligations, easements and agreements of this Declaration or the development of the Subject Property in accordance therewith.

NOW, THEREFORE, Declarant does hereby declare that the Subject Property shall only be held, sold, conveyed and occupied subject to the following restrictions, covenants, obligations, and agreements which are for the purpose of addressing or mitigating all significant threats to the environment presented by the contamination disposed at the Subject Property by means of securing the integrity and functioning of the aforementioned remedy approved by the Department, including but not limited to the construction and maintenance of any and all features<sup>2</sup> to maintain and protect the remedy and to prevent the migration of contamination and its release to the environment; which are further for the purpose of reducing the impacts associated with the construction, installation, and subsequent utilization of the approved remedy, including impacts that may be associated with subsequent uses on any approved land fill and capping system; which are further for the purpose of protecting the environmental features on and immediately adjoining the Subject Property, including but not limited to freshwater and tidal wetland systems and associated, undeveloped buffer areas; which purposes serve to the benefit of the citizens of the State of New York generally and for the benefit specifically of the owners and occupants of property identified as Richmond County Tax Block 1760 Lot 1, Block 1835 Lots 1, 50, 150, 300, 350, 400, 500 and 550.

1. These restrictions, covenants, obligations, and agreements shall run with the Subject Property, binding every party having any right, title, or interest in the Subject Property or any part thereof and binding all heirs, executors, administrators, successors, and assigns.
2. Unless prior written approval by the Department or, if the Department shall no longer exist, its successor agency, hereinafter referred to as "the Relevant Agency" is first obtained, there shall be no construction, use or occupancy within the area of the composite cover system (see Attachment A) that results in the disturbance or excavation of the Subject Property, which threatens the integrity of the soil cap, or which could result in human exposure to contaminated soils.
3. The owner of the Subject Property shall maintain the cap covering the area of the composite cover system (see Attachment A) by maintaining its composite cover system in accordance with the approved Site Management Plan or, after obtaining

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<sup>2</sup> Including natural and artificial features created, used or otherwise employed for the handling, control, processing, conveyance or other activity related to storm- surface and groundwater on the Subject Property.

the written approval of the Relevant Agency, by capping the Subject Property with another material.

4. The owner of the Subject Property shall prohibit the GATX Site from ever being utilized for purposes other than for commercial and industrial uses unless the express written waiver of such prohibition is first obtained from the Relevant Agency.
5. The owner of the Subject Property shall prohibit the use of the groundwater underlying the Subject Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.
6. The owner of the Subject Property shall continue in full force and effect any institutional and engineering controls required under the Order on Consent and maintain such controls unless the owner first obtains permission to discontinue such controls from the Relevant Agency, including but not limited to the approved Site Management Plan, Attachment C. The Site Management Plan shall be deemed incorporated into this declaration by reference and shall be enforceable as part of this Declaration.
7. Declarant specifically covenants and agrees to establish and maintain in perpetuity an "Area of No Land Alteration" which is depicted and labeled as "Area of No Land Alteration" on the plan "Dedicated Wetlands and Open Space Corridors" [Plan to be created based on the file "gulfport-outlines—1-18-2011 tgerminal-Logistics-Dedicated-Wet.pdf." Note that the plan should be both submitted in the original for DEC's records but, for purposes of serving as an attachment to this declaration, should be divided up in 11" x 8.5" pages with match-lines, otherwise the county clerk,s office will not accept the plan into the property record.] on Attachment E appended hereto. A Metes and Bounds Description of such Area of No Land Alteration is appended hereto as Attachment F.
8. Declarant hereby covenants and agrees to forever refrain from, and to prohibit any person or party from performing, any gardening, agricultural activity, change in grade, or change in vegetation on or within said Area of No Land Alteration unless such activities are undertaken in the context of wetlands enhancements, subject to the prior approval of the Relevant Agency. Declarant further covenants and agrees to refrain from, and to prohibit any person or party from performing, any regulated activity, as defined by Parts 661 or 663 of Chapter Six of the Official Compilation of Codes, Rules, and Regulations of the State of New York (and any successor regulation) on or within such Area of No Land Alteration.
9. Declarant specifically covenants and agrees to preserve for its special historic and natural characteristics a portion of Richmond County Tax Block 1835 Lot 50, which

includes an area known as "Implosion Hill," as undeveloped area to be used for passive recreation. Lot 50 shall remain unimproved but for pathways, benches and non-illuminated signage related to the history and natural features of that location. A metes and bounds description for Lot 50 is attached hereto as Attachment B- [insert corresponding #]. A metes and bounds description for the portion of Lot 50 that is subject to this specific covenant and agreement is attached hereto as Attachment G.

10. Declarant, its successors and assigns and any future grantees of all or a portion of any interest in the Subject Property shall set forth these covenants, restrictions and declarations in any and all transfers or leases of the property and shall by the terms of such leases subject the transferee or lessee to the covenants and restrictions contained herein. The failure of the Declarant, its successors or assigns to so condition transfers or leases shall not invalidate the automatic subjugation of the transferees or lessees to these covenants, restrictions and declarations.
11. Declarant agrees to include a copy of this Declaration, executed and affixed with the file stamp and date of the Richmond County Clerk as part of any application pertinent to the Subject Property submitted to any municipal, state or federal agency.
12. If any section, subsection, paragraph, clause, phrase, or provision of these covenants, restrictions, and agreements shall, by a court of competent jurisdiction, be adjudged illegal, unlawful, or invalid, or held to be unconstitutional, the same judgment shall not affect the validity of this Declaration as a whole or any other part or provision hereof other than the parts so adjudged.
13. The provisions herein contained shall be enforceable by the Attorney General of the State of New York, by the Commissioner of the Department, or by such agencies or regulatory authorities having jurisdiction over the Subject Property, and/or over the Declarant, its successors, and/or occupants of the Subject Property currently identified as Richmond County Tax Block 1760 Lot 1, Block 1835 Lots 1, 50, 150, 300, 350, 400, 500 and 550. The failure by any such party individually or collectively to enforce any of the covenants, restrictions, and/or agreements contained herein shall in no event be deemed a waiver of the right to do so thereafter. This declaration is not intended to convey any right or benefit upon any third party.
14. Any violation of these restrictions, covenants, and agreements shall cause the violator, in addition to any fines, penalties, and/or forfeitures prescribed by law, to pay for any and all reasonable legal fees and expenses incurred by any party in enforcing the covenants, restrictions, and agreements contained herein.
15. If the Declarant, its successors, and/or assigns, or the future grantees of any

interest in the Subject Property shall fail to comply with the obligations hereunder within five (5) days after receipt of a notice from any party entitled to enforce this Declaration, stating the obligation not complied with [provided, however, that if the obligation cannot be complied with within such five-day period but compliance has been commenced and is being diligently pursued, the said five-day period shall be extended for such period of time reasonably necessary to effectuate compliance], the party or parties entitled to enforce this Declaration may cure such non-compliance and may come upon the site with such workers and materials as may be reasonably required for effectuating such compliance any time after five (5) days following receipt of said notice by Declarant, its successors, and/or assigns, or the future grantees-in-interest. The owner, owners, lessees, occupants, or other parties-in-interest of the Subject Property shall pay to the party enforcing and curing such non-compliance with this Declaration all reasonable costs incurred in effectuating cure and/or compliance, including court costs, legal fees, disbursements, and contractors' fees. The remedy set forth above shall not be exclusive, and the party or parties seeking to enforce such Declaration shall have all rights at law or equity to do so. In the event any party or parties having the right to enforce such Declaration shall bring any action at law or in equity for enforcement, and if such enforcement is granted, the party against whom such enforcement is sought shall pay all legal fees, court costs, and other expenses of the party or parties seeking to enforce such Declaration, and if not paid the same shall become a lien against the Subject Property. The requirement to pay legal fees, fines or penalties does not apply in the context of a judicial foreclosure by a lender, unless the lender did not act in good faith.

16. Each of the covenants, restrictions, and agreements contained in this Declaration shall run with the land in perpetuity, binding the Declarant and its successors and/or assigns, and each shall be so construed.
17. Declarant recognizes that the Department is an interested party to this Declaration and consents to the enforcement by the DEC of the covenants, restrictions, and agreements contained in such Declaration by whatever means are appropriate.
18. This Declaration may be amended, modified, or canceled only with the express written approval and consent of both the owner of the subject property and the Commissioner of the Department, or the head of the agency succeeding to its jurisdiction, or her/his designee. No other approval or consent shall be required or accepted from any public body, private person, or legal entity of any kind.
19. Declarant hereby covenants and agrees that it shall immediately file and record this Declaration after execution by Declarant in the office of the Richmond County Clerk and Declarant shall ensure that such Declaration is indexed against the Subject Property. Declarant further covenants and agrees to provide a copy of this Declaration as stamped, recorded, filed, and certified as a true copy of such

Declaration by the Richmond County Clerk to the Regional Permit Administrator for Region 2 (New York City) of the Department. The Department shall also have the right to file and record this Declaration with the Richmond County Clerk.

signed, \_\_\_\_\_  
(insert name of landowner)

State of New York)  
): ss.:  
County of [insert name of county])

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 201\_, before me, the undersigned, a Notary Public in and for said state, personally appeared (insert name of landowner), personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her capacity(ies) and that by his/her/their signature(s) on the instrument the individual(s) or the person upon whose behalf the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**Attachment A will be a site plan of the Subject Property, which must**

- identify the individual lots, labeled with Block/Lot ##; and
- depict and label the area where the composite cover system will be established;
- for filing purposes be divided onto multiple pages sized 8.5" x 11" with match lines, so that the pages can easily be put together in order; and
- still be of sufficient scale that its features and labels can be read by an average reader without visual aid.

**Attachment B-1 will be the metes and bounds description for Richmond County Block 1760 L of 1**

**Attachment B-2 will be the metes and bounds description for Richmond County Block 1835 Lot 1**

**Attachment B-3 will be the metes and bounds description for Richmond County Block 1835 Lot 50**

Attachment B-4 will be the metes and bounds description for Richmond County Block 1835 Lot 150

Attachment B-5 will be the metes and bounds description for Richmond County Block 1835 Lot 300

Attachment B-6 will be the metes and bounds description for Richmond County Block 1835 Lot 350

Attachment B-7 will be the metes and bounds description for Richmond County Block 1835 Lot 400

Attachment B-8 will be the metes and bounds description for Richmond County Block 1835 Lot 500

Attachment B-9 will be the metes and bounds description for Richmond County Block 1835 Lot 550

Attachment C will be the Site Management Plan (or, depending on size, at least the SMP's cover page and table of contents)

Attachment D will be a copy of the Modified Order on Consent.

Attachment E will be a site plan depicting the "Area of No Land Alteration" and Lot 50. This plan has yet to be created and

- should be based on the file *gulfport-outlines—1-18-2011 tgerminal-Logistics-Dedicated-Wet.pdf*
- must differentiate the different wetlands/buffer areas and the Area of No Land Alteration not in color but through other identifiers (the property records do not show colors, wherefore the identifiers, such as different hatching styles, should preferably be in black and white or at least clearly distinguishable grey tones)
- must for filing purposes be divided onto multiple pages sized 8.5" x 11" with match lines.

Attachment F will be the metes and bounds description for the *Area of No Land Alteration*

Attachment G will be the (more specific) metes and bounds description for that portion of the *Area of No Land Alteration* that is situated within Lot 50.

## Masters, Matt

---

**From:** rickr@hotmail.com  
**Sent:** Monday, April 04, 2011 12:40 PM  
**To:** Masters, Matt  
**Subject:** Fw: GATX Public Comment documents  
**Attachments:** Letter of Transmittal Library 3-28-11.pdf; 380 Dev - notice of consent order 3 28 11.pdf; 380 Dev - Order on Consent mod D2-0001-98-01-02.pdf; Deed-No-Land-Alteration-and-Final-Cover-300scale (11x17--3-25-2011).pdf; Deed-No-Land-Alteration-and-Final-Cover-300scale-Property-Lines (11x17--3-25-2011).pdf

RickR Sent via BlackBerry - a service from AT&T Wireless.

---

**From:** "Don Sansing" <dsansing@utex-environmentalservices.com>  
**Date:** Mon, 28 Mar 2011 17:08:52 -0500  
**To:** 'John Urda' <jkurda@gw.dec.state.ny.us>; 'Greg Banner' <gbanner@keyenvir.com>; 'Jacob Bourdeau' <jbourdeau@keyenvir.com>; 'Suzanne Mattei' <symattei@gw.dec.state.ny.us>  
**Cc:** <rstuder@utex-environmentalservices.com>; <rickr@hotmail.com>  
**Subject:** GATX Public Comment documents

Gentlemen and Ms.Mattei,

Attached are the various documents and drawings that were FedEx'ed this evening to the Todt Hill-Westerleigh Library on Staten Island, NY for the Public Comment period. If you have any question please don't hesitate to contact me.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

# Letter of Transmittal



Date: March 28, 2011

To: Todt Hill-Westerleigh Library  
2550 Victory Boulevard  
(past Willowbrook Road)  
Staten Island, NY 10314  
ATTN: Jeanise LeBrew

From: Donald R Sansing, REM  
Senior Vice President  
UTEX Environmental Services, LLC  
4570 Westgrove Street  
Suite 240  
Addison, TX 75001

**SUBJECT:** Documents in addition to Engineering Work Plan for Placement of Surface Cover Material, 380 Development Site, Staten Island, Richmond County, New York

Dear Ms. LeBrew,

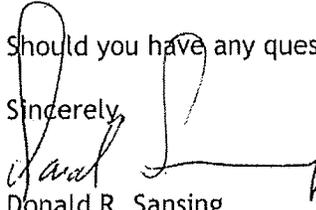
Please find attached to this letter:

No. of Copies	Description
1	"Notice of Proposed Consent Order Modification Request for Public Comments"
1	"Modified Order on Consent NYSDEC File No. D2-0001-98-01-2"
1	Drawing titled "Areas of No Land Alteration and Footprint of Final Cover for Upland Remediated Area - With Property Boundaries"
1	Drawing titled "Areas of No Land Alteration and Footprint of Final Cover for Upland Remediated Area"

The documents and drawings have been sent at the request of Ms. Suzanne Mattei of the New York Department of Environmental Protection (NYSDEC), Region 2 office in Long Island City, New York. The purpose of this transmittal is to make available to the public a copy of these documents that are in addition to the Engineering Work Plan and drawings, which were sent to you under separate cover on March 28, 2011, pursuant to the public comment period established by the NYSDEC for the subject project.

Should you have any questions, please contact Ms. Mattei at 718-482-4949 or me at 972-407-0701.

Sincerely,

  
Donald R. Sansing

CC:

Mr. John Urda - NYSDEC (Letter Only)  
Ms. Suzanne Mattei - NYSDEC (Letter Only)  
Mr. Greg Banner - KE Engineering (Letter Only)  
Mr. Jacob Bourdeau - KE Engineering (Letter Only)  
Mr. Rich Studer - UTEX (Letter Only)  
Mr. Rick Redle - UTEX (Letter Only)

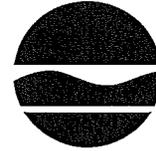
**New York State Department of Environmental Conservation**

**Regional Director, Region 2**

47-40 21<sup>st</sup> Street, Long Island City, NY 11101-5407

Phone: (718) 482-4949 • Fax: (718) 482-4026

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

**NOTICE OF PROPOSED CONSENT ORDER MODIFICATION**  
**REQUEST FOR PUBLIC COMMENTS BY APRIL 20, 2011**

To: Members of the Public  
From: DEC Region 2, Office of General Counsel  
Re: Modification of the 1998 Consent Order between the New York State Department of Environmental Conservation and the GATX Terminals Corporation  
Date: March 28, 2011

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The attached document is a proposed modification of the 1998 Order on Consent regarding the approximately 440-acre site on Staten Island bounded by the Arthur Kill on the west and Old Place Creek on the north, lying southeast of the Goethals Bridge and southwest of the interchange of the Staten Island and West Shore Expressways (Richmond County Tax Block 1760 Lot 1 and Block 1835 Lots 1 and 150, commonly referred to as “the GATX site”), which also proposes to add 380 Development, LLC (380 Development) as a signatory.

The original order, issued on March 31, 1998, by the N.Y.S. Department of Environmental Conservation (“DEC”) required the GATX Terminals Corporation (and subsequently GATX SI, Inc., as successor-in-interest) to remediate contamination at the site, and to restore the wetland areas affected by the contamination and remediation work. By this Modified Order on Consent, 380 Development would become a respondent to the 1998 Order and would assume all remaining and incomplete obligations of GATX SI, Inc., under the 1998 Order – primarily including installation of the final clean cover and carrying out of groundwater monitoring requirements – except for completion of the 2008 “100% Remedial Design for Wetland and Canal Soil/Sediment” (which work must be completed by GATX SI, Inc. and which is nearly completed; 380 Development will then be responsible to complete the two-year monitoring of the wetland plantings).

Prior to completing the remediation work (installation of final cover), 380 Development plans to place fill on two specified areas of the site known as the “eastern and western tank fields,” comprising 234 acres, on which commercial development would be possible in the future. This is allowed so long as the fill material meets the standards (chemical and physical) set out in the Engineering Work Plan (“EWP”), which will be attached as Exhibit B as an enforceable part of the Modified Order. The fill will include the use of dredged material which will have been processed and will have met the standards specified in the EWP, and will have qualified for and received a “Beneficial Use Determination” from DEC. 380 Development will obtain a permit from the NYC Department of Sanitation for this activity, and must comply with design and storm water management requirements set out in the EWP. A final clean cover will be installed over this fill, and the areas will be subject to groundwater monitoring requirements.

No fill will be placed in regulated wetlands. No fill will be placed in regulated wetland adjacent areas, but very minor slope stabilization treatments (reno mattresses to stabilize basin spillways) and minor grading associated with storm water retention basins will occur in certain limited locations. Also, approximately 263½ acres of land – including parts of the “GATX” site and the adjacent parcel owned by 380 Development that is commonly known as the “Duke Energy parcel” (approx. 242½ acres) and the area on the Duke Energy parcel known as “Implosion Hill” (approx. 21 acres) -- will be protected in perpetuity by Declarations of Covenants and Restrictions for the Site, which will run with the land. This

acreage includes several wetland and wetland adjacent areas, as well as some connective grassland areas. With the exception of potential minor activity associated with appropriate wetland enhancement work, and establishment of appropriate, limited public access features for passive recreation purposes in keeping with the historical significance of "Implosion Hill," these will be "no land alternation areas."

The filling will create two large mounds, one at the area commonly known as the "eastern tank field" and one at the area commonly known as the "western tank field." (In the past, these areas were occupied by very large and tall petroleum holding tanks.) The amount of acreage to be subject to filling is 234 acres (193 acres in the area commonly known as the "eastern tank field" and 41 acres in the area commonly known as the "western tank field"). The total in-place volume of material to be imported is 4,866,000 cubic yards. The mound at the "eastern tank field" is expected to be 24 feet above current grade after settlement, and the mound at the "western tank field" area is expected to be 19 feet above current grade after settlement, which will facilitate proper drainage and storm water management. Material that meets strict groundwater protection standards will be required for the lower levels, and a final clean cover will be required to cap the site. Groundwater monitoring will be required to ensure that the remediation and filling activity is protective of the environment. Pursuant to the requirements of the remediation project, a deed restriction will prohibit residential development on the site (unless DEC grants an express written waiver from the prohibition – but note that the use restriction is required based on health-based standards).

An Independent Environmental Monitor funded by 380 Development but directly answerable to (and dismissible by) DEC shall monitor all site activities and conditions until DEC's final approval of the Construction Certification Report, and any violation of this Modified Order is enforceable under Environmental Conservation Law § 71-1929.

380 Development will provide financial assurance, consistent with DEC guidance, to provide for the ensured completion of all Site remediation and monitoring requirements under this Modified Order. Also, if 380 Development chooses to sell, transfer or otherwise convey the Site, any portion thereof or any ownership or controlling interest therein, it must impose its obligations under this Modified Order on the purchaser, successor or assign by contract.

380 Development shall apply for and obtain any permits required by DEC prior to conducting any other future work on the Site.

DEC is inviting written comments from the public on this proposed Modified Order and Engineering Work Plan. Comments should be submitted by Wednesday, April 20, 2011, either by e-mail to [lpoliva@gw.dec.state.ny.us](mailto:lpoliva@gw.dec.state.ny.us), or by mail to the attention of Louis Oliva, Regional Attorney for DEC Region 2 at: NYS Department of Environmental Conservation  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101-5407.

A copy of the proposed Modified Order and Engineering Work Plan is available for public review at DEC's Long Island City office (above address) and will be available on or before March 30 at:

Todt Hill-Westerleigh Library (fully accessible to wheelchairs)

2550 Victory Boulevard (past Willowbrook Rd.)

Staten Island, NY 10314

(718) 494-1642

Hours: Monday, Wednesday & Thursday 10am-6pm; Tuesday 12-8pm; Friday & Saturday 10-5pm; Sunday 1-5pm

**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Violations of Article 12 of the New York State Navigation Law, Article 17 of the New York State Environmental Conservation Law, and Title 6, Parts 596, 610, 611, 613, 614 and 703, and Title 17, Parts 30 and 32 of the Official Compilation of Codes, Rules and Regulations of the State of New York,

**MODIFIED ORDER  
ON CONSENT**

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**NYSDEC FILE NO.  
D2-0001-98-01-02**

-by-

GATX SI, INC. and 380 DEVELOPMENT, LLC,

Respondents.

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**WHEREAS:**

1. The New York State Department of Environmental Conservation ("NYSDEC" or the "Department") is responsible for the conservation, improvement and protection of the natural resources and environment of New York State, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being;

2. In carrying out its responsibilities, the Department has the power to promote and coordinate management of water, land, air, fish, and wildlife resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state, and take into account the cumulative impact upon all such resources in making any determination in connection with any license, order, permit, certification, or other similar action;

3. On July 7, 1992, GATX Terminals Corporation and the Department entered into Order on Consent, NYSDEC File No. R2-3484-91-02 (together with all attachments and modifications, the "1992 Order") with respect to the petroleum storage facility at the property adjacent to the Arthur Kill at and around 500 Western Avenue, Staten Island, New York, as set forth in the description attached at Exhibit A (the "Site");

4. On March 31, 1998, GATX Terminals Corporation and the Department entered into Order on Consent, NYSDEC File No. D2-0001-98-01-02 (together with all attachments and modifications other than this modification, the "1998 Order"), to, among other things, provide for the investigation and remediation of contaminated media at the Site;

5. Respondent GATX SI, Inc., a foreign business corporation licensed to do business in the State of New York, is a successor-in-interest under the 1992 Order and 1998 Order to GATX Terminals Corporation, has performed obligations under the 1992 Order, and has performed and is performing obligations under the 1998 Order;

6. 380 Development, LLC (“380 Development”), a foreign limited liability company licensed to do business in the State of New York, purchased the Site in 2004 and is engaged in the development of the Site;

7. By this Modified Order on Consent (together with the 1998 Order, the “Modified Order”), 380 Development becomes a respondent to the 1998 Order and assumes all outstanding obligations of GATX SI, Inc. under the 1998 Order, with the sole exception being the obligation of GATX SI, Inc. to complete the activities described in the first paragraph of section 6.4 of the “100% Remedial Design for Wetland and Canal Soil/Sediment” dated November 14, 2008 (the “Wetlands Remediation Work”). Upon completion by GATX SI, Inc. of the Wetlands Remediation Work, GATX, SI, Inc. shall have no further obligations under the Modified Order. 380 Development shall be responsible for monitoring and maintaining the Wetlands Remediation Work;

8. 380 Development agrees to perform the obligations set forth in the Engineering Work Plan, attached as Exhibit B;

9. Except where expressly set forth in this Modified Order, all terms, conditions and provisions of the 1998 Order and any attachments and modifications thereto remain in full force and effect, are incorporated herein and shall apply with the same force and effect to the provisions of this modification. The terms of the 1998 Order, including all appendices and subsequent modifications, are not otherwise modified or expanded in any way;

10. This Modified Order shall constitute this complete and entire modification of the 1998 Order. No term, condition, understanding or agreement purporting to modify the terms of the 1998 Order shall be binding unless subscribed to by the parties to this modification in accordance with the terms of the 1998 Order and this modification. The Engineering Work Plan and Site Management Plan provided for below may be modified by the Department based on changed circumstances or new information. Nothing herein is intended or shall be construed to expand GATX SI, Inc.’s obligations under the 1998 Order; and

11. 380 Development waives the right to a hearing regarding the issuance of this Modified Order as provided by law, consents to the issuance of this Modified Order, and agrees to be bound by the terms, provisions and conditions of this Modified Order.

**NOW, THEREFORE, HAVING CONSIDERED THIS MATTER AND BEING DULY ADVISED, IT IS ORDERED THAT:**

I. Incorporation by Reference: The above “whereas” clauses are hereby made a part of this Modified Order.

II. Binding Effect: The provisions of this Modified Order on Consent (together with the 1998 Order, the “Modified Order”) shall bind the parties, their successors and assigns, and all persons, officers, directors, employees and agents acting under or for the parties, including, but not limited to, any successor in title to the Site or any interest therein.

III. Termination of GATX SI, Inc.’s Obligations Under the 1992 Order and 1998 Order: GATX SI, Inc.’s obligations under the 1992 Order previously terminated, and upon completion of the Wetlands Remediation Work, GATX SI, Inc.’s obligations under the 1998 Order shall terminate, and GATX SI, Inc. shall have no further obligations under the Modified Order.

IV. Engineering Work Plan: 380 Development shall implement and fully comply with the Engineering Work Plan attached as Exhibit B, which shall be an enforceable part of the Modified Order. The Engineering Work Plan shall include provision for a Site Management Plan to govern post-remedial activity at the Site. The remedial requirements of the Modified Order do not apply to that portion of the Site known as the “Duke Energy Parcel.”

V. Site Management Plan: 380 Development shall develop and implement a Site Management Plan to, among other things, monitor Site activities and conditions including groundwater, wetland vegetation planted as part of the wetland remediation work conducted by GATX, the integrity of the clean fill cap, and the structural integrity of fill areas.

VI. Independent Environmental Monitor: 380 Development shall engage and compensate an Independent Environmental Monitor (“IEM”) as an independent contractor to oversee all activities at the Site conducted pursuant to the Engineering Work Plan and Site Management Plan until Department approval of the Construction Certification Report. 380 Development shall engage the IEM subject to the prior approval of the NYSDEC Regional Solid Materials Engineer. The IEM shall be subject to dismissal by the Department without cause. The IEM shall report directly to the Regional Solid Materials Engineer, as set forth in the Engineering Work Plan.

VII. Deed Restrictions:

A. Within 15 days of the effective date of this Modified Order, 380 Development shall record the Declaration attached hereto as Exhibit C, after inserting the missing information where indicated, in the property records maintained by the Clerk of Richmond County, for Richmond County tax block 1760 lot 1 and block 1835 lots 1, 50, 150, 300, 350, 400, 500 and 550.

B. No later than seven days from the effective date of this Modified Order, 380 Development shall submit the Declaration, including all attachments, in the manner intended for filing to the Department, Attn: Udo M. Drescher, for review and approval.

C. Within 30 days of the effective date of this Modified Order, 380 Development must submit proof that the Declaration was so recorded to the Department, Attn.: Regional Attorney.

VIII. Financial Assurance:

A. 380 Development shall provide financial assurance consistent with Department guidance, in the amount of nineteen million, seven hundred sixty-four thousand, four hundred fifty-one dollars and forty cents (\$19,764,451.40) to provide for the completion of all Site remediation and monitoring pursuant to this Modified Order. Such funds shall be in the form of an irrevocable letter of credit secured in the Department's favor and delivered to the Department at least 30 days prior to the placement of fill material under this Modified Order.

B. Annually, by February 15, 380 Development shall adjust the financial assurance amount at a rate equivalent to the change in the New York/Northeastern New Jersey consumer price index that occurred between January 1 and December 31 of the preceding year, as determined by the United States Department of Labor, Bureau of Labor Statistics, and shall, within 15 days of making such adjustment, deliver confirmation to the Department.

IX. Permits: 380 Development shall apply for any required NYSDEC permits for future work on the Site to be conducted by, or on behalf of, 380 Development and obtain them before doing any such work.

X. Stormwater Management: Site stormwater management shall be governed by the individual State Pollutant Discharge Elimination System permit in effect for the Site (the "SPDES Permit"). 380 Development shall modify the SPDES Permit to account for changes in Site conditions and activities subject to the SPDES Permit.

XI. Access: Authorized representatives of NYSDEC shall be permitted access to the Site at any time, and to relevant records without prior notice during reasonable hours, at such times as may be desirable or necessary in order to inspect and determine the status of the Site. Department staff shall, when present at the Site, reasonably cooperate with the respondents' health and safety and operational requirements and policies; provided, however, that nothing in the Modified Order shall be construed as limiting Department staff's powers as otherwise provided for by law and shall not result in Department staff's being less protected than he or she would be if he or she were to abide by state and federal health and safety requirements.

XII. Indemnification: 380 Development shall indemnify and hold harmless New York State, NYSDEC, and any of their employees, agents or contractors for all claims, actions, damages and costs resulting from 380 Development's acts in fulfillment or attempted fulfillment of the provisions of the Modified Order by 380 Development and/or any of 380 Development's directors, officers, employees, servants, agents, successors, and assigns.

XIII. Reservation of Rights: The Department reserves the right to require 380 Development to take any additional measures required by law to protect human health and the environment.

XIV. Communications and Submissions:

A. All communications to the Department regarding the Modified Order shall be submitted by United States Postal Service, private courier service, hand delivery, fax delivery,

or e-mail to Regional Director (or his/her designee), NYSDEC Region 2, 47-40 21<sup>st</sup> Street, Long Island City, New York, 11101.

B. Each submission required under the Modified Order shall be sent to the appropriate lead program staff, or his/her designee, in hard copy form and, separately, in electronic PDF form (which may be on CD-ROM or another agreed-upon medium). Such submissions shall be transmitted by United States Postal Service, private courier service, or hand delivery; or, in the case of the electronic copy, by e-mail. Appropriate lead program staff: Samsudeen Arakhan (Division of Solid and Hazardous Materials), Jane O'Connell (Division of Environmental Remediation), Sebastian Zacharias (Division of Water), and Stephen Zahn (Division of Natural Resources).

C. All communications to 380 Development regarding the Modified Order shall be submitted by United States Postal Service, private courier service, hand delivery, fax delivery, or e-mail to Honigman Miller Schwartz and Cohn LLP, 2290 First National Building, 660 Woodward Avenue, Detroit, Michigan, 48226-3506, Attn: Jonathan Block, Esq.

D. All communications to GATX SI, Inc. regarding the Modified Order shall be submitted by United States Postal Service, private courier service, hand delivery, fax delivery, or e-mail to Manatt, Phelps & Phillips, LLP, 7 Times Square, New York, New York, 10036, Attn: Benjamin E. Wolff; twolff@manatt.com.

E. The parties may designate additional or different addressees for communications, submissions or written notice.

F. 380 Development is responsible for the content of any submissions made pursuant to the Modified Order. Submission of a required certification by 380 Development under the Modified Order shall be considered an affirmative representation by 380 Development of the truth of its contents. Any false statement made therein may be punishable under Section 210.45 of the New York State Penal Law, and as may be otherwise authorized by law.

XV. Determination of Compliance and Enforcement of Violations: Whether 380 Development has complied with the terms of the Modified Order will be the sole determination of the Department. Any violation of the Modified Order is enforceable under ECL § 71-1929, with penalties of up to \$37,500 per day, per violation. The Department reserves the right to enforce any violation through legal action and/or termination of the Modified Order without notice. The Department shall not unreasonably withhold a determination of compliance with the terms of the Modified Order upon a demonstration of compliance by 380 Development.

XVI. Entire Agreement: No informal advice, guidance, suggestions, plans, schedules or any other writing submitted by 380 Development shall be construed as relieving 380 Development of obligations to obtain such formal approvals as may be required by the Modified Order. No changes or modifications to the Modified Order shall be binding upon the Department unless such changes are authorized in writing by the NYSDEC Region 2 Director.

XVII. Miscellaneous:

A. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by 380 Development; and the Department also shall have the right to take its own samples. However, in the event the Department takes its own samples, 380 Development shall have the right to obtain split samples, duplicate samples or both, at its sole discretion. The parties shall make available to each other the results of all sampling and/or tests or other data generated with respect to implementation of the Modified Order.

B. 380 Development and its successors and assigns shall be bound by the Modified Order. Any change in ownership or corporate structure or status of 380 Development including, but not limited to, any transfer of assets or real or personal property in whole or in part shall in no way alter 380 Development's obligations under the Modified Order. 380 Development shall notify the Department no less than thirty days before any change in its ownership or corporate structure or status. The Department reserves the right to terminate the Modified Order in the event of a change in the ownership of 380 Development. The Department shall not unreasonably terminate the Modified Order based on a proposed sale or conveyance. 380 Development shall cause its officers, directors, employees, servants, agents, contractors and subcontractors to comply with the relevant provisions of the Modified Order, and 380 Development shall be solely responsible for ensuring that its employees, servants, agents, contractors and subcontractors perform the work in satisfaction of the requirements of the Modified Order.

C. Should 380 Development sell, transfer, or otherwise convey the Site, any portion thereof, or any ownership or controlling interest therein, it shall impose its obligations under the Modified Order and Site Management Plan on the purchaser, successor, or assign by contract; and shall, not less than thirty days prior to closing (if a proposed sale) or consummation (if another applicable proposed conveyance), notify the Department in writing of the identity of the transferee and of the nature and date of the proposed conveyance. In advance of such proposed conveyance, 380 Development shall notify the transferee in writing, with a copy to the Department, of the applicability of the Modified Order. 380 Development shall submit to NYSDEC a copy of any contract of sale of the premises or of a controlling interest therein within five days of execution.

D. The paragraph headings set forth in this Modified Order on Consent are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of the Modified Order.

E. Except as the parties may both otherwise approve, in the event of an inconsistency between the provisions of the Modified Order and any term, condition or provision contained in any other agreement between 380 Development, or its representative, and the Department, the term, condition or provision contained in the Modified Order shall control.

F. Notwithstanding anything to the contrary in the Modified Order, 380 Development shall not be deemed in breach of the Modified Order due to an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence

could not have prevented, a war, hostilities, an invasion, an embargo, a blockade, an epidemic, an insurrection, a riot, mob violence, malicious mischief, sabotage, an injunction, or other similar cause beyond the control of 380 Development and not caused by the action, omission or delay of 380 Development; provided that 380 Development shall have notified the Department in writing not later than five days after 380 Development had actual notice of the occurrence which has the effect of delaying the performance of any obligation under the Modified Order, which delay shall be deemed reasonable only so long as 380 Development shall be using reasonable efforts to minimize the effects thereof. 380 Development shall include in such notice the measures taken and to be taken by 380 Development to prevent or minimize any delay, and shall request an appropriate extension or modification of the Modified Order. Failure to give such notice within such five-day period constitutes a waiver of any claim that a delay is not subject to penalties. 380 Development shall have the burden of proving that an event is a defense to compliance with the Modified Order.

G. Until such time as GATX SI, Inc. has completed the Wetlands Remediation Work, GATX SI, Inc., NYSDEC, and 380 Development shall consult with and cooperate with the other parties to this Modified Order with respect to any activities that do or may reasonably be expected to affect or otherwise concern the Wetlands Remediation Work.

H. This Modified Order shall become effective on the date it is signed on behalf of NYSDEC.

DATED: Long Island City, New York  
\_\_\_\_\_, 2011

JOSEPH MARTENS  
Commissioner, NYSDEC

By: \_\_\_\_\_  
SUZANNE Y. MATTEI  
Regional Director  
NYSDEC - Region 2

**CONSENT BY RESPONDENT**

GATX SI, INC. hereby consents to the issuing and entering of this Modified Order on Consent, waives its right to a hearing herein as provided by law, and agrees to be bound by the terms, conditions and provisions contained in the Modified Order.

GATX SI, INC.

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)

ss:

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2011, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me, that he/she executed this Order on Consent as authorized by GATX SI, INC.

\_\_\_\_\_  
NOTARY PUBLIC

**CONSENT BY RESPONDENT**

**380 DEVELOPMENT, LLC** hereby consents to the issuing and entering of this Modified Order on Consent, waives its right to a hearing herein as provided by law, and agrees to be bound by the terms, conditions and provisions contained in the Modified Order.

380 DEVELOPMENT, LLC

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )

ss:

COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2011, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me, that he/she executed this Order on Consent as authorized by 380 Development, LLC.

\_\_\_\_\_  
NOTARY PUBLIC

**EXEMPTION (4) APPLIED FOR TWO (2) SECURITY-RELATED DRAWINGS**

**Masters, Matt**

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**From:** Rickr UTEX <rickr@hotmail.com>  
**To:** Fitzpatrick, John (Law)  
**Cc:** Masters, Matt; Buchbinder, Darrell; jack leiblernew <jleibler@hgcapitaldal.com>; Spahn, Kenneth; steve sands <ssands@cleaneearthinc.com>  
**Sent:** Tue Mar 08 17:29:37 2011  
**Subject:** Clean Earth

In response to your Letter: Please direct to Claremont facility.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## **Masters, Matt**

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Tuesday, March 08, 2011 5:30 PM  
**To:** Fitzpatrick, John (Law)  
**Cc:** Masters, Matt; Buchbinder, Darrell; jack leiblernew; Spahn, Kenneth; steve sands  
**Subject:** Clean Earth

In response to your Letter: Please direct to Claremont facility.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

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**From:** Fitzpatrick, John (Law)  
**Sent:** Tuesday, March 08, 2011 5:04 PM  
**To:** rick.hgcapital@gmail.com  
**Cc:** Buchbinder, Darrell; jleibler@hgcapitaldal.com; Masters, Matt; Spahn, Kenneth  
**Subject:** Response to Letter Dated March 7, 2011  
**Attachments:** Letter from Fitzpatrick to Redle.pdf

See letter attached.



**THE PORT AUTHORITY OF NY & NJ**

*Darrell Buchbinder, General Counsel  
Christopher M. Hartwyk, First Deputy General Counsel*

March 8, 2011

Via Electronic Mail

Mr. Rick Redle  
Executive Vice President  
UTEX Environmental Services LLC  
4570 Westgrove Drive  
Addison, TX 75001

Dear Mr. Redle:

I am in receipt of your letter dated March 7, 2011 in which you advise that UTEX has arranged with Clean Earth Technologies, Inc. to offload, transport and place the processed dredged material resulting from the Port Authority's upcoming maintenance dredging at the New Jersey Marine Terminals. Two alternative Clean Earth facilities in New Jersey are identified in the letter as the delivery locations but designation of the applicable site for each shipment is left until future dates.

Since the Port Authority's dredging contract specifies delivery to the planned UTEX facility at the former GATX site in Staten Island, the Port Authority will be required to issue a Change Order to its dredging contractor to provide for delivery of the material to another location. We must insist that UTEX identify a single delivery location for all shipments now in order to enable a clear definition of the additional work required and a straightforward negotiation of the costs of the Change Order.

In order to avoid any delay in the dredging work, we must request your immediate response to this requirement.

Sincerely,

John B. Fitzpatrick  
Attorney

Cc: D. Buchbinder, M. Masters, J. Leibler, K. Spahn

225 Park Avenue South  
New York, NY 10003

**Masters, Matt**

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**From:** Laura Fischer [mailto:laurafischer13@aol.com]

**Sent:** Monday, March 07, 2011 4:35 PM

**To:** Fitzpatrick, John (Law)

**Cc:** Rickr@hotmail.com; 'rich studer2'; Buchbinder, Darrell; Masters, Matt; 'jack leiblernew'; Spahn, Kenneth; ssands@cleaneearthinc.com

**Subject:** UTEX Letter from Rick Redle

Please see the attached letter.

Laura Fischer

**Executive Asst. to Rick Redle**

**4570 Westgrove Dr., Suite 240**

## Masters, Matt

---

**From:** Laura Fischer [laurafischer13@aol.com]  
**Sent:** Monday, March 07, 2011 4:35 PM  
**To:** Fitzpatrick, John (Law)  
**Cc:** Rickr@hotmail.com; 'rich studer2'; Buchbinder, Darrell; Masters, Matt; 'jack leiblernew'; Spahn, Kenneth; ssands@cleaneearthinc.com  
**Subject:** UTEX Letter from Rick Redle  
**Attachments:** Ltr to PA\_030711.pdf

Please see the attached letter.

Laura Fischer  
Executive Asst. to Rick Redle  
4570 Westgrove Dr., Suite 240  
Addison, TX 75001  
972.407.0701

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March 7, 2011

Mr. John B Fitzpatrick, Esquire  
The Port Authority of New York & New Jersey  
225 Park Avenue South  
New York, New York 10003

Dear Mr. Fitzpatrick:

We acknowledge receipt of your communication of March 3, 2011 and confirm that we have arranged [contractually] to have Clean Earth Dredging Technologies, Inc. [CEDITI] facilitate the off loading, transportation and placement of approximately 34,000 cubic yards of processed dredge sediments contemplated under this pending work order. We would ask that the work order be modified to permit the barge deliver of PDM to an alternative offloading site identified at Koppers' DMRF in addition to the already previously identified Claremont DMRF location. The Koppers' offloading site is fully permitted and may, subject to CEDITI's election, be used for unloading portions of the PDM to reduce transportation costs. This site is closer than the Claremont facility so no incremental costs are anticipated. Once we understand the dredging schedule, we will be able to provide ample notification to DonJon as to where they should expect to deliver the PDM.

Based on our understanding from Mr. Shaw, the anticipated duration for this work order is between 14 to 17 days save and except for potential weather delays and we should anticipate delivery of PDM at a rate of 2,500 to 3,000 cubic yards per barge load anticipating one barge load at a time [daily].

UTEX is responsible for any incremental costs associated with overages above and beyond its contracted pricing. The materials will be placed at fully permitted locations having appropriate AUD's from the NJDEP with the following sites identified by CEDITI as probable locations subject to material characterization: Global Landfill, Old Bridge, NJ; Dupont-Grasselli Point Site, Linden, NJ; Bellmawr Waterfront Development Site, Bellmawr, NJ; and American Home Assurance Site, Meadowlands Lyndhurst, NJ.

We trust this letter is responsive to your request, however, should you have any questions please let us know.

Sincerely,

A handwritten signature in black ink that reads "Rick Redle". The signature is written in a cursive, flowing style.

Rick Redle  
Executive Vice President

cc: R. Studer  
D. Buchbinder  
M. Masters  
J. Leibler  
K. Spahn  
S. Sands

## Masters, Matt

---

**From:** Fitzpatrick, John (Law)  
**Sent:** Thursday, March 03, 2011 4:57 PM  
**To:** Buchbinder, Darrell; Masters, Matt; jleibler@hgcapitaldal.com; rick.hgcapital@gmail.com; Richie Studer (rstuder@UTEX-Environmentalservices.com); Spahn, Kenneth  
**Subject:** Letter to Rick Redle - UTEX  
**Attachments:** Letter to Mr Redle.pdf

The attached letter was sent by Federal Express this afternoon to Mr. Rick Redle at UTEX Holdings LLC.



**THE PORT AUTHORITY OF NY & NJ**

*Darrell Buchbinder, General Counsel  
Christopher M. Hartwyk, First Deputy General Counsel*

March 3, 2011

**Via Federal Express**

Mr. Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive – suite 240  
Addison, TX 75001

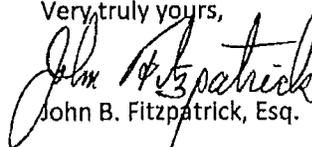
Dear Mr. Redle:

I understand that staff of the Port Authority of New York and New Jersey ("Port Authority") and UTEX Holdings LLC ("UTEX") have conducted discussions concerning the disposal of material that will be dredged in the near future from berths at the Port Authority's New Jersey Marine Terminals. These discussions were necessary because the State of New York has not yet issued a permit to UTEX to operate a dredged material disposal facility at the former GATX site in Staten Island. UTEX was obligated to provide such a facility by July 17, 2010 pursuant to the dredged material disposal agreement ("Agreement") entered into by the Port Authority, UTEX and TDM America LLC on July 17, 2009. Since the Port Authority's contract to dredge the New Jersey Marine Facilities requires disposal of the dredged material at the planned UTEX site and since it is necessary to dredge the Marine Facilities now in order to meet commitments made to the Port Authority's tenants, an alternative disposal method had to be worked out.

The resulting plan is that the Port Authority will direct its contractor to deliver the dredged material to the Clean Earth site located in Jersey City, New Jersey in accordance with UTEX's representation that it has already reached agreement with Clean Earth to accept that material. Any additional cost of delivery and disposal in accordance with this plan will be the responsibility of UTEX. The Port Authority has consented to this arrangement in an effort to cooperate with UTEX as it continues its efforts to get the Staten Island facility in operation. However, nothing contained herein shall be considered a waiver of the Port Authority's rights under the Agreement.

Please confirm no later than close of business on Monday, March 7 that this letter is consistent with UTEX's understanding of the disposal arrangements and cost responsibility.

Very truly yours,

  
John B. Fitzpatrick, Esq.

CC: D. Buchbinder, M. Masters, J. Leibler, K.Spahn, R. Studer

225 Park Avenue South  
New York, NY 10003

**Masters, Matt**

---

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Monday, February 28, 2011 9:30 AM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; jack leiblernew; rich cingular; chris dods; steve sands  
**Subject:** status

Ron I have requested Chris Dobb CEO or Steve Sands at Clean Earth to confirm to you by email that Clean Earth will accept this material as was provided in my email last week. This agreement to accept the material was arranged between Rich Studer, Chris and Steve on Tuesday last week. While we have not finalized an executed contract I expect to do so shortly. The monetary amount was agreed to.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Shaw, Ron  
**Sent:** Monday, February 28, 2011 10:05 AM  
**To:** 'Rickr UTEX'  
**Cc:** Masters, Matt; jack leiblernew; rich cingular; chris dods; steve sands; Slattery, George  
**Subject:** RE: status

Please forward a copy of the executed contract (redacted as maybe necessary) to Matt Masters for the Authority records.

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Monday, February 28, 2011 9:30 AM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; jack leiblernew; rich cingular; chris dods; steve sands  
**Subject:** status

Ron I have requested Chris Dobb CEO or Steve Sands at Clean Earth to confirm to you by email that Clean Earth will accept this material as was provided in my email last week. This agreement to accept the material was arranged between Rich Studer, Chris and Steve on Tuesday last week. While we have not finalized an executed contract I expect to do so shortly. The monetary amount was agreed to.

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## Masters, Matt

---

**From:** Steven Sands [ssands@cleaneearthinc.com]  
**Sent:** Monday, February 28, 2011 9:57 AM  
**To:** 'Rickr UTEX'; Shaw, Ron  
**Cc:** Masters, Matt; jack leiblernew; rich cingular  
**Subject:** RE: status

Rick - your email is confirmed. I am available to finalize paperwork today at your convenience.

Thanks,

Steve

---

Steven C. Sands  
Executive Vice President  
Clean Earth, Inc.  
334 S. Warminster Road  
Hatboro, PA 19040

Voice (215) 734-1400  
Cell (610) 256-3375  
Fax (215) 734-1416

**Please Note my Email Address has Changed to:**  
[ssands@cleaneearthinc.com](mailto:ssands@cleaneearthinc.com)

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Monday, February 28, 2011 9:30 AM  
**To:** ron shaw  
**Cc:** matt masters; jack leiblernew; rich cingular; Chris Dods; Steven Sands  
**Subject:** status

Ron I have requested Chris Dobb CEO or Steve Sands at Clean Earth to confirm to you by email that Clean Earth will accept this material as was provided in my email last week. This agreement to accept the material was arranged between Rich Studer, Chris and Steve on Tuesday last week. While we have not finalized an executed contract I expect to do so shortly. The monetary amount was agreed to.

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## Masters, Matt

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**To:** Shaw, Ron  
**Cc:** Masters, Matt; jack leiblernew; rich cingular; chris dods; steve sands  
**Subject:** status

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**Masters, Matt**

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Tuesday, February 22, 2011 4:14 PM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; steve greenfield; rich cingular; jack leiblernew; don sansing  
**Subject:** Work Order

Ron; Please instruct DonJon to direct their barges for unloading at the Clean Earth facility at the Claremont Dredge Material Recycling Facility in Jersey City. Disposition and transportation of accepted PDM to final placement contemplates the existing AUD's as issued for Belmawr and ENCAP though subject to meeting acceptance criteria and the Port Authority's prior approval alternative disposition sites may be requested. There should be no comingling of processed sediments from composites O,P,Q and R with materials dredged from composites I, J and M.

We would appreciate a copy of your work order [redacted as maybe necessary] and will coordinate acceptance, manifesting, insurance compliance etc. Please provide target date upon which you anticipate delivering the first barge of PDM.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Friday, February 25, 2011 9:43 AM  
**To:** Masters, Matt  
**Cc:** rich cingular; jack leiblernew  
**Subject:** RE: Status of NYSDEC public noticing

Yes; In a call that Rich had yesterday late afternoon with Suzanne I 'am to understand that we were advised the following;

There are several very technical aspect related to our engineering work plan and what will be the requirements for accompanying permits that required departmental approvals outside of her direct jurisdictional control. It was indicated that such was forthcoming based on the reviews but it would likely be next week before they are actually in place to allow her to publish. The DEC has also asked for some clarifying outlines on future groundwater and site management plans during and post filling activities which though detailed in the EWP nevertheless the DEC has requested clarity which will permit them to be fully responsive to all anticipated questions during the public comment period. Everyone appears to be working diligently on both sides to address these recent [yesterday] requests in a timely manner which would enable the DEC to publish next week. It is very clear that this is an extremely high profile site and the DEC wants to insure they have all the issues fully engineered and vetted before publishing. At this juncture except as commented we know of no other issue related to the EWP that is being requested of us.

Matt we have continued to convey our understanding of the DEC's efforts and their intended timeline for publishing as "real-time" to the Port Authority as well as to many others and while frustrated when those expressed timelines are delayed we nevertheless see the light at the end of the tunnel. In fairness to the DEC it is important to remember that this is a very complicated site with multiple stakeholders involved given the prior environmental issues with remedial activities beginning as far back in 1998. Except of our desire on timing the DEC has worked diligently and closely to accommodate the permitting activities envisioned. Once finalized this site will become the lowest cost placement site within the port district for the foreseeable future. We remain hopeful and fully anticipate this will materialize in the very near term.

Both Rich and I will be in NY next week and we will be happy to schedule a meeting as appropriate with the PA to discuss any concerns of UTEX's commitment to fulfill all of its obligations. I wanted to be responsive to your update request but please note that Rich is traveling back from Europe and should I have misinterpreted his voice mail update to me I will correct Monday am.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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Subject: RE: Status of NYSDEC public noticing  
Date: Fri, 25 Feb 2011 08:50:44 -0500  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
CC: [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com); [jfitzpat@panynj.gov](mailto:jfitzpat@panynj.gov)

Rick,

Good morning. Can you please advise ASAP why NYSDEC did not issue the public notice. Our Engineering and Contracting staff advised me that preparation of next year's NJMT maintenance dredging contract is being held up by the lack of a UTEX-controlled site.

Thanks,  
Matt

NOTICE: THIS E-MAIL AND ANY ATTACHMENTS CONTAIN INFORMATION FROM THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND AFFILIATES. IF YOU BELIEVE YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY, PERMANENTLY DELETE THIS E-MAIL (ALONG WITH ANY ATTACHMENTS), AND DESTROY ANY PRINTOUTS.

**Masters, Matt**

---

---

**From:** Steven Sands [mailto:ssands@cleanearthinc.com]  
**Sent:** Monday, February 28, 2011 9:57 AM  
**To:** 'Rickr UTEX'; Shaw, Ron  
**Cc:** Masters, Matt; jack leiblernew; rich cingular  
**Subject:** RE: status

Rick - your email is confirmed. I am available to finalize paperwork today at your convenience.

Thanks,

Steve

---

Steven C. Sands  
Executive Vice President  
Clean Earth, Inc.  
334 S. Warminster Road  
Hatboro, PA 19040

Voice (215) 734-1400  
Cell (610) 256-3375  
Fax (215) 734-1416

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[ssands@cleanearthinc.com](mailto:ssands@cleanearthinc.com)

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**To:** ron shaw  
**Cc:** matt masters; jack leiblernew; rich cingular; Chris Dods; Steven Sands  
**Subject:** status

**Masters, Matt**

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**Sent:** Monday, February 28, 2011 9:30 AM

**To:** ron shaw

**Cc:** matt masters; jack leiblernew; rich cingular; Chris Dods; Steven Sands

**Subject:** status

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Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

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**Sent:** Tuesday, February 22, 2011 4:14 PM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; steve greenfield; rich cingular; jack leiblernew; don sansing  
**Subject:** Work Order

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We would appreciate a copy of your work order [redacted as maybe necessary] and will coordinate acceptance, manifesting, insurance compliance etc. Please provide target date upon which you anticipate delivering the first barge of PDM.

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## Masters, Matt

---

**From:** Shaw, Ron  
**Sent:** Friday, February 18, 2011 8:48 AM  
**To:** 'Rickr UTEX'  
**Cc:** rich cingular; Masters, Matt; jack leiblernew; Vaccaro, Christopher; Gallagher, Timothy  
**Subject:** RE:

What is the status?

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Wednesday, February 16, 2011 4:45 PM  
**To:** Shaw, Ron  
**Cc:** rich cingular; Masters, Matt; jack leiblernew  
**Subject:**

Ron we have been able to coordinate an offloading arrangement with Clean Earth that will not increase any costs to DonJon for delivering to an alternative location then that of our GATX site [same delivery mileage 6-miles] We are working out details and I should be able to confirm the delivery point tomorrow which is fully permitted. Bear with me until tomorrow.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
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**Masters, Matt**

---

Very faint, illegible text, possibly a header or subject line.

Very faint, illegible text, possibly a body paragraph.

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**From:** Laura Fischer [mailto:laurafischer13@aol.com]  
**Sent:** Monday, December 06, 2010 11:25 AM  
**To:** Masters, Matt  
**Cc:** rickr@hotmail.com; dsansing@utexenvironmentalservices.com; rstuder@utexenvironmentalservices.com; tedj@peterseninc.com  
**Subject:** Port Newark/Port Elizabeth Berths

Please see attached letter from Mr. Redle.

Laura Fischer  
**Executive Asst. to Rick Redle**  
4570 Westgrove Dr., Suite 240  
Addison, TX 75001  
972.407.0701



December 2, 2010

Matthew H. Masters  
The Port Authority of New York and New Jersey  
225 Park Avenue South, 11<sup>th</sup> Floor  
New York, NY 10003

RE: Port Newark /Port Elizabeth Berths

Matt,

We have reviewed the analytical analysis from the information furnished through the Port Authority's Engineering Department [Marc Helman]. The identified sediments from berths 6, 8 and 10 [representing approximately 13,044 cy yards] exhibit high levels of constituents that are unacceptable for placement at the GATX placement facility. Those constituents being Mercury (Mu), PCB's and Benzo(a)Pyrene (BaP). The thresholds do not meet the acceptable placement criteria for the UTEX/380 Site.

If you require further detail please let me know.

Best regards,

A handwritten signature in black ink that reads "Rick Redle". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Rick Redle  
Executive Vice President

## Masters, Matt

---

**From:** Shaw, Ron  
**Sent:** Thursday, February 17, 2011 8:33 AM  
**To:** 'Rickr UTEX'  
**Cc:** rich cingular; Masters, Matt; jack leiblernew  
**Subject:** RE:

I would need conformation in writing of the new location and where the material will be placed and the logistics of the transfer of the material. This information will have to be vetted with the NJDEP.

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Wednesday, February 16, 2011 4:45 PM  
**To:** Shaw, Ron  
**Cc:** rich cingular; Masters, Matt; jack leiblernew  
**Subject:**

Ron we have been able to coordinate an offloading arrangement with Clean Earth that will not increase any costs to DonJon for delivering to an alternative location then that of our GATX site [same delivery mileage 6-miles] We are working out details and I should be able to confirm the delivery point tomorrow which is fully permitted. Bear with me until tomorrow.

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**Sent:** Wednesday, February 16, 2011 4:45 PM  
**To:** Shaw, Ron  
**Cc:** rich cingular; Masters, Matt; jack leiblernew

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, February 16, 2011 10:18 AM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; rich cingular; jack leiblernew

Ron; If you could hold off on the issuing of the work order until late this pm it would be helpful as we have a 1:00 call with the folks at Clean Earth. This may give us some other "permitted" options that accommodate ENCAP's need for material; They originated the conference. We will call you right after it is complete.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## **Masters, Matt**

---

**From:** Masters, Matt  
**Sent:** Wednesday, February 16, 2011 9:28 AM  
**To:** 'Rickr UTEX'  
**Cc:** Shaw, Ron; jleibler@hgcapitaldal.com  
**Subject:** RE: NJDEP concerns

The NJDEP requires a Waterfront Development Permit for the offloading of PDM at any facility. The Weeks facility DOES NOT HAVE this permit and it would take 3 months (minimum) to obtain. Even though it makes economic sense, from the regulatory perspective, this is a non-starter for the upcoming work order.

As you stated below, you need to be prepared to transload at GATX. The only other options I see for you is to get NYSDEC to allow you to offload at GATX and place directly into trucks for delivery to Encap and/or Belmawr OR get NYSDEC to allow you to temporarily stockpile on the GATX site.

Suzanne Dietrick understands and appreciates that you have attempted to assist her in getting this material to Encap. However, she also understands that at this point in time it can't happen from a contractual standpoint because Donjon is unwilling to deal with UTEX.

It my understanding that Ron Shaw will be directing Donjon to do this work according to the contract requirements.

Matt

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Wednesday, February 16, 2011 9:04 AM  
**To:** Masters, Matt  
**Subject:** RE: NJDEP concerns

Matt I am tied up with the DEC attorneys this am so I will call you afterwards. As to Suzanne's inquiry: We have been unable to coordinate a agreement with Don Jon;

Although prepared to transload at GATX Weeks had suggested that they unload at their facility in Bayonne [off water into a hopper that directly loaded trucks]. This would allow for materials to go to Encap and Belmawr [economics] whereas if we transload and offload at Bayshore it will likely all go to Belmawr. My email to her did not indicate that the PA had approved such change. I did indicate [base on discussions with Ron's group in the past] that the PA would likely be receptive if acceptable to her department. That's all I indicated. All I did was ask her if she would issue any necessary permit if we arranged for the unloading at Week's facility in Bayonne and that was the only question posed to her.

There should be no confusion originating out of that question. We are trying to help ENCAP as was requested by her department.

Rick Redle  
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Subject: NJDEP concerns  
Date: Wed, 16 Feb 2011 08:14:19 -0500  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
CC: [rshaw@panynj.gov](mailto:rshaw@panynj.gov); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

Rick,

I got a very concerned message from Suzanne Dietrick saying that UTEX is requesting some alternative plan to what has already been laid out. She also mentioned that UTEX said that the PA is "OK" with the new plan. I know I have not been contacted, so I hope you have been in touch with Ron Shaw.

Please call me asap to let me know whats going on.

Matt

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, February 16, 2011 9:10 AM  
**To:** Masters, Matt  
**Subject:** FW:

Matt here is a copy of the email to Suzanne I sent yesterday after leaving voice message. you will note that it doesn't say that the PA has approved nevertheless in my conversation with Ron he did not see a problem with off loading elsewhere if DonJon would agree. there is very little travel and distant difference between GATX and Bayonne and DonJon has worked with Weeks before. Weeks asked me to inquire to see if it was possible before mobilizing to GATX.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

**From:** rickr@hotmail.com  
**To:** suzanne.dietrick@dep.state.nj.us  
**Subject:**  
**Date:** Tue, 15 Feb 2011 14:53:26 -0600

Hi Suzanne; I reached out this morning [left word] but wasn't sure you had received my voice mail. We have been unable to coordinate the offloading of this pending work order [approx 35,000 yards] with the folks at DonJon utilizing their offloading contractor Metals Management. Thus we are preparing to facilitate transloading to another barge at GATX and then transloading to trucks at Bayshore. Obviously this is a little redundant and in so doing it probably makes more economic sense to send all the material to Belmawr.

Weeks Marine will be providing the personnel and equipment and as we were getting ready to mobilize we relooked at the possibility of just offloading at Week's operating terminal in Bayonne from the water to a hopper bin that discharges directly into a truck.

It looks like this option which is believed to be acceptable to the PA is also less expensive and operationally less prone to any issues since it would be conducted off the main channel. I indicated to Weeks that I would give you a call and see if you would be willing to issue the appropriate permit that allows for just offloading as described. In so doing the economics would then permit us to take the acceptable material from their to ENCAP and the rest would be trucked to Belmawr. I know the folks at ENCAP can use it so by unloading at Weeks we can accommodate. Let me know as soon as you can so we can have the PA clarify in their WO to DonJon.

We will meet any criteria you require to facilitate this if in addition to normal unloading precautions and material handling standards.

Also as an update our final tweaks to the Engineering Work Plan for the GATX site permit which addressed the DEC's last remaining issues should be submitted in the next day or so. Looks like we are getting really close to public noticing!  
Thanks for all your consideration

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, February 16, 2011 9:04 AM  
**To:** Masters, Matt  
**Subject:** RE: NJDEP concerns

Matt I am tied up with the DEC attorneys this am so I will call you afterwards. As to Suzanne's inquiry: We have been unable to coordinate a agreement with Don Jon;

Although prepared to transload at GATX Weeks had suggested that they unload at their facility in Bayonne [off water into a hopper that directly loaded trucks]. This would allow for materials to go to Encap and Belmawr [economics] whereas if we transload and offload at Bayshore it will likely all go to Belmawr. My email to her did not indicate that the PA had approved such change. I did indicate [base on discussions with Ron's group in the past] that the PA would likely be receptive if acceptable to her department. That's all I indicated. All I did was ask her if she would issue any necessary permit if we arranged for the unloading at Week's facility in Bayonne and that was the only question posed to her.

There should be no confusion originating out of that question. We are trying to help ENCAP as was requested by her department.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
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---

Subject: NJDEP concerns  
Date: Wed, 16 Feb 2011 08:14:19 -0500  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
CC: [rshaw@panynj.gov](mailto:rshaw@panynj.gov); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

Rick,

I got a very concerned message from Suzanne Dietrick saying that UTEX is requesting some alternative plan to what has already been laid out. She also mentioned that UTEX said that the PA is "OK" with the new plan. I know I have not been contacted, so I hope you have been in touch with Ron Shaw.

Please call me asap to let me know whats going on.

Matt

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, January 31, 2011 1:32 PM  
**To:** rick gimello  
**Cc:** rich studer2; suzanne dietrick; Masters, Matt; don sansing; henry.gold@chartisinsurance.com; joseph.mattiassi@chartisinsurance.com  
**Subject:** RE: UTEX/Maintenance dredge materials

Rick; appreciate the quick response, we will be happy to meet with AHA and you and I will be back with you as soon as I get back to the office to coordinate availability.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
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---

**Subject:** RE: UTEX/Maintenance dredge materials  
**Date:** Mon, 31 Jan 2011 13:28:27 -0500  
**From:** [rgimello@wcdconsultants.com](mailto:rgimello@wcdconsultants.com)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)  
**CC:** [rstudr@utex-environmentalservices.com](mailto:rstudr@utex-environmentalservices.com); [suzanne.dietrick@dep.state.nj.us](mailto:suzanne.dietrick@dep.state.nj.us); [mmasters@panynj.gov](mailto:mmasters@panynj.gov); [dsansing@utex-environmentalservices.com](mailto:dsansing@utex-environmentalservices.com); [Henry.Gold@chartisinsurance.com](mailto:Henry.Gold@chartisinsurance.com); [joseph.mattiassi@chartisinsurance.com](mailto:joseph.mattiassi@chartisinsurance.com)

Rick

It is necessary for representatives from your company meet and discuss terms with American Home Assurance (AHA). AHA has representatives on site and a meeting could be schedule at the Trailer Compound. Please provide some dates for a possible meeting and identify the representatives from your side who would attend.  
Thx.

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Thursday, January 27, 2011 11:24 AM  
**To:** Rick Gimello  
**Cc:** rich cingular; suzanne dietrick; matt masters; don sansing  
**Subject:** UTEX/Maintenance dredge materials

Rick, I appreciate your taking Mr. Kollasch's call regarding the potential acceptance at ENCAP of of process dredge sediments from an upcoming maintenance dredging work order for the Port Authority. The NYDEP is issuing a AUD for these materials as suitable for several sites within NJ yours being one of them as our Staten Island site is not yet ready to accept materials. We understand your requirements at the site and have been encouraged to reach out to you to arrange to bring the material to you assuming the owners' willingness to accept it. Placement at your site appears to be beneficial for all parties so we would like to formalize an arrangement in which we bring approximately 35,000 cy [this work order] which is expected to be dredged and processed over the course of the next 30-days or so. Our transportation will be coordinated through Mr. Kollasch and Tommie Vaughn TEV trucking. The materials will meet the same processing criteria required under Port Authority or USACE standards all of which we can confirm to your satisfaction for acceptance both

procedurally and specification wise.

I will however arrange to have material testing reports for the materials sent to you so that you can confirm the acceptability for your site. We would be most appreciative of confirmation as to acceptance as soon as possible given the timing of the dredging. Feel free to contact me at the numbers below as well as continuing any dialog directly with Mr. Kollasch as he will be in NY/NJ next week.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
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## Masters, Matt

---

**From:** Rick Gimello [rgimello@wcdconsultants.com]  
**Sent:** Monday, January 31, 2011 1:28 PM  
**To:** Rickr UTEX  
**Cc:** rich cingular; suzanne dietrick; Masters, Matt; don sansing; Gold, Henry; Mattiassi, Joseph  
**Subject:** RE: UTEX/Maintenance dredge materials

Rick

It is necessary for representatives from your company meet and discuss terms with American Home Assurance (AHA). AHA has representatives on site and a meeting could be schedule at the Trailer Compound. Please provide some dates for a possible meeting and identify the representatives from your side who would attend.  
Thx.

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**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Thursday, January 27, 2011 11:24 AM  
**To:** Rick Gimello  
**Cc:** rich cingular; suzanne dietrick; matt masters; don sansing  
**Subject:** UTEX/Maintenance dredge materials

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, February 03, 2011 11:03 AM  
**To:** Shaw, Ron  
**Cc:** rich cingular; Masters, Matt; Inturrisi, Georgiana  
**Subject:** RE:

Thank you. Confirmed at 1:00 pm EST your offices.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

**Subject:** RE:  
**Date:** Thu, 3 Feb 2011 10:59:56 -0500  
**From:** [rshaw@panynj.gov](mailto:rshaw@panynj.gov)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)

See you at 1:00.

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Thursday, February 03, 2011 10:04 AM  
**To:** Shaw, Ron  
**Cc:** Masters, Matt; rich cingular  
**Subject:**

Ron Good morning; need a favor as the NYDEC just called and has scheduled a meeting for us with them at 9:00am on tuesday in the city. It would be helpful if we could move our scheduled meeting with you that was at 12:00 o'clock to 1:00pm tues so we are not backed into a time crunch. Can you accommodate?

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, January 27, 2011 11:24 AM  
**To:** rgimello@wcdconsultants.com  
**Cc:** rich cingular; suzanne dietrick; Masters, Matt; don sansing  
**Subject:** UTEX/Maintenance dredge materials

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, January 17, 2011 2:44 PM  
**To:** Shaw, Ron  
**Cc:** rich cingular; Masters, Matt  
**Attachments:** Processed Sediment Options.docx

Ron; here is the talking point outline we discussed on friday as you requested; while we have had discussions previously with the folks at Metals Management with an indication of willingness to off load for us we won't be able to confirm [contractually speaking] until friday as our contact point is on vacation. The preferential option as proposed is the one that makes sense to all parties so lets see how DJ embraces this from your discussions tomorrow.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Processed Sediment Options

With the anticipated release of the dredge/process work order with materials being delivered beginning on or about January 31, 2011. UTEX has several options for accepting materials as the GATX facility will not be fully permitted to accept for placement with the indicated schedule.

UTEX in conjunction with its contracting partner Weeks Marine will accept PDM for transloading at the GATX wharf and will transfer the PDM to secondary scows provided by Weeks Marine. Upon PDM acceptance the dredge contractor's scows will be tied off to a Weeks' operating barge located at the southern portion of the GATX wharfage. UTEX is permitted to access and utilize the GATX wharf under its licensing agreement with the owner of the site. UTEX and Week Marine shall indemnify and insure dredge contractor against any claims for damages to equipment furnished by the dredge contractor while in possession of UTEX. Week's scows would then be moved by Weeks to the Bayshore recycling facility for offloading by Bayshore with transportation of the PDM via truck to site of disposition

Alternatively, UTEX/Weeks will provide scows to dredging contractor for processing the sediments and will accept delivery of the PDM at the contractor's processing site. In this alternative UTEX/Weeks will assume transportation, insurance and liability expenses related to movement of the scows to it's offload location. This option provides a net saving to dredge contractor.

---

As a preferential alternative, UTEX would contract and arrange for the PDM to be unloaded at Metals Management [adjacent to the contractors processing location] onto truck equipment for movement to final placement. This alternative eliminates any liability concern the dredge contractor may have as well as towage and equipment recovery expenses that otherwise would be incurred if the contractor delivered the PDM to the GATX delivery site. This option utilizes the treatment contractor's historical offloading operation and accordingly will provide a seamless alternative with significant cost savings to the contractor.

## Masters, Matt

---

**From:** rickr@hotmail.com  
**Sent:** Friday, January 14, 2011 7:36 AM  
**To:** Masters, Matt  
**Cc:** Rich Studer; Steve Greenfield  
**Subject:** Scows

Matt I know Jack and I broached the subject once before but would like to revisit the possibility of utex furnishing the dredge scows at no cost to the PA or Don Jon on this first dredge segment. We can handle the insurance and indenmifications for everyone. If necessary we would also be willing to pick up at don jon's processing point which obviously saves them money but at this juncture would just have them deliver to the GATX wharf. . Let's revisit this option on monday when jack gets back and I have update from the meeting I am attending today.

Also our new office has been finished on Staten Island.  
RickR Sent via BlackBerry - a service from AT&T Wireless.

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, January 06, 2011 9:05 AM  
**To:** Masters, Matt  
**Cc:** richard weeks; Rich Studer; don sansing; jack leiblernew; tony sequenzia2  
**Subject:** FW: MFP-654.130 - NJMT - MAINTENANCE DREDGING Meeting

our reschedule is shooting for wed/thur.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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**Subject:** Re: MFP-654.130 - NJMT - MAINTENANCE DREDGING Meeting  
**To:** [ginturri@panynj.gov](mailto:ginturri@panynj.gov); [rstudier@utex-environmentalservices.com](mailto:rstudier@utex-environmentalservices.com); [rickr@hotmail.com](mailto:rickr@hotmail.com); [tsequenzia@utex-environmentalservices.com](mailto:tsequenzia@utex-environmentalservices.com)  
**From:** [dsansing@utex-environmentalservices.com](mailto:dsansing@utex-environmentalservices.com)  
**Date:** Thu, 6 Jan 2011 12:40:59 +0000

I believe that Wednesday or Thursday will work for us. I will confirm these days later today. Thank you for your consideration. Sent via BlackBerry by AT&T

---

**From:** "Inturrisi, Georgiana" <[ginturri@panynj.gov](mailto:ginturri@panynj.gov)>  
**Date:** Thu, 6 Jan 2011 07:21:59 -0500  
**To:** Don Sansing <[dsansing@utex-environmentalservices.com](mailto:dsansing@utex-environmentalservices.com)>  
**Cc:** <[rstudier@utex-environmentalservices.com](mailto:rstudier@utex-environmentalservices.com)>; Rickr UTEX <[rickr@hotmail.com](mailto:rickr@hotmail.com)>; Tony Sequenzia <[tsequenzia@utex-environmentalservices.com](mailto:tsequenzia@utex-environmentalservices.com)>  
**Subject:** RE: MFP-654.130 - NJMT - MAINTENANCE DREDGING Meeting

Don – Please give us a couple of days next week to choose from. Thanks,

---

**From:** Don Sansing [<mailto:dsansing@utex-environmentalservices.com>]  
**Sent:** Wednesday, January 05, 2011 5:01 PM  
**To:** Inturrisi, Georgiana  
**Cc:** [rstudier@utex-environmentalservices.com](mailto:rstudier@utex-environmentalservices.com); 'Rickr UTEX'; 'Tony Sequenzia'  
**Subject:** MFP-654.130 - NJMT - MAINTENANCE DREDGING Meeting

UTEX is not prepared to attend the meeting as scheduled. We must coordinate this meeting with our placement and offloading contractor's schedules. UTEX proposes that the meeting be postponed until a later date next week Please advise UTEX of other acceptable times.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240

Addison, Texas 75001  
972-407-0701

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, January 06, 2011 9:03 AM  
**To:** Masters, Matt  
**Cc:** rich cingular; jack leiblernew; don sansing; tony sequenzia2; richard weeks  
**Subject:** RE:

Matt; Don Sansing is coordinating a reschedule for wed/thur. UTEX is fully engaged and will attend any called meeting we just want to insure we have all the right people there and the short notice for a monday meeting didn't work for all of us. As you know we are juggling meetings with the DEC in the first part of the week.

Our new offices have been completed on Staten Island in close proximity to the site and we will be moving in over the next several weeks. The reference to whom the individuals were was for my benefit as I had not previously been exposed to them. I will plan on stopping by and updating you when I am in NY next week. regards Rick

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

**Subject:** RE:  
**Date:** Thu, 6 Jan 2011 07:57:55 -0500  
**From:** [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)  
**CC:** [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com); [dsansing@utex-environmentalservices.com](mailto:dsansing@utex-environmentalservices.com); [rstudier@utex-environmentalservices.com](mailto:rstudier@utex-environmentalservices.com)

The meeting was called by the Resident Engineer at Port Newark/Elizabeth- Ron Shaw. He set this up at the request of the Engineer of Construction for Port Commerce – George Slattery. It is imperative that UTEX attend. These are the operations folks who you will be directly interfacing with. George and Ron were both at a meeting this past summer here in my office when we discussed operation logistics with Rich Studer and we were introduced to Tony Sequenzia who we understand is to run your operation here.

You need to make every effort to have the right UTEX staff attend and I know Geoge Slattery definitely wanted Week to attend with you, especially with this face-off expected with Don Jon.

Matt

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Wednesday, January 05, 2011 4:54 PM  
**To:** Masters, Matt  
**Cc:** jack leiblernew; don sansing; rich cingular  
**Subject:**

was out of the pocket when you called yesterday.

I copied you on the letter that went to Rick; As previously indicated Weeks Marine will be our partner going forward and will be providing the direct off loading either to the site or storage holding barge on this initial material being processed by Don Jon [25 to 30k cy]. I will be in NYC papering our relationship next week with Weeks.

Rich and ISC are meeting with the DEC tomorrow for addressing some clarification on the EWP [permit] submissions but as I understand the submissions appear to be acceptable on all aspects. We anticipate that the DEC will declare their schedule and requirements for approval at the following meeting scheduled with them next tuesday.

We got notice midday today from the PA about a scheduled meeting for this coming monday. All of the names are new to us and unfortunately our key folks are not in a position to attend on monday with this late scheduling request. I've asked Don Sansing to respond and coordinate a reschedule for any day but monday. Weeks Marine will also be in attendance with us.

I am finalizing the guarantees and marine insurance coverage with PA legal and risk management folks.

Rick Redle  
UTEX Holdings, LLC  
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PRINTOUTS.~~

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, January 05, 2011 4:54 PM  
**To:** Masters, Matt  
**Cc:** jack leiblernew; don sansing; rich cingular

was out of the pocket when you called yesterday.

I copied you on the letter that went to Rick; As previously indicated Weeks Marine will be our partner going forward and will be providing the direct off loading either to the site or storage holding barge on this initial material being processed by Don Jon [25 to 30k cy]. I will be in NYC papering our relationship next week with Weeks.

Rich and ISC are meeting with the DEC tomorrow for addressing some clarification on the EWP [permit] submissions but as I understand the submissions appear to be acceptable on all aspects. We anticipate that the DEC will declare their schedule and requirements for approval at the following meeting scheduled with them next tuesday.

We got notice midday today from the PA about a scheduled meeting for this coming monday. All of the names are new to us and unfortunately our key folks are not in a position to attend on monday with this late scheduling request. I've asked Don Sansing to respond and coordinate a reschedule for any day but monday. Weeks Marine will also be in attendance with us.

I am finalizing the guarantees and marine insurance coverage with PA legal and risk management folks.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## **Masters, Matt**

---

**From:** Laura Fischer [laurafischer13@aol.com]  
**Sent:** Monday, January 03, 2011 9:52 AM  
**To:** Larrabee, Richard  
**Cc:** 'Rickr UTEX'; 'jack leiblernew'; Masters, Matt; Buchbinder, Darrell; 'rich studer2'  
**Subject:** UTEX Response  
**Attachments:** Larrabee response\_UTEX Site Availability\_010311.docx.pdf

Forwarding the attached letter on behalf of Mr. Studer.

Laura Fischer  
Executive Asst. to Rick Redle  
4570 Westgrove Dr., Suite 240  
Addison, TX 75001  
972.407.0701

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January 3, 2011

R M Larrabee  
Director  
Port Commerce Department  
The Port Authority of NY & NJ  
225 Park Avenue South, 11<sup>th</sup> Floor  
New York, NY 10003

**RE: UTEX SITE AVAILBILITY**

Dear Rick:

With respect to your correspondence of December 8, 2010, UTEX would concur with the general summary of GATX site status and contract obligations as articulated. During this process of permitting the GATX site we have been most appreciative of your staff's cooperation and consideration to scheduling matters with recognition that the GATX facility, when operational will provide the lowest cost long term solution for upland-placement of processed sediments in the State of New York. Regrettably the permitting process has been very tedious and time consuming given the site's history and prior filling activities and while imminent for issue nevertheless a clear date for such issuance has not been confirmed by the New York Department of Conservation.

We understand that dredging obligations of the Port Authority can no longer be extended and that contracting language within certain Port Authority issued contracts are not flexible for designating processed material delivery to alternative sites without the potential for significant costs increases. As such UTEX fully intends on honoring its obligations and continuing to work in partnership with the Port Authority for establishing the lowest cost disposition options. In so doing we will continue to expedite permitting approval at the GATX site and will accept the processed materials delivered by barge at the GATX wharf. Depending on the schedule of dredging activities and delivery to the site UTEX will either unload subject to permit at the GATX Site or alternatively offload to a holding barge for future disposition at GATX or alternative disposal sites.

We understand that the Port Authority is modifying future contract solicitation language that will provide greater flexibility for the Port Authority to designate alternative deliver sites and it is our intent to offer alternatives pending resolution of GATX permitting activities.

We have continued to apprise Port Commerce of permitting activities and have scheduled hard dates over the next two weeks with the NYDEC to finalize permitting approval. Unfortunately our meetings because of weather were postponed and have been rescheduled over the next two weeks to finalize the permitting activities. We will provide written status once those meeting have occurred.

I will be in New York this week and would be happy to meet with you personally to update you.

Sincerely,

Handwritten signature of Rich Studer in black ink, featuring a stylized 'R' and 'S'.

Rich Studer  
Chief Executive Officer

RS

cc: Rick Redle  
Jack Leibler  
Darrell Buchbinder  
Matt Masters

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, December 29, 2010 12:49 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; jack leiblernew; steve greenfield  
**Subject:** RE: UTEX mtg w/DEC

Drafting letter confirming our intent and ability to accept suitable material at GATX [I believe the immediate issue is 25-30k cubic yards of processed sediments under a contract you have with Don Jon] We will accept the material at the GATX wharf for off loading either on to the GATX property or directly on to storage barges [more likely the latter depending on your anticipated delivery dates]. Will have to you in the morning.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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**Subject:** RE: UTEX mtg w/DEC  
**Date:** Wed, 29 Dec 2010 08:05:36 -0500  
**From:** [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)  
**CC:** [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com); [jfitzpat@panynj.gov](mailto:jfitzpat@panynj.gov)

Rick,

I hope you and your family had an enjoyable holiday.

Can you please let me know when we can expect a response to Rick Larrabee's letter?

Matt

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Thursday, December 23, 2010 12:39 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; jack leiblernew  
**Subject:** RE: UTEX mtg w/DEC

Matt made progress and we are reconvening again next week on tues or wednesday along with the folks at ISC [380 Development] to finalize process and obtain commitments to dates.

With respect to this 25k+/- cubic yards we will be issuing a letter in response to Rick's letter to you to indicate to the PA our intent to accept the barges at the GATX wharf upon which we will transload to barges provided through Weeks Marine for future disposition. I should have this letter to you by tuesday.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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Subject: UTEX mtg w/DEC  
Date: Thu, 23 Dec 2010 09:17:21 -0500  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
CC: [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

How did your meeting go yesterday?

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## Masters, Matt

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, December 23, 2010 12:39 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; jack leiblernew  
**Subject:** RE: UTEX mtg w/DEC

Matt made progress and we are reconvening again next week on tues or wednesday along with the folks at ISC [380 Development] to finalize process and obtain commitments to dates.

With respect to this 25k+/- cubic yards we will be issuing a letter in response to Rick's letter to you to indicate to the PA our intent to accept the barges at the GATX wharf upon which we will transload to barges provided through Weeks Marine for future disposition. I should have this letter to you by tuesday.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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**Subject:** UTEX mtg w/DEC  
**Date:** Thu, 23 Dec 2010 09:17:21 -0500  
**From:** [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)  
**CC:** [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

How did your meeting go yesterday?

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, December 13, 2010 4:28 PM  
**To:** Masters, Matt

Matt; got your voice mail. This is different from the previous circumstance insomuch that that material was being delivered by truck which became problematic since they would not deliver elsewhere and we couldn't accept trucked material at that juncture; This material is being delivered by barge to the GATX site and we will accept it at the site with contracted turnaround on the barge. If for whatever reason GATX is not fully operational we have made arrangements to off load in New Jersey [all ready permitted to do so]. It will however necessitate appropriate AUD/BUD to final disposition. We just want to have all this in place in advance.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, December 13, 2010 1:06 PM  
**To:** Masters, Matt  
**Subject:** FW:

slight correction I believe we already have the analyticals but need the actual berths that were to be part of this initial 25,000+/- cubic yards.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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From: rickr@hotmail.com  
To: mmasters@panynj.gov  
Subject:  
Date: Mon, 13 Dec 2010 11:39:56 -0600

Matt; we are putting together a response correspondence to Rick Larrabee's letter of last week to update all parties. All of our submissions are in to the NYDEC and we are awaiting their final comments on language prior to their public noticing period.

We of course are mindful of our obligations and expect to fulfill those with the opening of the UTEX facility at the former GATX site in time to meet the anticipated requirements on approximately 25,000 cubic yards in late January. Additionally so that there is no question of our acceptance we are purposely making provisions to have a backup for alternative placement.

I would appreciate it if you can provide the analyticals for this anticipated material so we can obtain the appropriate AUD/BUD well in advance.

Also, just curious as to where the Holland Hook material went.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, December 13, 2010 12:40 PM  
**To:** Masters, Matt

Matt; we are putting together a response correspondence to Rick Larrabee's letter of last week to update all parties. All of our submissions are in to the NYDEC and we are awaiting their final comments on language prior to their public noticing period.

We of course are mindful of our obligations and expect to fulfill those with the opening of the UTEX facility at the former GATX site in time to meet the anticipated requirements on approximately 25,000 cubic yards in late January. Additionally so that there is no question of our acceptance we are purposely making provisions to have a backup for alternative placement.

I would appreciate it if you can provide the analyticals for this anticipated material so we can obtain the appropriate AUD/BUD well in advance.

Also, just curious as to where the Holland Hook material went.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Fitzpatrick, John (Law)  
**Sent:** Monday, December 13, 2010 12:22 PM  
**To:** rick.hgcapital@gmail.com  
**Cc:** jleibler@hgcapitaldal.com; Masters, Matt; Mohiuddin, Mahveen  
**Subject:** UTEX Insurance Certificates

Rick – The attached letter concerning the new insurance certificates was forwarded to you by regular mail this morning.



Insurance - Rick  
Redle.pdf



**THE PORT AUTHORITY OF NY & NJ**

*Darrell Buchbinder, General Counsel  
Christopher M. Hartwyk, First Deputy General Counsel*

December 10, 2010

Mr. Rick Redle  
Senior Vice President  
UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
Addison, TX 75001

Dear Mr. Redle:

The Port Authority's Risk Management Department has reviewed the new insurance certificate submitted on behalf of UTEX Holdings, LLC (UTEX) to demonstrate that UTEX has complied with the insurance requirements set forth in Section 8.2 of the dredged material disposal agreement effective July 17, 2009.

Based on that review, we have the following comments:

- 1) The certificate does not demonstrate that UTEX has obtained the required Environmental Liability Insurance described in Section 8.2 (a) (5) of the above referenced agreement. While two types of pollution liability coverage are listed in the certificate, our Risk Management Department advises that this coverage applies only to pollution emanating from the site designated in the insurance policy. Environmental Liability coverage addresses a broader array of environmental claims. If the Environmental Liability coverage is included as part of the other policies described in the certificate, please let me know. Otherwise, we will require a separate or modified certificate showing that the Environmental coverage is in place.
- 2) Maritime Protection Indemnity Insurance and Charter Legal Liability coverage are also required pursuant to Section 8.2 of the disposal agreement but those policies are not included on the certificate. Previously, UTEX advised that this insurance would not cover any work of the

*225 Park Avenue South  
New York, NY 10003*

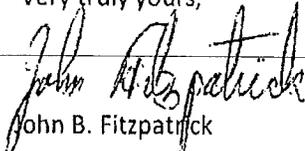


THE PORT AUTHORITY OF NY & NJ

- 3) disposal agreement because UTEX does not plan to use any vessels. Is that statement still accurate?
- 4) Section 8.2 (b) of the contract requires that the insurance certificate contain "an endorsement that provides upon cancellation or any material change in the policies adversely affecting the interests of the Port Authority or the US that such cancellation or change in such insurance shall not be effective for such period as may be prescribed by the laws of the states in which this agreement is to be performed and in no event less than thirty (30) days after UTEX provides written notice thereof to the Port Authority and the US". While the insurance certificate provides for sixty (60) days notice, there is no reference to any superseding provisions of state law. In your letter to me dated July 21, 2010 concerning the original policy, you advised that the original policy contained such language. Since UTEX now has a new policy, I would appreciate it if your insurance broker would confirm that the new policy also contains language incorporating applicable state notice requirements.

Please feel free to communicate with me should you have any questions or require additional information with respect to the matters raised above.

Very truly yours,

  
John B. Fitzpatrick  
Attorney

## Masters, Matt

---

**From:** Larrabee, Richard  
**Sent:** Thursday, December 09, 2010 1:50 PM  
**To:** 'Rickr UTEX'  
**Cc:** Buchbinder, Darrell; jack leiblernew; rich cingular; Masters, Matt  
**Subject:** RE:

Rick, thanks for acknowledging receipt of my letter. We look forward to your response.

Regards,  
Rick Larrabee

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Thursday, December 09, 2010 1:30 PM  
**To:** Larrabee, Richard  
**Cc:** Buchbinder, Darrell; jack leiblernew; rich cingular  
**Subject:**

Rick, wanted to acknowledge receiving your correspondence of December 8th but given Rich Studer's traveling we will be responsive early next week. However, I did want to clarify that there is a distinction between KB Marine Holdings whom had the contract to acquire the property and UTEX whom has a long-term licensing agreement with ISC to fill the property. The recent announcement on contract termination for purchase does not in any way affect UTEX's licensing agreement rights though obviously there is still the need to receive the DEC's consent and approval to the fill plan.

~~UTEX and ISC continue to work closely in partnership to obtain all of the necessary permits required for filling activities at the site.~~

KB Marine and ISC still maintain a close relationship and remain optimistic that the once the environmental aspects affecting the property are satisfactorily addressed that KB will be in a position to acquire the property.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Fitzpatrick, John (Law)  
**Sent:** Thursday, December 09, 2010 11:25 AM  
**To:** Richie Studer (rstuder@UTEX-Environmentalservices.com)  
**Cc:** Buchbinder, Darrell; Larrabee, Richard; rick.hgcapital@gmail.com; jleibler@hgcapitaldal.com;  
**Subject:** Masters, Matt  
UTEX Disposal Site

Attached is an electronic copy of a letter mailed to you yesterday concerning availability of the planned UTEX disposal facility on Staten Island.

We have also learned through an item that appeared yesterday on the silive.com website that International Speedway Corp. has terminated its agreement to sell its property at the former GATX site in Staten Island to KB Marine Holdings. We would appreciate it if you would advise as to the impact of this termination on UTEX's plans to use that property for



UTEX Site  
Availability FINAL.p..

placement of processed dredged material.



**THE PORT AUTHORITY OF NY & NJ**

*R.M. Larrabee  
Director, Port Commerce Department*

December 8, 2010

Mr. Richard Studer  
Chief Executive Officer  
UTEX Holdings LLC  
4570 Westgrove Drive, Suite 240  
Addison, TX 75001

**RE: UTEX SITE AVAILABILITY**

Dear Mr. Studer:

The dredged material disposal agreement entered into by UTEX Holdings LLC (“UTEX”), TDM America LLC and the Port Authority on July 17, 2009 (“Agreement”) requires, in Section 3.1, that UTEX develop and operate a facility in the Port District for beneficial use placement of dredged material from Port Authority and certain federal dredging projects. Section 3.1 also requires that the facility be in operation no later than one year following the Effective Date of the agreement. Although the one-year anniversary was reached on July 17, 2010, the UTEX site is not yet in operation and that is a matter of considerable concern to the Port Authority.

UTEX has advised the Port Authority that the site is delayed because the New York State Department of Environmental Conservation (“DEC”) has not yet issued the permit necessary for it to operate the former GATX site as a dredged material disposal facility. UTEX has also advised the Port Authority that DEC is concerned with wetland usage at the site but it has expressed optimism that those concerns will be resolved in the near future. The Port Authority is concerned because it appears that additional work will be required even if those issues are resolved shortly. DEC must post the UTEX Engineering Work Plan on its web-based Environmental News Bulletin for twenty-one days and, following that period, DEC must address any comments that have been submitted by the public before they issue the required permit.

As you know, the Port Authority has delayed issuing a work order for berth dredging at the New Jersey Marine Terminals because the UTEX site is not yet in operation and the dredging contract requires that the contractor deliver the dredged material to that site. We cannot continue that hold indefinitely because the Port Authority is required under the terms of its leases to dredge certain berths at the New Jersey Marine Terminals and must arrange the performance of that work to begin in approximately 4 to 5 weeks. If the UTEX facility is not available to accept the dredged material from the New Jersey Marine Terminals, we expect that UTEX will honor its contractual obligation to take that material and will arrange for its placement at another permitted

*225 Park Avenue South, 11th Floor  
New York, NY 10003  
T: 212 435 4218 F: 212 435 4201*

*rlarrabee@panynj.gov*



**THE PORT AUTHORITY OF NY & NJ**

Mr. Richard Studer

-2-

December 8, 2010

facility. All disposal costs that exceed the fees payable to UTEX under the Agreement will be UTEX's responsibility. The Port Authority will also expect UTEX to make similar arrangements if the UTEX site is not available for material dredged under subsequent contracts or work orders. In the event that UTEX cannot make the alternate arrangements, the Port Authority will do so and will charge UTEX for any additional costs that it incurs.

I would ask that UTEX submit a written summary regarding the status of the permit discussions and their likely completion date. Since the treatment of wetlands appears to be a major area of disagreement between UTEX and DEC, I would also ask that you provide a summary of the positions currently taken by each party on this matter. Lastly, I would request that UTEX set forth its plan for accepting and disposing of dredged material from the New Jersey Marine Terminals in the event that the UTEX site is not in operation when that facility is dredged.

Sincerely,

R.M. Larrabee

Director

Port Commerce Department

---

cc: D. Buchbinder, J. Leibler

## Masters, Matt

---

**From:** Laura Fischer [laurafischer13@aol.com]  
**Sent:** Monday, December 06, 2010 11:25 AM  
**To:** Masters, Matt  
**Cc:** rickr@hotmail.com; dsansing@utexenvironmentalservices.com;  
rstuder@utexenvironmentalservices.com; tedj@peterseninc.com  
**Subject:** Port Newark/Port Elizabeth Berths  
**Attachments:** DOC120610\_Matt Masters 120210.pdf

Please see attached letter from Mr. Redle.

Laura Fischer  
Executive Asst. to Rick Redle  
4570 Westgrove Dr., Suite 240  
Addison, TX 75001  
972.407.0701



December 2, 2010

Matthew H. Masters  
The Port Authority of New York and New Jersey  
225 Park Avenue South, 11<sup>th</sup> Floor  
New York, NY 10003

RE: Port Newark /Port Elizabeth Berths

Matt,

We have reviewed the analytical analysis from the information furnished through the Port Authority's Engineering Department [Marc Helman]. The identified sediments from berths 6, 8 and 10 [representing approximately 13,044 cy yards] exhibit high levels of constituents that are unacceptable for placement at the GATX placement facility. Those constituents being Mercury (Mu), PCB's and Benzo(a)Pyrene (BaP). The thresholds do not meet the acceptable placement criteria for the UTEX/380 Site.

---

If you require further detail please let me know.

Best regards,

A handwritten signature in black ink that reads "Rick Redle". The signature is written in a cursive, flowing style.

Rick Redle  
Executive Vice President

## Masters, Matt

---

**From:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Sent:** Thursday, December 02, 2010 3:41 PM  
**To:** Masters, Matt  
**Cc:** rstuder@utex-environmentalservices.com; 'Rickr UTEX'  
**Subject:** RE: 500 Western Avenue, Staten Island, New York

Matt,

In answer to your November 18 e-mail, UTEX has requested bids and has been provided proposals from approved New York/New Jersey analytical laboratories (such as, Test America Laboratories, Edison, NJ) to perform all confirmation testing for the GATX site placement. The confirmation testing, TCL VOC, SVOC, Pesticides, PCBs, Metals and SPLP is required by NYSDEC for the Engineering Work Plan (EWP). UTEX has been quoted a 24-hour turn-around-time for all testing, including SPLP, and also provisions for a sample pick-up service to help shorten the timeframe, should UTEX desire.

The SPLP test performed on the samples requires an 18-hour long tumbling and leaching event prior to analysis. To meet this time schedule, confirmation sampling needs to be performed as soon as practicable after processing.

Should you desire additional information or clarification, please don't hesitate to contact UTEX.

Donald Sansing  
Senior Vice President

---

**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

---

**From:** Masters, Matt [mailto:mmasters@panynj.gov]  
**Sent:** Thursday, November 18, 2010 8:57 AM  
**To:** dsansing@utex-environmentalservices.com  
**Cc:** rstuder@utex-environmentalservices.com; rickr@hotmail.com; Barrios, Rene  
**Subject:** RE: 500 Western Avenue, Staten Island, New York

Don,

I need an answer to my email below. I also need to know if material from Port Newark/Elizabeth contract falls into the category of "middle layer" for placement and therefore would invoke this testing requirement.

Matt

---

**From:** Masters, Matt  
**Sent:** Friday, November 12, 2010 11:52 AM  
**To:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Cc:** Rich Studer [rstuder@utex-environmentalservices.com]; rickr@hotmail.com; Barrios, Rene  
**Subject:** FW: 500 Western Avenue, Staten Island, New York

Don,

Per the requirements in this letter, can you provide us with the required list of analytes that will need to be tested for. Also, please let us know how long it takes to run each required test.

Thanks,

Matt

---

**From:** Rich Studer [mailto:rstuder@utex-environmentalservices.com]  
**Sent:** Wednesday, November 10, 2010 7:23 PM  
**To:** Masters, Matt; Rickr Kingwood  
**Subject:** Fw: 500 Western Avenue, Staten Island, New York

---

Matt this letter gives us the latitude we have been fighting for and is a big win. Now we are working on one of six deed restrictions.  
Rich

Sent via BlackBerry -a service from AT&T Wireless.

---

**From:** "John Urda" <jkurda@gw.dec.state.ny.us>  
**Date:** Wed, 10 Nov 2010 10:13:19 -0500  
**To:** <dsansing@utex-environmentalservices.com>; <rstuder@utex-environmentalservices.com>  
**Cc:** Kathleen Prather<kaprathe@gw.dec.state.ny.us>; Ken Brezner<kbbrezne@gw.dec.state.ny.us>; Samsudeen Arakhan<skarakha@gw.dec.state.ny.us>; Steve Zahn<smzahn@gw.dec.state.ny.us>; Suzanne Mattei<symattei@gw.dec.state.ny.us>  
**Subject:** 500 Western Avenue, Staten Island, New York

Please see the attached.

---

John K. Urda  
Assistant Regional Attorney  
NYSDEC Region 2  
Office of General Counsel  
47-40 21st Street  
Long Island City, New York 11101-5407

Tel: 718-482-4089  
Fax: 718-482-4962

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, December 02, 2010 1:51 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; don sansing  
**Subject:** Port Newark Berths 6,8 and 10  
**Attachments:** December 2Port Authority.docx

Follow up and contracting release notice.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

This e-mail may contain confidential and/or privileged information. If you are not the intended recipient (or have received this e-mail in error) please notify the sender immediately and destroy this e-mail. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden.

December 2, 2010

Memorandum

TO: Matt Masters- Port Authority New York and New Jersey

FROM: Rick Redle EVP UTEX Holdings, LLC

RE: Port Newark /Port Elizabeth Berths

Matt, we have reviewed the analytical analysis from the information furnished through the Port Authority's Engineering Department [Marc Helman]. The identified sediments from berths 6, 8 and 10 [representing approximately 13,044 cy yards] exhibit high levels of constituents that are unacceptable for placement at the GATX placement facility. Those constituents being Mercury (Mu), PCB's and Benzo(a)Pyrene (BaP). The thresholds do not meet the acceptable placement criteria for this site.

As a matter of information similar sediments from berths 12, 14 and 30, though testing at a lower level than those constituents exhibited in the berths 6, 8 and 10 data, have previously received AUD's in the past from the NJDEP for acceptance at Bellmawr. It is however our opinion that based on the levels exhibited it is unlikely that alternative sites in New Jersey or New York, other than permitted landfills or potentially the New Jersey Bellmawr site would be permitted to accept the PDM [6,8,10] for upland beneficial placement. We would suggest, given the availability and purpose of the Newark Bay CDF as an alternative for sediments deemed not readily acceptable for upland beneficial use to be considered since this choice would likely be the most cost effective means of permanent disposition.

As the material characteristics will not meet UTEX's placement criteria, UTEX authorizes the Port Authority to make alternative arrangements for disposal for sediment associated with this particular contracting activity.

If you require further detail please let me know.

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, November 24, 2010 3:15 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; don sansing  
**Subject:** RE: GATX status

Matt, Rich is out of the pocket this afternoon; however for update purposes we are making the final changes with the testing protocol standards being incorporated in the work plan. These are consistent with prior discussion and agreement in principal with the folks at the DEC but final form still leaves open the need for potential clarifications on a couple items prior resubmitting. While we have completed our work on the finalized drafting, the submission of the EWR is subject to an overall review, comment and approval process with the existing property owner as well as review from the folks at GATX prior to its submission. Its been submitted to both them and we are awaiting response before we resubmit in final form. Their turnaround has been very short in the past and given everybody's awareness of this being a time sensitive matter we believe we will have their response by Friday. Also as you know the approval process for the EWP requires the finalization of the Modified Order of Consent in form [this also incorporated reference to deed restrictions] I provided our comments and alternative language after discussion with Chris and Bernice and gave to Urda at the DEC last Wednesday. I have followed up everyday since and his last communication with me was that I should anticipate on hearing from them by today. As of yet nothing. Rich is still awaiting a conversation with Susan on wetland aspects and has put calls into her in that regard.

Don Sansing is putting the final touches of his information package that you were scheduled to get on Monday but the technical review was more complicated than envisioned even though his team worked on it through the weekend. Hope to have it to you shortly.

I know this doesn't give you the specifics on when the DEC will go out with noticing but its all that I can provide at this juncture.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

Subject: RE: GATX status  
Date: Wed, 24 Nov 2010 12:09:27 -0500  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com)  
CC: [jfitzpat@panynj.gov](mailto:jfitzpat@panynj.gov); [rickr@hotmail.com](mailto:rickr@hotmail.com); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com); [wnurthen@panynj.gov](mailto:wnurthen@panynj.gov)

Rich,

Please advise asap as to status of placement site approval. Specifically, I would like to know if the Engineering Work Plan has been approved by NYSDEC, when the public notice will go out, and if the current issues regarding deed restrictions have been fully addressed.

Thanks,  
Matt

---

**From:** rickr@hotmail.com [mailto:rickr@hotmail.com]  
**Sent:** Wednesday, November 03, 2010 8:09 AM  
**To:** Masters, Matt  
**Cc:** Rich Studer  
**Subject:** Re: GATX status

Matt Rich is on the way to NYC. Final tweaks to testing protocol with NYDEC and Consent order final drafting submitted. DEC has agree to 21 day noticing so Nov still look attainable.  
RickR Sent via BlackBerry - a service from AT&T Wireless.

---

**From:** "Masters, Matt" <mmasters@panynj.gov>  
**Date:** Wed, 3 Nov 2010 08:07:33 -0400  
**To:** <rstuder@utex-environmentalservices.com>  
**Cc:** Rick Redle (E-mail)<rickr@hotmail.com>  
**Subject:** RE: GATX status

Rich,

I have to report out on many projects this morning to senior staff. If you get this, please reply with the status of GATX site.

Matt

---

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## Masters, Matt

---

**From:** Masters, Matt  
**Sent:** Friday, November 12, 2010 11:52 AM  
**To:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Cc:** Rich Studer [rstuder@utex-environmentalservices.com]; rickr@hotmail.com; Barrios, Rene  
**Subject:** FW: 500 Western Avenue, Staten Island, New York  
**Attachments:** 11-10-10 Sansing.PDF

Don,

Per the requirements in this letter, can you provide us with the required list of analytes that will need to be tested for. Also, please let us know how long it takes to run each required test.

Thanks,

Matt

---

**From:** Rich Studer [mailto:rstudr@utex-environmentalservices.com]  
**Sent:** Wednesday, November 10, 2010 7:23 PM  
**To:** Masters, Matt; Rickr Kingwood  
**Subject:** Fw: 500 Western Avenue, Staten Island, New York

---

Matt this letter gives us the latitude we have been fighting for and is a big win. Now we are working on one of six deed restrictions.

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**Cc:** Kathleen Prather<kaprathe@gw.dec.state.ny.us>; Ken Brezner<kbbrezne@gw.dec.state.ny.us>; Samsudeen Arakhan<skarakha@gw.dec.state.ny.us>; Steve Zahn<smzahn@gw.dec.state.ny.us>; Suzanne Mattei<symattei@gw.dec.state.ny.us>  
**Subject:** 500 Western Avenue, Staten Island, New York

Please see the attached.

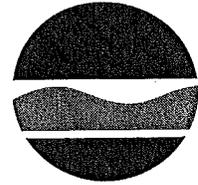
---

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Long Island City, New York 11101-5401

jkurda@gw.dec.state.ny.us  
telephone: (718) 482-4089  
facsimile: (718) 482-4962



Peter M. Iwanowicz  
Acting Commissioner

November 10, 2010

**VIA E-MAIL**

Mr. Donald Sansing  
Senior Vice President  
UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
dsansing@utex-environmentalservices.com

**Re: 500 Western Avenue, Staten Island, New York**

Dear Mr. Sansing:

Noting that it is necessary for the targeted upland area of this site to undergo substantial filling in order for reasonable commercial development to occur (because of floodplain elevation), and that UTEX has acknowledged: (a) the requirement for a 4-foot deep bottom layer (which is required to meet the Protection of Groundwater SCOs), (b) the requirement for an 18" cover layer for vegetated areas (which is required to meet the Protection of Ecological Resources SCOs), and (c) the long-term monitoring requirements to be established in the Modified Order on Consent, the Department amends and clarifies its comments on the Engineering Work Plan (EWP) such that the requirements for the "Middle Layer" will be the following:

1. For any non-dredge material (soils), all samples must meet the Commercial Public Health SCOs and also pass the SPLP test such that the results of the SPLP test do not exceed groundwater quality standards. Sampling will occur as provided in the Department's October 20, 2010 letter.
2. For dredge materials, the material must generally meet the Commercial Public Health SCOs based on the in situ data and also confirmatory sampling, but a small amount of flexibility will be allowed under the specific conditions of this project for the Middle Layer, as follows:
  - (a) All dredge material that shows no exceedances of the Commercial Public Health SCOs based on in situ testing (per Army Corps testing protocol) must be subject to confirmatory sampling, following any amendment or

other processing, and before material is unloaded from a barge or truck at the site, at a rate of:

- (1) One confirmatory composite sample for non-VOCs and one grab sample for VOCs per 3,000 cy for the first 9,000 cy from a single source area. (A composite is composed of five grab samples.)
- (2) For sources greater than 9,000 cy, material must have one confirmatory composite sample for non-VOCs and one grab sample for VOCs per 3,000 cy for the first 9,000 cy, and thereafter one confirmatory composite sample for non-VOCs and one grab sample for VOCs per 25,000 cy, assuming that all confirmatory samples comply with the Commercial Public Health SCOs.
- (3) Each confirmatory sample must also be subjected to the SPLP test, such that the results of the SPLP test do not exceed groundwater quality standards. This testing also must be conducted before the material is unloaded from a barge or truck at the site.

(b) Dredge material that contains one or more exceedance of the Commercial Public Health SCOs based on in-situ testing (per Army Corps testing protocols) will be deemed acceptable if and only if:

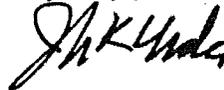
- (1) The in-situ testing of the unamended dredge material demonstrates that no more than 10% of the samples exceed the Commercial Public Health SCOs as specified in (2) below. If fewer than 10 unamended samples exist, every sample must comply, or the Department must have approved such source based on a case-specific review. The Department will initially review total analysis of unamended in-situ results for compliance with Part 375 Commercial SCOs; however, for specific sources, if UTEX argues that amended in-situ samples are more representative, the Department will review the entire package of in-situ total analyses.
- (2) Any such exceedance must be by no more than 20% of the Commercial Public Health SCO, and must be lower than the Industrial Public Health SCO. Where the Commercial Public Health SCO and Industrial Public Health SCO are identical, a sample that meets but does not exceed the Commercial (and Industrial) Public Health SCO is acceptable. Each amended in-situ sample result will also be evaluated based on the SPLP tests. The results of the SPLP test must show that materials following amendment will not exceed groundwater quality standards.

Mr. Donald Sansing  
November 10, 2010

Page Three

- (3) No in-situ sample can exceed the Commercial Public Health SCO(s) for more than three parameters.
- (4) Where in-situ sampling of the source indicates exceedance as limited by sub-provisions (1), (2), and (3) above, then after the dredge material processing/amendment occurs, but before the material is unloaded from the barge or truck at the site, one confirmatory composite sample for non-VOCs and one grab sample for VOCs must be taken for every 3,000 cy for the first 9,000 cy, and thereafter one composite sample and one grab sample for VOCs per 10,000 cy.
- (5) If any confirmatory non-VOC composite sample or VOC grab sample exceeds the Commercial Public Health SCO(s) by no more than 20% but does not exceed the Industrial SCO(s) -- and if the exceedance for any particular sample is for no more than three parameters -- the load will be accepted if UTEX takes two more non-VOC composite samples or VOC grab samples from the same load, and analyzes them for the constituent(s) of exceedance, and the average concentration of the exceeding constituent(s) in the three samples passes the Commercial Public Health SCO(s). If the average does not pass the Commercial Public Health SCO(s), that load must be rejected unless DEC's Region 2 Solid Materials Engineer (regional section chief) or Region 2 Materials Management Engineer (regional division head) specifically makes an exception based on his or her discretionary technical judgment and approves that particular load.
- (6) Each confirmatory sample must also be subjected to the SPLP test, such that the results of the SPLP test do not exceed groundwater quality standards. This testing also must be conducted before the material is unloaded from a barge or truck at the site.

Very truly yours,



John K. Urda  
Assistant Regional Attorney

cc: Suzanne Mattei  
Ken Brezner  
Samsudeen Arakhan  
Kathleen Prather  
Steve Zahn

## Masters, Matt

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**Sent:** Wednesday, November 10, 2010 7:23 PM  
**To:** Masters, Matt; Rickr Kingwood  
**Subject:** Fw: 500 Western Avenue, Staten Island, New York  
**Attachments:** 11-10-10 Sansing.PDF

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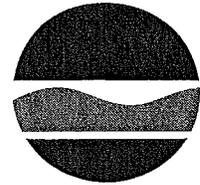
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jkurda@gw.dec.state.ny.us  
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Peter M. Iwanowicz  
Acting Commissioner

November 10, 2010

**VIA E-MAIL**

Mr. Donald Sansing  
Senior Vice President  
UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
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November 10, 2010

Page Three

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John K. Urda  
Assistant Regional Attorney

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**Cc:** Rich Studer  
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## Masters, Matt

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, October 21, 2010 9:22 AM  
**To:** Masters, Matt  
**Cc:** rich cingular; jack leiblernew  
**Subject:** RE: UTEX EWP public notice

Matt; we continue to be responsive to further comments and clarifications requested by the DEC. While they have indicated an acceptance on almost all of the aspects regarding the drafted EWP there are still a couple matters which require clarification based on the communication we just received yesterday evening from Urda that we are now responding to. Rich is also continuing to push for a shorter public noticing period and has a call schedule with the DEC on that issue. The 20th target date was a date offered up and indicated by the DEC and though they haven't met that date we understand it is imminent.

I will keep you posted to progress. I can assure you that every resource we have is working around the clock to get this done but remain mindful that we are dealing with a regulatory agency though cooperating is still in control of the process.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

Subject: UTEX EWP public notice  
Date: Thu, 21 Oct 2010 08:46:58 -0400  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
CC: [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

Rick,

The EWP was not public noticed in NYSDEC's ENB (October 20th edition). Based on information from UTEX, I keep promising people here date-certain activities towards placement site approval. What is going on??

Matt

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## Masters, Matt

---

**From:** Barrios, Rene  
**Sent:** Wednesday, October 20, 2010 3:12 PM  
**To:** 'rickr@hotmail.com'  
**Cc:** Jacobsen, Peter; Ng, Fred; Masters, Matt; 'dsansing@utex-environmentalservices.com'; 'rstuder@utex-environmentalservices.com'  
**Subject:** CONTRACT PN-654.014 - BERTH 6 WHARF RECONSTRUCTION

Rick -

The subject contract was bid on October 7, 2010. It is anticipated that it will be Board authorized in mid November and the contract awarded in early December 2010. The contract includes dredging an estimated 31,000 CY of upland material. The dredged material is a mix of sediments (15,000 CY) and stone material (16,000 CY) from an existing dike. The estimated **15,000 CY** of sediments will be processed and the processed dredged material (PDM) delivered to the UTEX/380 site for off-loading and placement.

To determine the suitability of the material to be dredged under the subject contract for placement at the UTEX/380 site, attached for your information and review are the **test results for Berths 6, 8, 10, 12 and 14 in Port Newark**. These test results performed in August 2006 were submitted to the NJDEP as part of the PANYNJ permit application to reconstruct the wharves at the aforementioned berths.

Following your review of the attached test results, please advise the PANYNJ of the acceptability of the PDM for placement at the UTEX/380 Facility. Also, please confirm that the UTEX/380 Facility will be permitted and operational by early 2011.

Should you have any questions or need additional information, please call me at (908) 629 5528.

Thanks,

Rene



Test Results Tables  
4-5-7 - Re...



Test results  
'NBerths6-14\_EFG...

Table 7 Volatile Alysis of SPLP Leachates

ASI Job #	Leachate Action Level Ground Water	*DL	AMENDED COMPOSITE A	AMENDED COMPOSITE B	AMEND COMPOSITE C	AMEND COMPOSITE D	AMEND COMPOSITE E	AMEND COMPOSITE F	AMEND COMPOSITE G
ASI ID #			672360	672363	675242	675245	681910	681913	681916
Laboratory ID #									
Analyte	ug/L	ug/L							
Chloromethane (Methyl Chloride)		10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Bromomethane	10	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Vinyl chloride	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Chloroethane		10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Methylene chloride (Dichloromethane)	3	10	2.5 J	2.7 J	10 U	10 U	2.1 J	2.4 J	2.2 J
Acetone	6,000	10	33	28	25	28	14	9.4	11
Carbon disulfide	700	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,1-Dichloroethylene	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,1-Dichloroethane	50	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,2-Dichloroethylene (total)	170	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Chloroform	70	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,2-Dichloroethane	2	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
2-Butanone (MEK)	300	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,1,1-Trichloroethane	30	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Carbon tetrachloride	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Bromodichloromethane	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,2-Dichloropropane	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
cis-1,3-Dichloropropene		10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Trichloroethane	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Dibromochloromethane	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,1,2-Trichloroethane	3	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Benzene	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
trans-1,3-dichloropropene		10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Bromoform	4	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
4-Methyl-2-pentanone (MIBK)		10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
2-Hexanone		10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Tetrachloroethylene	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
1,1,2,2-Tetrachloroethane	1	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Toluene	1,000	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Chlorobenzene	50	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Ethyl benzene	700	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Styrene	100	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U
Xylenes (Total)	1,000	10	10 U	10 U	10 U	10 U	5 U	5 U	5 U

\* = NJDEP Required detection limit

Table 7 continued Semivolatile Aalysis of SPLP Leachates

ASI Job #	Leachate Action Level Ground Water	*DL	AMENDED COMPOSITE A	AMENDED COMPOSITE B	AMEND COMPOSITE C	AMEND COMPOSITE D	AMEND COMPOSITE E	AMEND COMPOSITE F	AMEND COMPOSITE G
ASI ID #			672360	672363	675242	675245	681910	681913	681916
Laboratory ID #									
Analyte	ug/L	ug/L							
Phenol	2,000	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
bis(2-Chloroethyl)ether	7	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2-Chlorophenol	40	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
1,3-Dichlorobenzene	600	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
1,4-Dichlorobenzene	75	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
1,2-Dichlorobenzene	600	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2-Methylphenol		10	3.1 J	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
1-Chloropropane-2,2'-oxybis	300	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
3,4-Methylphenol		10	8.3 J	9.5 U	10 U	0.51 J	9.5 U	9.5 U	9.5 U
N-Nitroso-Di-N-Propylamine	10	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Hexachloroethane	7	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Nitrobenzene	6	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Isophorone	40	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2-Nitrophenol		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2,4-Dimethylphenol	100	10	6.3 J	1 J	10 U	0.54 J	9.5 U	9.5 U	9.5 U
bis(2-Chloroethoxy) methane		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2,4-Dichlorophenol	20	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
1,2,4-Trichlorobenzene	9	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Naphthalene	300	10	8.8 J	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
4-Chloroaniline	30	20	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Hexachloro-1,3-butadiene	1	20	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
4-Chloro-3-methylphenol		20	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2-Methylnaphthalene		10	1.4 J	9.5 U	10 U	10 U	9.5 U	0.67 J	0.72 J
Hexachlorocyclopentadiene	40	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2,4,6-Trichlorophenol	20	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2,4,5-Trichlorophenol	700	10	24 U	24 U	25 U	25 U	24 U	24 U	24 U
2-Chloronaphthalene	600	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2-Nitroaniline		50	24 U	24 U	25 U	25 U	24 U	24 U	24 U
Dimethylphthalate		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Acenaphthylene		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
2,6-Dinitrotoluene		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
3-Nitroaniline		50	24 U	24 U	25 U	25 U	24 U	24 U	24 U

\* = NJDEP Required detection limit

Semivolatle Alysis of SPLP Leachates - continued

Table 7 continued

ASI Job #	Leachate Action Level Ground Water	*DL	AMENDED COMPOSITE A	AMENDED COMPOSITE B	AMEND COMPOSITE C	AMEND COMPOSITE D	AMEND COMPOSITE E	AMEND COMPOSITE F	AMEND COMPOSITE G
Laboratory ID #			672360	672363	675242	675245	681910	681913	681916
Analyte	ug/L	ug/L							
Acenaphthene	400	10	13	9.5 U	4.3 J	10 U	0.79 J	1.4 J	9.5 U
2,4-Dinitrophenol	40	50	24 U	24 U	25 U	25 U	24 U	24 U	24 U
4-Nitrophenol		50	24 U	24 U	25 U	25 U	24 U	24 U	24 U
Dibenzofuran		10	2.4 J	9.5 U	0.54 J	10 U	9.5 U	0.64 J	9.5 U
2,4-Dinitrotoluene	10	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Diethylphthalate	6,000	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
4-Chlorophenyl-phenylether	300	10	5.7 J	9.5 U	0.88 J	10 U	9.5 U	1 J	0.45 J
4-Nitroaniline		20	24 U	24 U	25 U	25 U	24 U	24 U	24 U
4,6-Dinitro-2-methylphenol		50	24 U	24 U	25 U	25 U	24 U	24 U	24 U
N-Nitrosodiphenylamine	10	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
4-Bromophenyl-phenylether		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Hexachlorobenzene	0.02	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Pentachlorophenol	0.3	50	24 U	24 U	25 U	25 U	24 U	24 U	24 U
Phenanthrene		10	7.8 J	9.5 U	1.1 J	10 U	1.4 J	2.4 J	1.3 J
Anthracene	2,000	10	3 J	9.5 U	10 U	10 U	9.5 U	0.44 J	9.5 U
Carbazole		10	1.6 J	9.5 U	10 U	10 U	9.5 U	0.62 J	9.5 U
Di-n-butylphthalate	700	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Fluoranthene	300	10	4.7 J	9.5 U	0.75 J	10 U	1.4 J	0.64 J	9.5 U
Pyrene	200	10	2.4 J	9.5 U	0.74 J	10 U	1.6 J	0.48 J	9.5 U
Butylbenzylphthalate	100	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
3,3'-Dichlorobenzidine	30	20	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Benzo(a)anthracene	0.1	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Chrysene	5	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
bis(2-Ethylhexyl)phthalate	3	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Di-n-octylphthalate	100	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Benzo(b)fluoranthene	0.2	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Benzo(k)fluoranthene	0.5	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Benzo(a)pyrene	0.1	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Indeno(1,2,3-cd)pyrene	0.2	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Dibenzo(a,h)anthracene	0.3	10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U
Benzo(ghi)perylene		10	9.5 U	9.5 U	10 U	10 U	9.5 U	9.5 U	9.5 U

\* = NJDEP Required detection limit

Table 7 continued

Pesticide/Arochlor Alysis of SPLP Leachates

ASI Job #	Leachate Action Level Ground Water	*DL	AMENDED COMPOSITE A	AMENDED COMPOSITE B	AMEND COMPOSITE C	AMEND COMPOSITE D	AMEND COMPOSITE E	AMEND COMPOSITE F	AMEND COMPOSITE G
ASI ID #									
Laboratory ID #			672360	672363	675242	675245	681910	681913	681916
Analyte	ug/L	ug/L							
alpha-BHC	0.02	0.05	0.08	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
beta-BHC	0.04	0.05	0.092 P	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
delta-BHC		0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
gamma-BHC (Lindane)	0.03	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
Heptachlor	0.05	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
Aldrin	0.04	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
Heptachlor epoxide	0.2	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
Endosulfan I	40	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
Dieldrin	0.03	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
4,4'-DDE	0.1	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
Endrin	2	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
Endosulfan II	40	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
4,4'-DDD	0.1	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
Endosulfan sulfate	40	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
4,4'-DDT	0.1	0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
Methoxychlor	40	0.50	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Endrin ketone		0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
Endrin aldehyde		0.10	0.095 U	0.1 U	0.1 U	0.1 U	0.095 U	0.095 U	0.095 U
alpha-Chlordane	0.5	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
gamma-Chlordane	0.5	0.05	0.048 U	0.05 U	0.05 U	0.05 U	0.047 U	0.047 U	0.047 U
Toxaphene	2	5.00	4.8 U	5 U	5 U	5 U	4.7 U	4.7 U	4.7 U
Arochlor-1016		1.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Arochlor-1221		2.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Arochlor-1232		1.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Arochlor-1242		1.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Arochlor-1248		1.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Arochlor-1254		1.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Arochlor-1260		1.00	0.48 U	0.5 U	0.5 U	0.5 U	0.47 U	0.47 U	0.47 U
Total Arochlor(SUM)**	0.5	NA	1.68	1.73	1.75	1.75	1.65	1.65	1.65

\* = INDEP Required detection limit

\*\* = For non-detects, one-half the detection limit was used in the sum determination.

Table 7 continued

Metal Aalysis of SPLP Leachates

ASI Job #	Leachate Action Level Ground Water	*DL	AMENDED COMPOSITE A	AMENDED COMPOSITE B	AMEND COMPOSITE C	AMEND COMPOSITE D	AMEND COMPOSITE E	AMEND COMPOSITE F	AMEND COMPOSITE G
ASI ID #			672360	672363	675242	675245	681910	681913	681916
Laboratory ID #									
Analyte	ug/L	ug/L							
Aluminum	200	200.0	1,590	1,420	810	151 B	549	782	1,280
Antimony	6	60	7 U	7 U	7.8 U	7.8 U	7.8 U	7.8 U	7.8 U
Arsenic	3	10	2.7 U	2.7 U	4.7 U	4.7 U	4.7 U	4.7 U	4.7 U
Barium	2,000	200.0	108 B	119 B	104 B	120 B	407	358	348
Beryllium	1	5	0.3 B	0.26 B	0.7 B	0.3 U	0.44 B	0.3 U	0.3 U
Cadmium	4	5	0.4 U	0.4 U	0.4 U	0.4 U	0.83 B	0.4 U	0.4 U
Calcium		5000	255,000	263,000	315,000	63,000	400,000	449,000	463,000
Chromium	70	10	1.3 U	1.3 U	13.6	26	21.2	25.7	69
Cobalt		50	3.3 U	3.3 U	2.8 U	2.8 U	2.8 U	2.8 U	2.8 U
Copper	1300	25	2.2 U	14 B	81.7	110	14.6 B	7.5 B	8.5 B
Iron	300	1000	51 B	39.9 U	60.5 U	60.5 U	76.3 B	60.5 U	60.5 U
Lead	5	3	0.39 B	0.31 B	0.93 B	1.6 B	1 B	2.8	0.71 B
Magnesium		5000	276 U	276 U	178 U	178 U	178 U	178 U	178 U
Manganese	50	15	1 U	1 U	6.9 B	2.8 B	0.6 U	0.6 U	0.6 U
Mercury	2	0.2000	0.64	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U
Nickel	100	40	22.5 B	18.5 B	22.1 B	25 B	3.7 B	2.4 U	2.4 U
Potassium		5000	39,700	42,800	20,400	19,400	6,880	19,400	15,500
Selenium	40	5	1.2 B	1.5 B	1.4 B	1.7 B	1.3 B	0.27 B	0.41 B
Silver	40	10	1.6 U	1.6 U	2 U	2 U	2 U	2 U	2 U
Sodium	50,000	5,000	212,000	354,000	155,000	148,000	6,080	111,000	85,600
Thallium	2	10	0.47 B	0.18 B	0.1 U	0.1 U	0.11 B	0.1 U	0.1 U
Vanadium pentoxide	60	50	3.3 U	3.3 U	2.7 U	2.9 B	2.7 U	2.7 U	2.7 U
Zinc	2000	20	8.2 B	10.2 B	10.3 B	7.2 B	9.5 B	7.9 B	8.8 B
Cyanide, total	100	10	10 U	10 U	10 U	10 U	10 U	10 U	10 U
% Moisture		NA							
% Solids		NA							

\* = NJDEP Required detection limit

Dioxin Aylis of SPLP Leachates

Table 7 continued

ASI Job #	Leachate Action Level Ground Water	*DL	AMENDED COMPOSITE A	AMENDED COMPOSITE B	AMEND COMPOSITE C	AMEND COMPOSITE D	AMEND COMPOSITE E	AMEND COMPOSITE F	AMEND COMPOSITE G
ASI ID #			672360	672363	675242	675245	681910	681913	681916
Laboratory ID #	ug/L	ug/L							
Analyte									
2,3,7,8-TCDD	N/A	N/A	ND U	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,7,8-PeCDD	N/A	N/A	0.00000145 Q J	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,4,7,8-HxCDD	N/A	N/A	0.00000114 Q J	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,6,7,8-HxCDD	N/A	N/A	ND U	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,7,8,9-HxCDD	N/A	N/A	0.00000339 B J	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,4,6,7,8-HpCDD	N/A	N/A	0.00000165 Q B J	ND U	ND U	ND U	ND U	ND U	ND U
OCDD	N/A	N/A	0.0000073 B J	0.00000327 Q B J	0.0000025 Q B J	0.00000503 Q B J	0.00000638 B J	0.00000424 Q B J	0.00000762 B J
2,3,7,8-TCDF	N/A	N/A	ND U	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,7,8-PeCDF	N/A	N/A	0.00000178 Q J	ND U	ND U	ND U	ND U	ND U	ND U
2,3,4,7,8-PeCDF	N/A	N/A	ND U	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,4,7,8-HxCDF	N/A	N/A	ND U	ND U	ND U	ND U	ND U	ND U	0.00000105 B J
2,3,4,6,7,8-HxCDF	N/A	N/A	0.00000101 Q J	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,7,8,9-HxCDF	N/A	N/A	0.000000974 Q J	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,4,6,7,8-HpCDF	N/A	N/A	0.00000336 J	ND U	ND U	ND U	0.00000267 B J	0.00000104 Q B J	0.00000207 Q B J
OCDF	N/A	N/A	0.00000177 Q J	ND U	ND U	ND U	0.000000862 Q J	ND U	0.000000869 J
	N/A	N/A	0.00000489 B J	0.00000182 Q B J	ND U	ND U	0.00000445 B J	0.00000339 Q B J	0.00000336 Q B J

\* = NJDEP Required detection limit

Table 5

**Chemical Aalysis of Field Blank  
Volatiles**

	Action Level	*DL	FIELD BLANK	FIELD BLANK
ASI ID #	Leachate			
Laboratory ID #			672354	674824
	ug/L	ug/L		
Chloromethane (Methyl Chloride)	30	10	5 U	5 U
Bromomethane	10	10	5 U	5 U
Vinyl chloride	5	10	5 U	5 U
Chloroethane		10	5 U	5 U
Methylene chloride (Dichloromethane)	3	10	5 U	5 U
Acetone	700	10	2.3 J	5 U
Carbon disulfide		10	5 U	5 U
1,1-Dichloroethene	2	10	5 U	5 U
1,1-Dichloroethane	50	10	5 U	5 U
1,2-Dichloroethene (total)	10	10	5 U	5 U
Chloroform	6	10	5 U	5 U
1,2-Dichloroethane		10	5 U	5 U
2-Butanone (MEK)	300	10	5 U	5 U
1,1,1-Trichloroethane	30	10	5 U	5 U
Carbon tetrachloride	2	10	5 U	5 U
Bromodichloromethane	1	10	5 U	5 U
1,2-Dichloropropane	1	10	5 U	5 U
cis-1,3-Dichloropropene		10	5 U	5 U
Trichloroethene	1	10	5 U	5 U
Dibromochloromethane	10	10	5 U	5 U
1,1,2-Trichloroethane	3	10	5 U	5 U
Benzene	1	10	5 U	5 U
trans-1,3-dichloropropene		10	5 U	5 U
Bromoform	4	10	5 U	5 U
4-Methyl-2-pentanone (MIBK)	400	10	5 U	5 U
2-Hexanone		10	5 U	5 U
Tetrachloroethene	1	10	5 U	5 U
1,1,2,2-Tetrachloroethane		10	5 U	5 U
Toluene	1000	10	5 U	5 U
Chlorobenzene	50	10	5 U	5 U
Ethyl benzene	700	10	5 U	5 U
Styrene	100	10	5 U	5 U
Xylenes(Total)	1000	10	5 U	5 U

\* = NJDEP Required detection limit

Table 5 continued

**Chemical Aalysis of Field Blank  
Semivolatiles**

	Action Level	*DL	FIELD BLANK	FIELD BLANK
ASI ID #	Leachate			
Laboratory ID #			672354	674824
	ug/L	ug/L		
Phenol	4,000	10	10 U	11 U
bis(2-Chloroethyl)ether	10	10	10 U	11 U
2-Chlorophenol	5	10	10 U	11 U
1,3-Dichlorobenzene	600	10	10 U	11 U
1,4-Dichlorobenzene	75	10	10 U	11 U
1,2-Dichlorobenzene	600	10	10 U	11 U
2-Methylphenol		10	10 U	11 U
1-Chloropropane-2,2'-oxybis	300	10	10 U	11 U
4-Methylphenol		10	10 U	11 U
N-Nitroso-Di-N-Propylamine	20	10	10 U	11 U
Hexachloroethane	10	10	10 U	11 U
Nitrobenzene	10	10	10 U	11 U
Isophorone	100	10	10 U	11 U
2-Nitrophenol		10	10 U	11 U
2,4-Dimethylphenol	100	10	10 U	11 U
bis(2-Chloroethoxy)methane		10	10 U	11 U
2,4-Dichlorophenol	20	10	10 U	11 U
1,2,4-Trichlorobenzene	9	10	10 U	11 U
Naphthalene	300	10	10 U	11 U
4-Chloroaniline		20	10 U	11 U
Hexachloro-1,3-butadiene		10	10 U	11 U
4-Chloro-3-methylphenol		20	10 U	11 U
2-Methylnaphthalene		10	10 U	11 U
Hexachlorocyclopentadiene	50	10	10 U	11 U
2,4,6-Trichlorophenol	20	10	10 U	11 U
2,4,5-Trichlorophenol	700	10	26 U	26 U
2-Chloronaphthalene		10	10 U	11 U
2-Nitroaniline		50	26 U	26 U
Dimethylphthalate		10	10 U	11 U
Acenaphthylene		10	10 U	11 U
2,6-Dinitrotoluene	10	10	10 U	11 U
3-Nitroaniline		50	26 U	26 U

\* = NJDEP Required detection limit

Table 5 continued

**Chemical Aalysis of Field Blank  
Semivolatiles continued**

	Action Level	*DL	FIELD BLANK	FIELD BLANK
ASI ID #	Leachate			
Laboratory ID #			672354	674824
	ug/L	ug/L		
Acenaphthene	400	10	10 U	11 U
2,4-Dinitrophenol	40	50	26 U	26 U
4-Nitrophenol		50	26 U	26 U
Dibenzofuran		10	10 U	11 U
2,4-Dinitrotoluene	10	10	10 U	11 U
Diethylphthalate	5,000	10	10 U	11 U
4-Chlorophenyl-phenylether		10	10 U	11 U
Fluorene	300	10	10 U	11 U
4-Nitroaniline		20	26 U	26 U
4,6-Dinitro-2-methylphenol		50	26 U	26 U
N-Nitrosodiphenylamine	20	10	10 U	11 U
4-Bromophenyl-phenylether		10	10 U	11 U
Hexachlorobenzene	10	10	10 U	11 U
Pentachlorophenol		50	26 U	26 U
Phenanthrene		10	10 U	11 U
Anthracene	2000	10	10 U	11 U
Carbazole		10	10 U	11 U
Di-n-butylphthalate	900	10	10 U	11 U
Fluoranthene	300	10	10 U	11 U
Pyrene	200	10	10 U	11 U
Butylbenzylphthalate	100	10	10 U	11 U
3,3'-Dichlorobenzidine	60	20	10 U	11 U
Benzo(a)anthracene		10	10 U	11 U
Chrysene		10	10 U	11 U
bis(2-Ethylhexyl)phthalate	30	10	10 U	11 U
Di-n-octylphthalate	100	10	10 U	11 U
Benzo(b)fluoranthene		10	10 U	11 U
Benzo(k)fluoranthene		10	10 U	11 U
Benzo(a)pyrene		10	10 U	11 U
Indeno(1,2,3-cd)pyrene		10	10 U	11 U
Dibenzo(a,h)anthracene		10	10 U	11 U
Benzo(ghi)perylene		10	10 U	11 U

\* = NJDEP Required detection limit

Table 5 continued

**Chemical Aalysis of Field Blank  
Pesticides/Arochlors**

	Action Level	*DL	FIELD BLANK		FIELD BLANK	
ASI ID #	Leachate					
Laboratory ID #			672354		674824	
	ug/L	ug/L				
alpha-BHC	0.02	0.05	0.054 U		0.047 U	
beta-BHC	0.2	0.05	0.054 U		0.047 U	
delta-BHC		0.05	0.054 U		0.047 U	
gamma-BHC (Lindane)	0.2	0.05	0.054 U		0.047 U	
Heptachlor	0.4	0.05	0.054 U		0.047 U	
Aldrin	0.04	0.05	0.054 U		0.047 U	
Heptachlor epoxide	0.2	0.05	0.054 U		0.047 U	
Endosulfan I	0.4	0.05	0.054 U		0.047 U	
Dieldrin	0.03	0.10	0.11 U		0.094 U	
4,4'-DDE	0.1	0.10	0.11 U		0.094 U	
Endrin	2	0.10	0.11 U		0.094 U	
Endosulfan II	0.4	0.10	0.11 U		0.094 U	
4,4'-DDD	0.1	0.10	0.11 U		0.094 U	
Endosulfan sulfate	0.4	0.10	0.11 U		0.094 U	
4,4'-DDT	0.1	0.10	0.11 U		0.094 U	
Methoxychlor	40	0.50	0.54 U		0.47 U	
Endrin ketone		0.10	0.11 U		0.094 U	
Endrin aldehyde		0.10	0.11 U		0.094 U	
alpha-Chlordane		0.05	0.054 U		0.047 U	
gamma-Chlordane	0.5	0.05	0.054 U		0.047 U	
Toxaphene	3	5.00	5.4 U		4.7 U	
Arochlor-1016		1.00	0.53 U		0.47 U	
Arochlor-1221		2.00	0.53 U		0.47 U	
Arochlor-1232		1.00	0.53 U		0.47 U	
Arochlor-1242		1.00	0.53 U		0.47 U	
Arochlor-1248		1.00	0.53 U		0.47 U	
Arochlor-1254		1.00	0.53 U		0.47 U	
Arochlor-1260		1.00	0.53 U		0.47 U	
Total Arochlor(SUM)**	0.5	NA	1.86		1.65	
Combined endosulfans(SUM)** + I + sulfate	Endosulfan I	NA	0.16		0.14	

\* = NJDEP Required detection limit

\*\* = For non-detects, one-half the detection limit was used in the sum determination.

Table 5 continued

Chemical Aalysis of Field Blank  
Metals

	Action Level	*DL	FIELD BLANK		FIELD BLANK	
ASI ID #	Leachate					
Laboratory ID #			672354		674824	
	mg/L	mg/L				
Aluminum	0.2	0.2	0.034	U	0.0752	B
Antimony	0.02	0.06	0.007	U	0.0039	U
Arsenic	0.008	0.01	0.0027	U	0.0047	U
Barium	2	0	0.0094	U	0.0026	U
Beryllium	0.02	0.005	0.0002	U	0.00075	B
Cadmium	0.004	0.005	0.0004	U	0.00063	B
Calcium		5	0.348	U	0.233	B
Chromium	0.1	0.01	0.0013	U	0.001	U
Cobalt		0.05	0.0033	U	0.0012	U
Copper	1	0.025	0.0027	B	0.0244	B
Iron	0.3	1	0.0399	U	0.0352	U
Lead	0.03	0.003	0.00068	B	0.00026	B
Magnesium		5	0.276	U	0.136	B
Manganese	0.05	0.015	0.001	U	0.00094	B
Mercury	0.002	0.0002	0.0001	U	0.0001	U
Nickel	0.1	0.04	0.0022	U	0.002	U
Potassium		5	0.448	U	0.647	B
Selenium	0.05	0.005	0.0011	B	0.0002	U
Silver		0.01	0.0016	U	0.0012	U
Sodium	50	5	0.564	U	2.42	B
Thallium	0.01	0.01	0.00035	B	0.0001	U
Vanadium		0.05	0.0033	U	0.0012	U
Zinc	5	0.02	0.0064	U	0.0187	B
Cyanide, total	0.2	0.01	0.01	U	0.01	U
Total suspended solids (mg/L)		NA				

\* = NJDEP Required detection limit

Table 5 continued

Chemical Aalysis of Field Blank  
Dioxins

	Action Level	*DL	FIELD BLANK		FIELD BLANK	
ASI ID #	Leachate					
Laboratory ID #			672354		674824	
	ug/L					
2,3,7,8-TCDD		NA	ND	U	ND	U
1,2,3,7,8-PeCDD		NA	ND	U	ND	U
1,2,3,4,7,8-HxCDD		NA	ND	U	ND	U
1,2,3,6,7,8-HxCDD		NA	ND	U	ND	U
1,2,3,7,8,9-HxCDD		NA	ND	U	ND	U
1,2,3,4,6,7,8-HpCDD		NA	ND	U	ND	U
OCDD		NA	0.00000348	BJ	0.0000021	J
2,3,7,8-TCDF		NA	ND	U	ND	U
1,2,3,7,8-PeCDF		NA	ND	U	ND	U
2,3,4,7,8-PeCDF		NA	ND	U	ND	U
1,2,3,4,7,8-HxCDF		NA	ND	U	ND	U
1,2,3,6,7,8-HxCDF		NA	ND	U	ND	U
2,3,4,6,7,8-HxCDF		NA	ND	U	ND	U
1,2,3,7,8,9-HxCDF		NA	ND	U	ND	U
1,2,3,4,6,7,8-HpCDF		NA	ND	U	ND	U
1,2,3,4,7,8,9-HpCDF		NA	ND	U	ND	U
OCDF		NA	0.00000174	QBJ	ND	U

\* = NJDEP Required detection limit

ND = Not detected

Table 4 Volatile Aalysis of Bulk Sediment

ASI Job #	Residential Action Level	DL	COMPOSITE A	AMENDED COMPOSITE A	COMPOSITE B	AMENDED COMPOSITE B	COMPOSITE C	AMENDED COMPOSITE C	COMPOSITE D
ASI ID #	Soil								
Laboratory ID #			672352	672358	672353	672361	675234	675240	675239
Allyls	ug/kg	ug/kg							
Chloromethane (Methyl Chloride)	520,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Bromomethane	79,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Vinyl chloride	2,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Chloroethane	49,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Methylene chloride (Dichloromethane)	1,000,000	10	67	510	78	470	41	550	60
Acetone	1,000,000	10	13 U	15	27 J	14	27 U	29	28 U
Carbon disulfide	8,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,1-Dichloroethene	570,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,1-Dichloroethane	1,079	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,2-Dichloroethane (total)	19,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Chloroform	6,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,2-Dichloroethane	1,000,000	10	20	120	28	90	27 U	65	28 U
2-Butanone (MEK)	210,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,1,1-Trichloroethane	2,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Carbon tetrachloride	11,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Bromodichloromethane	10,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,2-Dichloropropane	4,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
cis-1,3-Dichloropropene	23,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Trichloroethene	110,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Dibromochloromethane	22,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,1,2-Trichloroethane	3,000	10	6 J	2,6 J	13 U	11 U	27 U	23 U	28 U
Benzene	4,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
trans-1,3-dichloropropene	86,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Bromobrom	1,000,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
4-methyl-2-pentanone (MIBK)	4,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
2-Hexanone	34,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Tetrachloroethene	1,000,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
1,1,2,2-Tetrachloroethane	37,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Toluene	1,000,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Chlorobenzene	1,000,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Ethyl benzene	23,000	10	13 U	10 U	13 U	11 U	27 U	23 U	28 U
Styrene	410,000	10	19	4,9 J	13 U	11 U	27 U	23 U	28 U
Xylenes(Total)									

\* = NUDEP Required detection limit

Table 4 Volatile Aalysis of Bulk Sediment - continued

ASI Job #	Residential Action Level *DL	AMENDED COMPOSITE D	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE G	AMENDED COMPOSITE G
Laboratory ID #	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg
Allyle	520,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Chloromethane (Methyl Chloride)	79,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Bromomethane	2,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Vinyl chloride	10	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Chloroethane	49,000	23 U	3.6 UB	7.8 B	2.9 JB	8.1 B	1.5 JB	3.2 JB
Methylene chloride (Dichloromethane)	1,000,000	640	15 B	37 B	14 B	32 B	13 B	48 B
Acetone	10	28	62 U	7.9	6.1 U	8.5	6 U	3.8 U
Carbon disulfide	8,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,1-Dichloroethane	570,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,1-Dichloroethane	1,079	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,2-Dichloroethane (total)	19,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Chloroform	5,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,2-Dichloroethane	1,000,000	77	62 U	7.8	6.1 U	6.1	6 U	8.9
2-Butanone (MEK)	210,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,1,1-Trichloroethane	2,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Carbon tetrachloride	11,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Bromodichloromethane	10,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,2-Dichloropropane	4,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
cis-1,3-Dichloropropene	23,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Trichloroethane	110,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Dibromochloromethane	22,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,1,2-Trichloroethane	3,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Benzene	4,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
trans-1,3-dichloropropene	86,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Bromofom	1,000,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
4-Methyl-2-pentanone (MIBK)	4,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
2-Hexanone	4,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Tetrachloroethene	34,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
1,1,2,2-Tetrachloroethane	37,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Toluene	1,000,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Chlorobenzene	1,000,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Ethyl benzene	23,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Styrene	410,000	23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U
Xylenes(Total)		23 U	62 U	5.8 U	6.1 U	5.4 U	6 U	5.5 U

\* = NJDEP Required detection limit

Semivolatile Aalysis of Bulk Sediment

Table 4 continued

ASI Job #	Residential Action Level	*DL	COMPOSITE A	AMENDED COMPOSITE A	COMPOSITE B	AMENDED COMPOSITE B	COMPOSITE C	AMENDED COMPOSITE C	COMPOSITE D
ASI ID #	Soil	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg	ug/kg
Laboratory ID #			672352	672358	672353	672361	672324	672340	672329
Allyle	10,000,000	660	4,700 U	3,300 U	670 U	1,600 U	16 J	330 U	550 U
Phenol	660	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
bis(2-Chloroethyl)ether	280,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2-Chlorophenol	5,100,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
1,3-Dichlorobenzene	370,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	28 J
1,4-Dichlorobenzene	5,100,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
1,2-Dichlorobenzene	2,800,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2-Methylphenol	2,300,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
1-Chloropropane-2,2'-oxybis	2,800,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
4-Methylphenol	2,800,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
N-Nitroso-Di-N-Propylamine	6,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Hexachloroethane	28,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Nitrobenzene	1,100,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Isophorone	1,100,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2-Nitrophenol	170,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2,4-Dimethylphenol	68,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Bis(2-Chloroethoxy) methane	230,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2,4-Dichlorophenol	230,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
1,2,4-Trichlorobenzene	1,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
phthalene	10,000,000	1,300	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
4-Chloroaniline	10,000,000	1,300	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Hexachloro-1,3-butadiene	400,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
4-Chloro-3-methylphenol	62,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Hexachlorocyclopentadiene	5,600,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2,4,6-Trichlorophenol	10,000,000	1,300	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2,4,5-Trichlorophenol	10,000,000	1,300	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2-Chlorophthalene	10,000,000	1,300	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2-Nitroaniline	10,000,000	1,300	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Dimethylphthalate	10,000,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Acetylthylene	1,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
2,6-Dinitrotoluene	1,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
3-Nitroaniline	3,300	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
			12,000 U	8,200 U	1,700 U	4,100 U	850 U	830 U	1,400 U

\* = NDEP Required detection limit

Table 4 continued

Semivolatile Aalysis of Bulk Sediment - continued

ASI Job #	Residential Action Level *DL	AMENDED COMPOSITE D	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE G	AMENDED COMPOSITE G
ASI ID #	Soil							
Laboratory ID #	up/kg	675243	681905	681908	681906	681911	681907	681914
Alyte	up/kg							
10,000,000	660	34 J	330 U	330 U	330 U	330 U	330 U	330 U
1,1-Dichloroethane	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
bis(2-Chloroethyl)ether	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
2-Chlorophenol	280,000	330 U	330 U	330 U	330 U	330 U	330 U	330 U
1,3-Dichlorobenzene	5,100,000	660	330 U	330 U	330 U	330 U	330 U	330 U
1,4-Dichlorobenzene	660	22 J	330 U	330 U	330 U	330 U	330 U	330 U
1,2-Dichlorobenzene	570,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2-Methylphenol	5,100,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2,800,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
2,300,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
1-Chloropropane-2-oxylbis	2,800,000	21 J	330 U	330 U	330 U	330 U	330 U	330 U
4-Methylphenol	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
1-Chloropropane	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
N-Nitroso-D,N-Propylamine	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Hexachloroethane	28,000	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Nitrobenzene	1,100,000	17 J	330 U	330 U	330 U	330 U	330 U	330 U
Isophorone	1,100,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2-Nitrophenol	1,100,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2,4-Dimethylphenol	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
bis(2-Chloroethoxy) methane	170,000	330 U	330 U	330 U	330 U	330 U	330 U	330 U
2,4-Dichlorophenol	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
phthalene	230,000	68 J	330 U	330 U	330 U	330 U	330 U	330 U
1,2,4-Trichlorobenzene	660	27 J	330 U	330 U	330 U	330 U	330 U	330 U
4-Chloroaniline	230,000	660	330 U	330 U	330 U	330 U	330 U	330 U
Hexachloro-1,3-butadiene	1,000	660	330 U	330 U	330 U	330 U	330 U	330 U
4-Chloro-3-methylphenol	10,000,000	1,300	330 U	330 U	330 U	330 U	330 U	330 U
2-Methylphthalene	660	51 J	330 U	330 U	330 U	330 U	330 U	330 U
Hexachlorocyclopentadiene	400,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2,4,6-Trichlorophenol	82,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2,4,5-Trichlorophenol	5,600,000	660	330 U	330 U	330 U	330 U	330 U	330 U
2-Chlorophthalene	660	660	330 U	330 U	330 U	330 U	330 U	330 U
2-Nitroaniline	3,300	660	330 U	330 U	330 U	330 U	330 U	330 U
Dimethylphthalate	10,000,000	660	330 U	330 U	330 U	330 U	330 U	330 U
Acetyllyene	660	30 J	490	290 J	330 U	330 U	330 U	330 U
2,6-Dinitrotoluene	1,000	660	330 U	330 U	330 U	330 U	330 U	330 U
3-Nitroaniline	3,300	660	330 U	330 U	330 U	330 U	330 U	330 U
	3,300	830 U	820 U	840 U	840 U	820 U	820 U	840 U

\* = NDEP Required detection limit

Table 4 continued

Semivolatile Aalysis of Bulk Sediment - continued

ASI Job #	Residential Action Level	*DL	COMPOSITE A	AMENDED COMPOSITE A	COMPOSITE B	AMENDED COMPOSITE B	COMPOSITE C	AMENDED COMPOSITE C	COMPOSITE D
ASI ID #	Soil								
Laboratory ID #			672352	672358	672353	672361	672324	675240	675239
Allyle	ug/kg	ug/kg							
Acenaphthene	3,400,000	660	2,900 J	2,700 J	78 J	60 J	1,100	740	85 J
2,4-Dinitrophenol	110,000	3,300	12,000 U	8,200 U	1,700 U	4,100 U	830 U	830 U	1,400 U
4-Nitrophenol	3,300	3,300	12,000 U	8,200 U	1,700 U	4,100 U	830 U	830 U	1,400 U
Dibenzofuran	660	660	1,000 J	750 J	53 J	1,600 U	220 J	150 J	56 J
2,4-Dinitrotoluene	1,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Diethylphthalate	10,000,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
4-Chlorophenylphenylether	2,300,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Fluorene	830	660	2,600 J	1,600 J	77 J	82 J	370	193 J	60 U
4-Nitroaniline	3,300	660	12,000 U	8,200 U	1,700 U	4,100 U	830 U	830 U	1,400 U
4,6-Dinitro-2-methylphenol	140,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
N-Nitrosodiphenylamine	660	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
4-Bromophenyl-phenylether	660	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Hexachlorobenzene	6,000	3,300	12,000 U	8,200 U	1,700 U	4,100 U	830 U	830 U	1,400 U
Pentachlorophenol	6,000	6,600	12,000 U	8,200 U	1,700 U	4,100 U	830 U	830 U	1,400 U
Anthracene	10,000,000	6,600	2,900 J	3,300 J	180 J	230 J	2,700 D	950	410 J
Carbazole	5,700,000	330	680 J	340 J	40 J	1,600 U	1,300	480	180 J
Di-n-butylphthalate	2,300,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Fluoranthene	1,700,000	660	21,000	14,000	1,500	1,500	12,000 D	2,900 D	1,400
Pyrene	1,700,000	660	20,000	13,000	1,300	2,500	14,000 D	4,100 D	2,700
Butylbenzylphthalate	2,000	660	4,700 U	3,300 U	48 J	1,600 U	330 U	330 U	61 J
3,3'-Dichlorobenzidine	900	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Benzo(a)anthracene	900	660	2,500 J	2,400 J	390 J	470 J	3,000 D	1,100	790
Chrysene	9,000	660	3,900 J	2,600 J	530 J	700 J	3,000 D	1,300	1,200
bis(2-Ethylhexyl)phthalate	49,000	660	22,000	26,000	5,300	6,600	2,200	2,900	2,900
Di-n-octylphthalate	1,100,000	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Benzo(b)fluoranthene	900	660	4,700 U	3,300 U	440 J	500 J	1,900 D	1,200	1,200
Benzo(k)fluoranthene	900	660	17,000 J	12,000 J	420 J	420 J	1,800	860	760
Benzo(e)pyrene	660	660	4,600 J	1,200 J	400 J	460 J	1,600	760	650
Indene(1,2,3-cd)pyrene	900	660	6,000 J	410 J	93 J	200 J	500	250 J	480 J
Dibenz(a,h)anthracene	660	660	4,700 U	3,300 U	670 U	1,600 U	330 U	330 U	550 U
Benzo(g,h)perylene	660	660	790 J	460 J	100 J	240 J	510	320 J	540 J

\* = NJDEP Required detection limit

Table 4 continued

Semivolatile Analysis of Bulk Sediment - continued

ASI Job #	Residential Action Level	DL	AMENDED COMPOSITE D	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE G	AMENDED COMPOSITE G
ASI ID #	ug/kg	ug/kg	675243	681905	681908	681906	681911	681907	681914
Allyl	ug/kg	ug/kg	100 J	270 J	190 J	170 J	100 J	91 J	81 J
Acaphthene	3,400,000	660	830 U	820 U	840 U	840 U	820 U	820 U	840 U
2,4-Dinitrophenol	110,000	3,300	830 U	820 U	840 U	840 U	820 U	820 U	840 U
4-Nitrophenol	660	660	66 J	110 J	87 J	95 J	63 J	100 J	62 J
Dibenzofuran	1,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
2,2-Dinitrobenzene	10,000,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Dibenzophthalate	2,300,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
4-Chlorophenyl-phenylether	830	660	78 J	170 J	140 J	140 J	90 J	130 J	80 J
Fluorene	2,300,000	660	830 U	820 U	840 U	840 U	820 U	820 U	840 U
4-Nitroaniline	3,300	660	830 U	820 U	840 U	840 U	820 U	820 U	840 U
4,6-Dinitro-2-methylphenol	140,000	660	48 J	330 U	330 U	330 U	330 U	330 U	330 U
N-Nitrosodiphenylamine	660	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
4-Bromophenyl-phenylether	660	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Hexachlorobenzene	6,000	3,300	830 U	820 U	840 U	840 U	820 U	820 U	840 U
Pentachlorophenol	10,000,000	6,600	540	2,300	1,800	1,500	790	1,100	800
Anthracene	5,700,000	330	180 J	780	590	350	200 J	320 J	200 J
Carbazole	2,300,000	660	66 J	140 J	110 J	120 J	60 J	84 J	66 J
Dibenzophthalate	1,700,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Fluoranthene	2,000	1,400	1,400	6,000 D	4,500 D	1,900	950	1,200	870
Pyrene	1,100,000	660	2,200	6,600 D	5,500 D	2,000	1,400	1,500	1,200
Bis(2-ethylhexyl)phthalate	900	660	48 J	330 U	330 U	330 U	330 U	330 U	330 U
3,3'-Dichlorobenzidine	2,000	1,300	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Benzo(a)anthracene	900	660	700	2,900 D	2,500	870	460	620	480
Chrysene	9,000	660	1,100	3,100 D	2,400 D	840	450	650	490
bis(2-Ethylhexyl)phthalate	49,000	660	2,500	330 U	330 U	16 J	330 U	30 J	19 J
Dibenzophthalate	1,100,000	660	330 U	330 U	330 U	330 U	330 U	330 U	330 U
Benzo(b)fluoranthene	900	660	950	2,000 D	1,900 D	640	300 J	630	420
Benzo(k)fluoranthene	900	660	980	2,400 D	2,300	860	360	630	350
Benzo(a)pyrene	660	660	770	2,400 D	2,400	760	380	630	440
Indeno(1,2,3-cd)pyrene	900	660	370	800	700	220 J	190 J	220 J	240 J
Dibenz(a,h)anthracene	660	660	720 J	330 U	330 U	330 U	330 U	330 U	330 U
Benzo(ghi)perylene	660	660	440	890	780	230 U	230 U	260 J	270 J

\* = NJDEP Required detection limit

Table 4 continued

Pesticide/Arochlor Ayls of Bulk Sediment

ASI Job #	Residential Action Level Soil	DL	COMPOSITE A	AMENDED COMPOSITE A	COMPOSITE B	AMENDED COMPOSITE B	COMPOSITE C	AMENDED COMPOSITE C	COMPOSITE D
ASI ID #			672352	672358	672353	672361	675234	675240	675239
Laboratory ID #									
Ahrb	ug/kg	ug/kg	1.7 U	3.1 P	1.7 U	2.9	1.7 U	1.7 U	1.7 U
alpha-BHC	1.9	3.3	74 E	34 EP	24 P	19	8.1 P	8.1 P	14 P
beta-BHC	1.7	1.7	2.3 P	2.2 P	1.7 U	1.7 U	2.9 P	2.9 P	1.7 U
delta-BHC	520	2	4.1	4.2 P	3.8	1.7 U	7.6 P	8.9 P	1.7 P
gamma-BHC (Lindane)	150	2.1	1.7 U	1.7 U	2.8 P	2.9 P	1.7 U	1.7 U	1.7 U
Heptachlor	40	2	1.7 U	1.7 U	1.7 U	5.3 P	1.7 U	1.7 U	1.7 U
Aldrin	2	2.1	7.2 ZZ	9 ZZ	4.4 ZZ	11 P	5.1 P	6.1 P	5.4 P
Heptachlor epoxide	340,000	2.1	1.7 U	5.6 P	1.7 U	1.7 U	1.7 U	1.7 U	1.7 U
Endosulfan I	42	3.3	19 P	20 P	3.4 U	3.3 U	6.1	6.1	9.2
4,4'-DDE	2,000	4.2	41	46	21	25	21	21	28
Endrin	17,000	3.6	6.3	6.6 P	3.4 U	3.3 U	12 P	3.3 U	3.3 U
Endosulfan II	340,000	3.3	3.3 U	3.3 U	3.4 U	3.3 U	3.3 U	3.3 U	3.3 U
4,4'-DDD	3,000	4.2	13	15	10	12	20 P	13	24 P
Endosulfan sulfate	2,000	3.6	3.3 U	3.3 U	3.4 U	3.3 U	3.3 U	3.3 U	3.3 U
4,4'-DDT	280,000	17	17 U	28 P	16 P	16 P	34	8.1 P	13 P
Methoxychlor	3.3	3.3	17 U	17 U	17 U	17 U	17 U	17 U	17 U
Endrin ketone	3.3	3.3	3.3 U	3.3 U	3.4 U	3.3 U	3.3 U	3.3 U	3.3 U
alpha-Chlordane	1.7	1.7	13 P	14 P	1.7 U	3.1	6.9 P	5.1	5.9
gamma-Chlordane	100	1.7	5.2 P	5.6 P	2.0 P	2.6 P	4.3 P	4.3 P	6.5 P
Toxaphene	170	1.7	170 U	170 U	170 U	170 U	170 U	170 U	170 U
Arochlor-1016	33	33	170 U	170 U	17 U	33 U	50 U	50 U	67 U
Arochlor-1221	167	167	170 U	170 U	17 U	33 U	50 U	50 U	67 U
Arochlor-1232	33	33	170 U	170 U	17 U	33 U	50 U	50 U	67 U
Arochlor-1242	133	133	550	590 U	240	180	120	120	130
Arochlor-1248	33	33	170 U	170 U	17 U	33 U	50 U	50 U	67 U
Arochlor-1254	33	33	480	580	220	170	140	140	170
Arochlor-1260	33	33	430	480	130	170	110	110	130
Total Arochlor(Sum)**	490	490	1800	1970	624	536	490	470	564

\*\* = NIJEP Required detection limit

\*\* = For non-detects, one-half the detection limit was used in the sum of total arochlor determination.

Table 4 continued

Pesticide/Arochlor Analysis of Bulk Sediment - continued

ASI Job #	Residential Action Level *DL Soil	AMENDED COMPOSITE D	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE G	AMENDED COMPOSITE G
Laboratory ID #		675243	681905	681908	681906	681911	681907	681914
Allyl	ug/kg	1.9	2.1 U	2.0 U	2.1 U	1.8 U	2.0 U	1.9 U
alpha-BHC	ug/kg	8.0 P	22 P	9.8 P	2.1 U	1.8 U	2.0 U	1.9 U
beta-BHC		3.3	7.1 P	4.8	2.1 U	1.8 U	2.0 U	1.9 U
delta-BHC		1.7	8.4 P	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
gamma-BHC (Lindane)	520	2	9.7 P	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Heptachlor	150	2.1	1.7 U	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Aldrin	40	2.1	2.1 U	9.2 P	2.1 U	1.8 U	2.0 U	1.9 U
Heptachlor epoxide		2.1	2.1 U	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Endosulfan I	340,000	2.1	2.1 U	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Dieldrin	42	3.3	4.2 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
4,4'-DDE	2,000	4.2	4.2 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
Endrin	17,000	3.6	4.2 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
Endosulfan II	340,000	3.3	4.2 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
4,4'-DDD	3,000	4.2	10 P	9.7 P	4.3 U	3.6 U	4.1 U	3.7 U
Endosulfan sulfate	2,000	3.6	3.3 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
4,4'-DDT	2,000	3.6	10 P	4.2 U	2.1 U	1.8 U	2.0 U	1.9 U
Methoxychlor	280,000	1.7	17 U	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Endrin ketone		3.3	3.3 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
Endrin aldehyde		3.3	3.3 U	3.9 U	4.3 U	3.6 U	4.1 U	3.7 U
alpha-Chlordane		1.7	2.1 U	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
gamma-Chlordane		4.8	2.1 U	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Toxaphene	100	1.7	4.8 P	2.1 U	2.1 U	1.8 U	2.0 U	1.9 U
Arochlor-1016	170	170	170 U	200 U	170 U	160 U	200 U	190 U
Arochlor-1221	33	33	16 U	17 U	17 U	16 U	16 U	17 U
Arochlor-1232	67	33	16 U	17 U	17 U	16 U	16 U	17 U
Arochlor-1242	33	33	16 U	17 U	17 U	16 U	16 U	17 U
Arochlor-1248	33	33	16 U	17 U	17 U	16 U	16 U	17 U
Arochlor-1254	33	33	16 U	17 U	17 U	16 U	16 U	17 U
Arochlor-1260	33	33	16 U	17 U	17 U	16 U	16 U	17 U
Total Arochlor(Sum)**	480	352	56	60	60	56	56	60

\* = NJDEP Required detection limit

\*\* = For non-detects, one-half the detection limit was used in the st

Table 4 continued

Metal Analysis of Bulk Sediment

ASI Job #	Residential Action Level	mg/kg	mg/kg	DL	COMPOSITE A	AMENDED COMPOSITE A	COMPOSITE B	AMENDED COMPOSITE B	COMPOSITE C	AMENDED COMPOSITE C	COMPOSITE D
ASI ID #	Soil										
Laboratory ID #					672352	672358	672353	672361	675234	675240	675239
Allyle											
Aluminum	40	16,600	18,500				14,700	13,600	10,900	10,700	15,300
Antimony	14	12	2.5 B		0.85 B		2.4 B	0.74 B	1.2 B	1.6 B	2.1 B
Arsenic	20	18.4	13.6		9.3		12.7	9.3	9.1	7.4	10.5
Barium	700	40	138		149		195	149	134	111	376
Beryllium	2	0.96	0.70		0.70		0.96	0.70	0.61	0.61	0.85
Bismuth	1	3.5	2.5		3.4		3.4	0.93	0.033 U	0.074 B	0.034 U
Cadmium	1,000	9,540	54,400		10,350		10,350	84,800	5,770	64,700	6,500
Calcium	2	163	142		123		123	94.5	73.7	72.7	98.7
Chromium	10	11.2	8.3		10.5		10.5	8.6	6.5	6.3	10.9
Cobalt	5	216	150		143		143	99	98.3	73.8	125
Copper	20	34,000	22,400		30,800		30,800	21,500	24,900	21,600	30,700
Iron	0.6	196	141		154		154	98	94	88	111
Lead	1,000	9,330	7,410		9,110		9,110	7,960	6,870	7,220	8,900
Magnesium	3	449	366		451		451	388	384	367	444
Manganese	0.1	43.7	11.9		4.5		4.5	3.8	2.5	2.4	2.7
Mercury	8	38.8	28.7		40		40	26.1	27	22.8	36.8
Nickel	1,000	3,600	3,330		3,540		3,540	3,620	2,530	2,090	3,140
Potassium	1	0.91	0.96		0.73		0.73	0.51	0.65	0.41	0.66
Selenium	2	5.5	3.9		3		3	2.4	2.1	1.4	2.2
Silver	110	11,500	7,620		20,800		20,800	16,800	8,430	6,000	8,730
Sodium	2	0.25	0.21		0.19 B		0.19 B	0.17 B	0.15 B	0.12 B	0.18
Thallium	370	10	43		37.1		37.1	31.4	30.2	30	37
Vanadium	1,500	4	385		301		265	218	202	173	273
Zinc	1,100	0.5	0.49 U		0.8		0.8	2.1	1.2	1.8	2.4
Cyanide, total			58.6				60.6		62.8		64.1
% Moisture			41.1				39.4		37.2		35.9
% Solids			41.1				39.4		37.2		35.9

\* = NJDEP Required detection limit

Table 4 continued

Metal Analysis of Bulk Sediment - continued

ASI Job #	Residential Action Level *DL	AMENDED COMPOSITE D	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE G	AMENDED COMPOSITE G
ASI ID #								
Laboratory ID #		675243	681905	681908	681906	681911	681907	681914
Alyte	mg/kg							
Aluminum	40	15,700	4,880	5,400	10,200	8,720	5,130	6,760
Antimony	14	1.1 B	2.2 B	1.7 B	0.87 B	0.76 B	0.72 U	0.63 U
Arsenic	20	6.4	7.9	8.6	3.3	3.0	2.4	2.5
Barium	700	227	180	156	139	110	52.4	67.5
Beryllium	2	0.59	0.31 B	0.33 B	0.45 B	0.41	0.27 B	0.38 B
Cadmium	39	0.029 U	0.22 B	0.036 U	0.037 U	0.032 U	0.037 U	0.033 U
Calcium	1,000	81,200	6,480	37,200	13,000	43,000	2,400	40,500
Chromium	2	81.5	17.2	28.5	34.3	25.9	30.7	30.7
Cobalt	10	6.4	5.1	5.7	6.1	6.4	4.1 B	4.2
Copper	600	71.4	55.6	167	38	23	20.6	25.8
Iron	20	27,900	21,400	18,400	20,200	15,000	11,300	12,000
Lead	0.6	64	60.4	401	134	95	38.9	39.1
Magnesium	1,000	7,390	2,240	3,130	9,080	8,040	2,960	4,410
Manganese	3	347	226	331	352	309	161	212
Mercury	14	2.2	0.31	0.27	0.28	0.14	0.29	0.33
Nickel	250	26.3	14.5	17	35.1	29	14.7	15.9
Potassium	1,000	2,060	1,050	1,300	4,780	3,800	1,840	1,830
Selenium	63	0.52	0.94	0.73 B	0.35 B	0.28 B	0.34 B	0.22 B
Silver	110	1.2	0.21 B	0.26 B	0.19 U	0.23 B	0.18 U	0.33 B
Sodium	1,000	4,700	238 B	528	3,600	2,470	3,170	2,000
Thallium	2	0.15	0.10 B	0.084 B	0.25	0.20	0.066 B	0.073 B
Thorium	370	29	15.7	23.7	29.1	25	14.8	20.8
Vanadium	1,500	174	364	265	101	97	59.4	83.1
Zinc	1,100	4.6	0.47 U	0.49 U	2.1	4.9	1.8	7.3
Cyanide, total								
% Moisture								
% Solids								
			81.5		79.5		82.5	

\* = NJDEP Required detection limit

Dioxin Alysis of Bulk Sediment

Table 4 continued

ASI Job #	Residential Action Level	*DL	COMPOSITE A	AMENDED COMPOSITE A	COMPOSITE B	AMENDED COMPOSITE B	COMPOSITE C	AMENDED COMPOSITE C	COMPOSITE D
ASI ID #	Soil								
Laboratory ID #	ug/kg	ug/kg	672352	672358	672353	672361	675234	675240	675239
ANVs	N/A	N/A	0.0579 Q	0.121	0.0627 Q	0.0789	0.0254	0.05	0.0225
1,2,3,7,8-PeCDD	N/A	N/A	0.00249 QJ	0.00407 QJ	0.00282 QJ	0.00368 QJ	0.00177 QJ	0.00238 QJ	0.000651 QJ
1,2,3,4,7,8-HxCDD	N/A	N/A	0.00286 J	0.00489 J	0.00304 J	0.00382 QJ	0.00179 J	0.00215 QJ	0.000871 J
1,2,3,6,7,8-HxCDD	N/A	N/A	0.0129	0.0279	0.0162	0.0182	0.00753 J	0.0108 J	0.00365 J
1,2,3,7,8,9-HxCDD	N/A	N/A	0.00624 J	0.0114	0.00645 J	0.0112	0.00466 J	0.00601 J	0.00284 J
1,2,3,4,6,7,8-HpCDD	N/A	N/A	0.178	0.339	0.209	0.26	0.114	0.159	0.0575
OCDD	N/A	N/A	1.74 B	3.3 B	2.31 B	2.59 B	1.27 B	1.74 B	0.616 B
2,3,7,8-TCDF	N/A	N/A	0.0127 Q	0.0223 Q	0.0132	0.0148	0.00902 Q	0.0128	0.00473
1,2,3,7,8-PeCDF	N/A	N/A	0.00525 J	0.0112 S	0.00684 J	0.00815 J	0.00457 J	0.0057 J	0.00178 J
2,3,4,7,8-PeCDF	N/A	N/A	0.00926 J	0.0167	0.0115 J	0.0137	0.00742 J	0.01 J	0.00329 J
1,2,3,4,7,8-HxCDF	N/A	N/A	0.0308	0.074 Q	0.04	0.0585	0.0361 Q	0.0391	0.0745 Q
1,2,3,6,7,8-HxCDF	N/A	N/A	0.0119 QJ	0.0179	0.0153 Q	0.0202 Q	0.00977 QJ	0.0133 Q	0.00301 QJ
2,3,4,6,7,8-HxCDF	N/A	N/A	0.00626 J	0.0108	0.0068 J	0.0108 Q	0.00497 QJ	0.00681 QJ	0.00227 QJ
1,2,3,7,8,9-HxCDF	N/A	N/A	0.000954 QJ	ND U	ND U	ND U	ND U	ND U	ND U
1,2,3,4,6,7,8-HpCDF	N/A	N/A	0.168	0.331	0.218	0.29	0.136 B	0.198 B	0.0565 B
1,2,3,4,7,8,9-HpCDF	N/A	N/A	0.0077 QJ	0.0152 Q	0.00793 QJ	0.00938 QJ	0.00488 QJ	0.00697 QJ	0.00258 QJ
OCDF	N/A	N/A	0.203	0.389	0.287	0.366	0.159 B	0.286 B	0.074 B

\* = NIDEP Required detection limit

Table 4 continued

Dioxin Analysis of Bulk Sediment - continued

ASI Job #	Residential Action Level	DL	AMENDED COMPOSITE D	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE G	AMENDED COMPOSITE G
ASI ID #			675243	681905	681908	681906	681911	681907	681914
Laboratory ID #	ug/kg	ug/kg							
Alvte	N/A	ug/kg	0.0393	0.000158 J	ND U	0.000455 Q J	0.000567 Q J	0.000366 Q J	0.000503 Q J
1,2,3,7,8-PeCDD	N/A	N/A	0.00291 J	0.000353 Q B J	0.000208 Q B J	0.000334 B J	0.000232 Q B J	ND U	ND U
1,2,3,4,7,8-HxCDD	N/A	N/A	0.0024 Q J	0.0003 Q B J	0.000305 B J	0.000192 B J	0.000293 Q B J	ND U	ND U
1,2,3,6,7,8-HxCDD	N/A	N/A	0.0128	0.00062 B J	0.000625 B J	0.000277 Q B J	0.000334 Q B J	0.000261 B J	0.000347 Q B J
1,2,3,7,8,9-HxCDD	N/A	N/A	0.00735 J	0.000544 Q B J	0.00046 Q B J	0.000413 Q B J	0.000381 Q B J	ND U	0.000341 B J
1,2,3,4,6,7,8-HpCDD	N/A	N/A	0.168	0.00303 B J	0.0037 B J	0.00363 B J	0.00412 B J	0.00279 B J	0.00556 B
OCDD	N/A	N/A	21 B	0.192 B	0.178 B	0.194 B	0.202 B	0.157 B	0.268 B
2,3,7,8-TCDF	N/A	N/A	0.0121 Q	0.006851 J	0.0074	0.00113 B J	0.000892 Q J	ND U	0.000331 Q J
1,2,3,7,8-PeCDF	N/A	N/A	0.00998 J	0.000777 J	0.00174 J	0.000348 J	0.000346 Q J	ND U	ND U
2,3,4,7,8-PeCDF	N/A	N/A	0.0105 J	0.00134 B J	0.00165 B J	0.000361 Q B J	0.0004 Q B J	0.00025 Q B J	0.00142 Q B J
1,2,3,4,7,8-HxCDF	N/A	N/A	0.0468	0.00268 B J	0.00374 B J	0.00123 B J	0.000921 B J	0.000399 B J	0.000407 Q B J
2,3,6,7,8-HxCDF	N/A	N/A	0.0124 Q	0.00106 J	0.00136 J	0.00045 J	0.000317 Q J	0.000139 Q J	0.00022 J
2,3,4,6,7,8-HxCDF	N/A	N/A	0.00683 Q J	0.000897 B J	0.00161 B J	0.000378 B J	0.000221 Q B J	ND U	0.000163 B J
1,2,3,7,8,9-HxCDF	N/A	N/A	ND U	0.000296 B J	0.000194 B J	0.000125 B J	0.000131 Q B J	ND U	ND U
1,2,3,4,5,7,8-HpCDF	N/A	N/A	0.189 B	0.00403 B J	0.00526 B J	0.00296 B J	0.00113 B J	0.00113 B J	0.00153 B J
1,2,3,4,7,8,9-HpCDF	N/A	N/A	0.00745 J	0.000548 B J	0.000371 Q B J	0.000265 B J	0.000244 Q B J	0.000244 B J	ND U
OCDF	N/A	N/A	0.258 B	0.00377 B J	0.00256 B J	0.00356 B J	0.00325 Q B J	0.00204 B J	0.00145 Q B J

\* = NIDEF Required detection limit

CAS #	Laboratory ID	Client Sample ID	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE MS	COMPOSITE F MSD / REP
	Sampling Date		681905	681908	681906	681911	681906MS	681906MD
			8/31/2006	9/7/2006	9/6/2006	9/7/2006	9/6/2006	9/6/2006
	PCBs		Units					
12674-11-2	Aroclor-1016		16 U	17 U	17 U	16 U	160	170
11104-28-2	Aroclor-1221		16 U	17 U	17 U	16 U	17 U	17 U
11141-16-5	Aroclor-1232		16 U	17 U	17 U	16 U	17 U	17 U
53469-21-9	Aroclor-1242		16 U	17 U	17 U	16 U	17 U	17 U
12672-29-6	Aroclor-1248		16 U	17 U	17 U	16 U	17 U	17 U
11097-69-1	Aroclor-1254		16 U	17 U	17 U	16 U	17 U	17 U
11096-82-5	Aroclor-1260		16 U	17 U	17 U	16 U	140	140
	Pesticides							
319-84-6	alpha-BHC		2.1 U	2.0 U	2.1 U	1.8 U	8	7.7
319-85-7	beta-BHC		22 P	9.8 P	2.1 U	1.8 U	7.5	6.6
319-86-8	delta-BHC		7.1 P	4.8	2.1 U	1.8 U	8.4	7.7
58-89-9	gamma-BHC (Lindane)		2.1 U	2 U	2.1 U	1.8 U	8.1	7.8
76-44-8	Heptachlor		9.7 P	2 U	2.1 U	1.8 U	8.8	7.1
309-00-2	Aldrin		2.1 U	2 U	2.1 U	1.8 U	7.6	6.2
1024-57-3	Heptachlor epoxide		2.1 U	9.2 P	2.1 U	1.8 U	8	7.4
959-98-8	Endosulfan I		2.1 U	2 U	2.1 U	1.8 U	7.4	6.9
60-57-1	Dieldrin		4.2 U	3.9 U	4.3 U	3.6 U	16	15
72-55-9	4,4'-DDE		4.2 U	3.9 U	4.3 U	3.6 U	16	13
72-20-8	Endrin		4.2 U	3.9 U	4.3 U	3.6 U	16	15
33213-65-9	Endosulfan II		4.2 U	3.9 U	4.3 U	3.6 U	15	14
72-54-8	4,4'-DDD		10 P	3.9 U	4.3 U	3.6 U	16	14
1031-07-8	Endosulfan sulfate		9.7 P	3.9 U	4.3 U	3.6 U	16	17
50-29-3	4,4'-DDT		4.2 U	3.9 U	4.3 U	3.6 U	17	15
72-43-5	Methoxychlor		21 U	20 U	21 U	18 U	84	83
53494-70-5	Endrin ketone		4.2 U	3.9 U	4.3 U	3.6 U	17	17
7421-93-4	Endrin aldehyde		4.2 U	3.9 U	4.3 U	3.6 U	14	14
57-74-9	Chlordane		21 U	20 U	21 U	18 U	21 U	21 U
8001-35-2	Toxaphene		210 U	200 U	210 U	180 U	210 U	210 U
2385-85-5	Mirex		4.2 U	3.9 U	4.3 U	3.6 U	4.3 U	4.3 U
5103-74-2	gamma-Chlordane		2.1 U	2 U	2.1 U	1.8 U	7	5.8
5103-71-9	alpha-Chlordane		2.1 U	2 U	2.1 U	1.8 U	7.9	6.9

CAS #	Laboratory ID	Client Sample ID	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE F MS	COMPOSITE F MSD / REP
	Sampling Date		681905 8/31/2006	681908 9/7/2006	681906 9/6/2006	681911 9/7/2006	681906MS 9/6/2006	681906MD 9/6/2006
	Semivolatiles		Units					
108-95-2	Phenol		330 U	330 U	330 U	330 U	860	990
111-44-4	bis(2-Chloroethyl)Ether		330 U	330 U	330 U	330 U	820	850
95-57-8	2-Chlorophenol		330 U	330 U	330 U	330 U	890	940
541-73-1	1,3-Dichlorobenzene		330 U	330 U	330 U	330 U	770	830
106-46-7	1,4-Dichlorobenzene		330 U	330 U	330 U	330 U	780	820
95-50-1	1,2-Dichlorobenzene		330 U	330 U	330 U	330 U	800	850
95-48-7	2-Methylphenol		330 U	330 U	330 U	330 U	950	960
108-60-1	2,2'-oxybis(1-Chloropropane)		330 U	330 U	330 U	330 U	840	880
106-44-5	4-Methylphenol		21 J	330 U	330 U	330 U	1700	1700
621-64-7	N-Nitroso-di-n-propylamine		330 U	330 U	330 U	330 U	840	890
67-72-1	Hexachloroethane		330 U	330 U	330 U	330 U	790	840
98-95-3	Nitrobenzene		330 U	330 U	330 U	330 U	860	890
78-59-1	Isophorone		330 U	330 U	330 U	330 U	770	840
88-75-5	2-Nitrophenol		330 U	330 U	330 U	330 U	880	950
105-67-9	2,4-Dimethylphenol		330 U	330 U	330 U	330 U	900	980
111-91-1	bis(2-Chloroethoxy)methane		330 U	330 U	330 U	330 U	820	870
120-83-2	2,4-Dichlorophenol		330 U	330 U	330 U	330 U	870	930
120-82-1	1,2,4-Trichlorobenzene		330 U	330 U	330 U	330 U	800	860
91-20-3	Naphthalene		330	270 J	180 J	120 J	950	1100
106-47-8	4-Chloroaniline		330 U	330 U	330 U	330 U	760	1100
87-68-3	Hexachlorobutadiene		330 U	330 U	330 U	330 U	830	890
59-50-7	4-Chloro-3-methylphenol		330 U	330 U	330 U	330 U	890	970
91-57-6	2-Methylnaphthalene		130 J	130 J	54 J	39 J	890	980
77-47-4	Hexachlorocyclopentadiene		330 U	330 U	330 U	330 U	430	420
88-06-2	2,4,6-Trichlorophenol		330 U	330 U	330 U	330 U	1900	2000
95-95-4	2,4,5-Trichlorophenol		820 U	840 U	840 U	820 U	1700	1900
91-58-7	2-Chloronaphthalene		330 U	330 U	330 U	330 U	850	900
88-74-4	2-Nitroaniline		820 U	840 U	840 U	820 U	1800	1900
131-11-3	Dimethylphthalate		330 U	330 U	330 U	330 U	840	890
208-96-8	Acenaphthylene		490	290 J	78 J	22 J	730	780
606-20-2	2,6-Dinitrotoluene		330 U	330 U	330 U	330 U	800	850
99-09-2	3-Nitroaniline		820 U	840 U	840 U	820 U	930	1100
83-32-9	Acenaphthene		270 J	190 J	170 J	100 J	920	1000
51-28-5	2,4-Dinitrophenol		820 U	840 U	840 U	820 U	1400	1600
132-64-9	Dibenzofuran		110 J	87 J	95 J	63 J	900	1000
100-02-7	4-Nitrophenol		820 U	840 U	840 U	820 U	1400	1700
121-14-2	2,4-Dinitrotoluene		330 U	330 U	330 U	330 U	730	840
86-73-7	Fluorene		170 J	140 J	140 J	90 J	880	1000
84-66-2	Diethylphthalate		330 U	330 U	330 U	330 U	800	860

CAS #	Laboratory ID	Client Sample ID	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE MS	COMPOSITE F MSD / REP
	Sampling Date		8/31/2006	9/7/2006	9/6/2006	9/7/2006	9/6/2006	9/6/2006
		Units						
7005-72-3		4-Chlorophenyl-phenylether	330 U	330 U	330 U	330 U	330 U	810
100-01-6		4-Nitroaniline	820 U	840 U	840 U	820 U	820 U	1200
534-52-1		4,6-Dinitro-2-methylphenol	820 U	840 U	840 U	820 U	2100	2200
86-30-6		N-nitrosodiphenylamine	330 U	330 U	330 U	330 U	1200	1200
101-55-3		4-Bromophenyl-phenylether	330 U	330 U	330 U	330 U	1000	1100
118-74-1		Hexachlorobenzene	330 U	330 U	330 U	330 U	900	900
87-86-5		Pentachlorophenol	820 U	840 U	840 U	820 U	1500	1600
85-01-8		Phenanthrene	2300	1800	1500	790	1800	2200
120-12-7		Anthracene	780	590	350	200 J	1100	1200
86-74-8		Carbazole	140 J	110 J	120 J	60 J	870	940
84-74-2		Di-n-butylphthalate	330 U	330 U	330 U	330 U	800	870
206-44-0		Fluoranthene	6000 D	4500 D	1900	950	1900	2300
129-00-0		Pyrene	6600 D	5500 D	2000	1400	2500	2400
85-68-7		Butylbenzylphthalate	330 U	330 U	330 U	330 U	910	880
56-55-3		Benzo(a)anthracene	2900 D	2600	870	460	1500	1500
91-94-1		3,3'-Dichlorobenzidine	330 U	330 U	330 U	330 U	1500	1600
218-01-9		Chrysene	3100 D	2400 D	840	450	1500	1500
117-81-7		bis(2-Ethylhexyl)phthalate	330 U	330 U	16 J	330 U	890	870
117-84-0		Di-n-octylphthalate	330 U	330 U	330 U	330 U	960	900
205-99-2		Benzo(b)fluoranthene	2000 D	1900 D	640	300 J	1800	1600
207-08-9		Benzo(k)fluoranthene	2400 D	2300	880	360	1500	1900
50-32-8		Benzo(a)pyrene	2800 D	2400	760	380	1300	1500
193-39-5		Indeno(1,2,3-cd)pyrene	800	700	220 J	190 J	620	630
53-70-3		Dibenz(a,h)anthracene	330 U	330 U	330 U	330 U	510	530
191-24-2		Benzo(g,h,i)perylene	890	780	230 J	230 J	600	590
		Volatiles						
74-87-3		Chloromethane	6.2 U	5.8 U	6.1 U	5.4 U	69	77
75-01-4		Vinyl Chloride	6.2 U	5.8 U	6.1 U	5.4 U	69	77
74-83-9		Bromomethane	6.2 U	5.8 U	6.1 U	5.4 U	70	76
75-00-3		Chloroethane	6.2 U	5.8 U	6.1 U	5.4 U	72	80
75-35-4		1,1-Dichloroethane	6.2 U	5.8 U	6.1 U	5.4 U	69	78
67-64-1		Acetone	15 B	37 B	14 B	32 B	74 B	79 B
75-15-0		Carbon Disulfide	6.2 U	7.9	6.1 U	8.5	65	71
75-09-2		Methylene Chloride	3.6 JB	7.8 B	2.9 JB	8.1 B	75 B	84 B
156-60-5		trans-1,2-Dichloroethene	6.2 U	5.8 U	6.1 U	5.4 U	67	72
540-59-0		1,2-Dichloroethene (total)	6.2 U	5.8 U	6.1 U	5.4 U	140	150
75-34-3		1,1-Dichloroethane	6.2 U	5.8 U	6.1 U	5.4 U	70	77
156-59-2		cis-1,2-Dichloroethene	6.2 U	5.8 U	6.1 U	5.4 U	72	78
78-93-3		2-Butanone	6.2 U	7.8	6.1 U	6.1 U	89	100
67-66-3		Chloroform	6.2 U	5.8 U	6.1 U	5.4 U	74	77
71-55-6		1,1,1-Trichloroethane	6.2 U	5.8 U	6.1 U	5.4 U	70	73

	Client Sample ID	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE F MS	COMPOSITE F MSD / REP
CAS #	Laboratory ID	681905	681908	681906	681911	681906MS	681906MD
	Sampling Date	8/31/2006	9/7/2006	9/6/2006	9/7/2006	9/6/2006	9/6/2006
	Volatiles (Continued)	Units					
56-23-5	Carbon Tetrachloride	6.2 U	5.8 U	6.1 U	5.4 U	64	67
71-43-2	Benzene	6.2 U	5.8 U	6.1 U	5.4 U	65	68
107-06-2	1,2-Dichloroethane	6.2 U	5.8 U	6.1 U	5.4 U	65	70
79-01-6	Trichloroethene	6.2 U	5.8 U	6.1 U	5.4 U	60	61
78-87-5	1,2-Dichloropropane	6.2 U	5.8 U	6.1 U	5.4 U	67	71
75-27-4	Bromodichloromethane	6.2 U	5.8 U	6.1 U	5.4 U	66	70
10061-01-5	cis-1,3-Dichloropropene	6.2 U	5.8 U	6.1 U	5.4 U	56	57
108-10-1	4-Methyl-2-pentanone	6.2 U	5.8 U	6.1 U	5.4 U	77	86
108-88-3	Toluene	6.2 U	5.8 U	6.1 U	5.4 U	72	75
10061-02-6	trans-1,3-Dichloropropene	6.2 U	5.8 U	6.1 U	5.4 U	79	89
79-00-5	1,1,2-Trichloroethane	6.2 U	5.8 U	6.1 U	5.4 U	99	120
127-18-4	Tetrachloroethene	6.2 U	5.8 U	6.1 U	5.4 U	62	59
591-78-6	2-Hexanone	6.2 U	5.8 U	6.1 U	5.4 U	120	140
124-48-1	Dibromochloromethane	6.2 U	5.8 U	6.1 U	5.4 U	92	110
108-90-7	Chlorobenzene	6.2 U	5.8 U	6.1 U	5.4 U	61	62
100-41-4	Ethylbenzene	6.2 U	5.8 U	6.1 U	5.4 U	53	50
1330-20-7	Xylene (m,p)	6.2 U	5.8 U	6.1 U	5.4 U	96	89
95-47-6	Xylene (o)	6.2 U	5.8 U	6.1 U	5.4 U	53	51
1330-20-7	Xylene (total)	6.2 U	5.8 U	6.1 U	5.4 U	150	140
100-42-5	Styrene	6.2 U	1.1 J	6.1 U	5.4 U	53	52
75-25-2	Bromoform	6.2 U	5.8 U	6.1 U	5.4 U	87	100
79-34-5	1,1,2,2-Tetrachloroethane	6.2 U	5.8 U	6.1 U	5.4 U	120	140
	Metals						
57-12-5	Cyanide	0.47 U	0.49 U	2.1	4.9	14.1	1.9
7429-90-5	Aluminum	4880	5400	10200	8720	10370	7760
7440-36-0	Antimony	2.2 B	1.7 B	0.87 B	0.76 B	12.57	0.73 U
7440-38-2	Arsenic	7.9	8.6	3.3	3.0	6.7	2.4
7440-39-3	Barium	180	156	139	110	291	113
7440-41-7	Beryllium	0.31 B	0.33 B	0.45 B	0.41	4.63	0.36 B
7440-43-9	Cadmium	0.22 B	0.036 U	0.037 U	0.032 U	3.800	0.037 U
7440-70-2	Calcium	6480	37200	13000	43000		10744
7440-47-3	Chromium	17.2	28.5	34.3	39	48	27
7440-48-4	Cobalt	5.1	5.7	9.1	6.4	49.9	7.3
7440-50-8	Copper	55.6	167	38	25	53	24
7439-89-6	Iron	21400	18400	20200	15000	19946	15772
7439-92-1	Lead	604	401	134	95	132	112
7439-95-4	Magnesium	2240	3130	9080	8040		7220
7439-96-5	Manganese	226	331	352	309	365	284
7440-02-0	Nickel	14.5	17	38.1	29	76	33
7440-09-7	Potassium	1050	1300	4780	3800		3966
7440-22-4	Silver	0.21 B	0.26 B	0.19 U	0.23 B	4.74	0.19 B

7440-23-5	Sodium	PPM	238	B	528	3600	2470	3084
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	Client Sample ID	COMPOSITE E	AMENDED COMPOSITE E	COMPOSITE F	AMENDED COMPOSITE F	COMPOSITE F MS	COMPOSITE F MSD / REP
CAS #	Laboratory ID	681905	681908	681906	681911	681906MS	681906MD
	Sampling Date	8/31/2006	9/7/2006	9/6/2006	9/7/2006	9/6/2006	9/6/2006
	Metals (Continued)	Units					
7440-62-2	Vanadium	15.7	23.7	29.1	25	71	25
7440-66-6	Zinc	364	265	101	97	139	77
7782-49-2	Selenium	0.94	0.73 B	0.35 B	0.28 B	5.01	0.36 B
7440-28-0	Thallium	0.10 B	0.084 B	0.25	0.20	4.77	0.23
7439-97-6	Mercury	0.31	0.27	0.28	0.14	0.31	0.23
	Dioxins						
57117-41-6	1,2,3,7,8-PeCDF	0.777 J	1.14 J	0.348 J	0.346 QJ	122	120
57117-31-4	2,3,4,7,8-PeCDF	1.34 BJ	1.85 BJ	0.361 QB	0.4 QB	118 B	119 B
70648-26-9	1,2,3,4,7,8-HxCDF	2.68 BJ	3.74 BJ	1.23 BJ	0.921 BJ	119 B	123 B
60851-34-5	2,3,4,6,7,8-HxCDF	0.897 BJ	1.61 BJ	0.378 BJ	0.221 QB	120 B	121 B
72918-21-9	1,2,3,7,8,9-HxCDF	0.296 BJ	0.194 BJ	0.125 BJ	0.131 QB	122 B	123 B
67562-39-4	1,2,3,4,6,7,8-HpCDF	4.03 BJ	5.26 BJ	2.96 BJ	2.63 BJ	127 B	126 B
39001-02-0	OCDF	3.77 BJ	2.56 BJ	3.6 BJ	3.25 QB	235 B	243 B
1746-01-6	2,3,7,8-TCDD	0.158 J	ND U	0.455 QJ	0.567 QJ	23.8	24.8
40321-76-4	1,2,3,7,8-PeCDD	0.353 QB	0.208 QB	0.334 BJ	0.232 QB	116 B	114 B
19408-74-3	1,2,3,7,8,9-HxCDD	0.544 QB	0.46 QB	0.413 QB	0.361 QB	122 B	123 B
35822-46-9	1,2,3,4,6,7,8-HpCDD	3.03 BJ	3.7 BJ	3.63 BJ	4.12 BJ	123 B	118 B
3268-87-9	OCDD	192 B	178 B	194 B	202 B	478 B	469 B
57117-44-9	1,2,3,6,7,8-HxCDF	1.06 J	1.36 J	0.45 J	0.317 QJ	118	122
55673-89-7	1,2,3,4,7,8,9-HpCDF	0.548 BJ	0.371 QB	0.265 BJ	0.244 QB	120 B	121 B
39227-28-6	1,2,3,4,7,8-HxCDD	0.3 QB	0.305 BJ	0.192 BJ	0.293 QB	122 B	119 B
57653-85-7	1,2,3,6,7,8-HxCDD	0.62 BJ	0.625 BJ	0.277 QB	0.334 QB	123 B	120 B
51207-31-9	2,3,7,8-TCDF	0.851 J	1.4	1.13 QJ	0.892 QJ	27.1	27.1
-	TEQ	2.0	2.5	1.5	1.5	NA	NA

Note: For the TEQ calculation ND TEQ concentration = EDLXTEF Factor

CAS #	Laboratory ID	Client Sample ID	COMPOSITE G	AMEND COMPOSITE G	AMEND COMPOSITE F MS	AMEND COMPOSITE F MSD / REP
	Sampling Date		681907	681914	681911MS	681911MSD
	Units		9/6/2006	9/7/2006	9/7/2006	9/7/2006
	PCBs					
12674-11-2	Aroclor-1016		16 U	17 U	170	180
11104-28-2	Aroclor-1221		16 U	17 U	16 U	16 U
11141-16-5	Aroclor-1232		16 U	17 U	16 U	16 U
53469-21-9	Aroclor-1242		16 U	17 U	16 U	16 U
12672-29-6	Aroclor-1248		16 U	17 U	16 U	16 U
11097-69-1	Aroclor-1254		16 U	17 U	16 U	16 U
11096-82-5	Aroclor-1260		16 U	17 U	140	150
	<b>Pesticides</b>					
319-84-6	alpha-BHC		2 U	1.9 U	2.2	3.9
319-85-7	beta-BHC		2 U	1.9 U	5.9 P	6.4 P
319-86-8	delta-BHC		2 U	1.9 U	1.8 JP	2.2 P
58-89-9	gamma-BHC (Lindane)		2 U	1.9 U	4.4 P	5.3
76-44-8	Heptachlor		2 U	1.9 U	18 P	17 P
309-00-2	Aldrin		2 U	1.9 U	6.7	6.8
1024-57-3	Heptachlor epoxide		2 U	1.9 U	7.8	8.1
959-98-8	Endosulfan I		2 U	1.9 U	0.54 J	0.49 J
60-57-1	Dieldrin		4.1 U	3.7 U	13	14
72-55-9	4,4'-DDE		4.1 U	3.7 U	17	16
72-20-8	Endrin		4.1 U	3.7 U	14	14
33213-65-9	Endosulfan II		4.1 U	3.7 U	0.89 J	0.82 J
72-54-8	4,4'-DDD		4.1 U	3.7 U	13	14
1031-07-8	Endosulfan sulfate		4.1 U	3.7 U	7.5	10
50-29-3	4,4'-DDT		4.1 U	3.7 U	11	14
72-43-5	Methoxychlor		20 U	19 U	73	75
53494-70-5	Endrin keftone		4.1 U	3.7 U	14	14
7421-93-4	Endrin aldehyde		10	3.7 U	9.7	10
57-74-9	Chlordane		20 U	19 U	18 U	18 U
8001-35-2	Toxaphene		200 U	190 U	180 U	180 U
2385-85-5	Mirex		4.1 U	3.7 U	3.6 U	3.6 U
5103-74-2	gamma-Chlordane		2.0 U	1.9 U	5.9	6.1
5103-71-9	alpha-Chlordane		2 U	1.9 U	7.6	7.7

	Client Sample ID	COMPOSITE G	AMEND COMPOSITE G	AMEND COMPOSITE F MS	AMEND COMPOSITE F MSD / REP
CAS #	Laboratory ID	681907	681914	681911MS	681911MSD
	Sampling Date	9/6/2006	9/7/2006	9/7/2006	9/7/2006
	Semivolatiles	Unifs			
108-95-2	Phenol	330 U	330 U	610	690
111-44-4	bis(2-Chloroethyl)Ether	330 U	330 U	810	870
95-57-8	2-Chlorophenol	330 U	330 U	280 J	340
541-73-1	1,3-Dichlorobenzene	330 U	330 U	770	810
106-46-7	1,4-Dichlorobenzene	330 U	330 U	760	790
95-50-1	1,2-Dichlorobenzene	330 U	330 U	780	820
95-48-7	2-Methylphenol	330 U	330 U	720	730
108-60-1	2,2-oxybis(1-Chloropropane)	330 U	330 U	810	850
106-44-5	4-Methylphenol	330 U	330 U	1200	1300
621-64-7	N-Nitroso-di-n-propylamine	330 U	330 U	750	780
67-72-1	Hexachloroethane	330 U	330 U	790	840
98-95-3	Nitrobenzene	330 U	330 U	870	900
78-59-1	Isophorone	330 U	330 U	760	810
88-75-5	2-Nitrophenol	330 U	330 U	360	460
105-67-9	2,4-Dimethylphenol	330 U	330 U	520	540
111-91-1	bis(2-Chloroethoxy)methane	330 U	330 U	820	860
120-83-2	2,4-Dichlorophenol	330 U	330 U	210 J	270 J
120-82-1	1,2,4-Trichlorobenzene	330 U	330 U	810	870
91-20-3	Naphthalene	200 J	140 J	940	1000
106-47-8	4-Chloroaniline	330 U	330 U	650	720
87-68-3	Hexachlorobutadiene	330 U	330 U	850	930
59-50-7	4-Chloro-3-methylphenol	330 U	330 U	580	670
91-57-6	2-Methylnaphthalene	130 J	73 J	820	910
77-47-4	Hexachlorocyclopentadiene	330 U	330 U	330 U	330 U
88-06-2	2,4,6-Trichlorophenol	330 U	330 U	1000	1200
95-95-4	2,4,5-Trichlorophenol	820 U	840 U	760 J	910
91-58-7	2-Chloronaphthalene	330 U	330 U	870	930
88-74-4	2-Nitroaniline	820 U	840 U	1700	1700
131-11-3	Dimethylphthalate	330 U	330 U	820	860
208-96-8	Acenaphthylene	72 J	49 J	720	750
606-20-2	2,6-Dinitrotoluene	330 U	330 U	820	830
99-09-2	3-Nitroaniline	820 U	840 U	1000	1100
83-32-9	Acenaphthene	91 J	61 J	900	980
51-28-5	2,4-Dinitrophenol	820 U	840 U	1300	1400
132-64-9	Dibenzofuran	100 J	62 J	880	960
100-02-7	4-Nitrophenol	820 U	840 U	620 J	790 J
121-14-2	2,4-Dinitrotoluene	330 U	330 U	750	770
86-73-7	Fluorene	130 J	80 J	880	940
84-66-2	Diethylphthalate	330 U	330 U	800	830

CAS #	Laboratory ID	Client Sample ID	COMPOSITE G	AMEND COMPOSITE G	AMEND COMPOSITE F MS	AMEND COMPOSITE F MSD / REP
	Sampling Date		681907 9/6/2006	681914 9/7/2006	681911MS 9/7/2006	681911MSD 9/7/2006
	Semivolatiles (Continued)	Units				
7005-72-3	4-Chlorophenyl-phenylether	PPB	330 U	330 U	810	820
100-01-6	4-Nitroaniline	PPB	820 U	840 U	1200	1200
534-52-1	4,6-Dinitro-2-methylphenol	PPB	820 U	840 U	2000	2000
86-30-6	N-nitrosodiphenylamine	PPB	330 U	330 U	1000	1000
101-55-3	4-Bromophenyl-phenylether	PPB	330 U	330 U	940	990
118-74-1	Hexachlorobenzene	PPB	330 U	330 U	870	870
87-86-5	Pentachlorophenol	PPB	820 U	840 U	1100	1200
85-01-8	Phenanthrene	PPB	1100	800	1500	1900
120-12-7	Anthracene	PPB	320 J	200 J	1000	1100
86-74-8	Carbazole	PPB	84 J	66 J	880	890
84-74-2	Di-n-butylphthalate	PPB	330 U	330 U	810	810
206-44-0	Fluoranthene	PPB	1200	870	1600	2200
129-00-0	Pyrene	PPB	1500	1200	2000	2400
85-68-7	Butylbenzylphthalate	PPB	330 U	330 U	920	890
56-55-3	Benzo(a)anthracene	PPB	620	480	1300	1600
91-94-1	3,3'-Dichlorobenzidine	PPB	330 U	330 U	1400	1500
218-01-9	Chrysene	PPB	650	490	1300	1500
117-81-7	bis(2-Ethylhexyl)phthalate	PPB	30 J	19 J	880	830
117-84-0	Di-n-octylphthalate	PPB	330 U	330 U	930	920
205-99-2	Benzo(b)fluoranthene	PPB	630	420	1300	1600
207-08-9	Benzo(k)fluoranthene	PPB	630	350	1200	1400
50-32-8	Benzo(a)pyrene	PPB	630	440	1200	1500
193-39-5	Indeno(1,2,3-cd)pyrene	PPB	220 J	240 J	830	840
53-70-3	Dibenz(a,h)anthracene	PPB	330 U	330 U	720	700
191-24-2	Benzo(g,h,i)perylene	PPB	260 J	270 J	760	760
	Volatiles					
74-87-3	Chloromethane	PPB	6 U	5.5 U	67	59
75-01-4	Vinyl Chloride	PPB	6 U	5.5 U	67	60
74-83-9	Bromomethane	PPB	6 U	5.5 U	61	53
75-00-3	Chloroethane	PPB	6 U	5.5 U	68	61
75-35-4	1,1-Dichloroethene	PPB	6 U	5.5 U	110	110
67-64-1	Acetone	PPB	13 B	48 B	100 B	93 B
75-15-0	Carbon Disulfide	PPB	6 U	3.8 J	53	53
75-09-2	Methylene Chloride	PPB	1.6 JB	3.2 JB	80 B	75 B
156-60-5	trans-1,2-Dichloroethene	PPB	6 U	5.5 U	61	61
540-59-0	1,2-Dichloroethene (total)	PPB	6 U	5.5 U	130	130
75-34-3	1,1-Dichloroethane	PPB	6 U	5.5 U	67	63
156-59-2	cis-1,2-Dichloroethene	PPB	6 U	5.5 U	67	65
78-93-3	2-Butanone	PPB	6 U	8.9	95	90
67-66-3	Chloroform	PPB	6 U	5.5 U	67	64
71-55-6	1,1,1-Trichloroethane	PPB	6 U	5.5 U	65	62

	Client Sample ID	COMPOSITE G	AMEND COMPOSITE G	AMEND COMPOSITE F MS	AMEND COMPOSITE F MSD / REP
CAS #	Laboratory ID	681907	681914	681911MS	681911MSD
	Sampling Date	9/6/2006	9/7/2006	9/7/2006	9/7/2006
	Volatiles (Continued)	Units			
56-23-5	Carbon Tetrachloride	6 U	5.5 U	57	57
71-43-2	Benzene	6 U	5.5 U	60	58
107-06-2	1,2-Dichloroethane	6 U	5.5 U	60	57
79-01-6	Trichloroethene	6 U	5.5 U	100	100
78-87-5	1,2-Dichloropropane	6 U	5.5 U	62	60
75-27-4	Bromochloromethane	6 U	5.5 U	37	37
10061-01-5	cis-1,3-Dichloropropene	6 U	5.5 U	41	40
108-10-1	4-Methyl-2-pentanone	6 U	5.5 U	77	71
108-88-3	Toluene	6 U	5.5 U	73	70
10061-02-6	trans-1,3-Dichloropropene	6 U	5.5 U	73	67
79-00-5	1,1,2-Trichloroethane	6 U	5.5 U	13	11
127-18-4	Tetrachloroethene	6 U	5.5 U	59	60
591-78-6	2-Hexanone	6 U	5.5 U	130	120
124-48-1	Dibromochloromethane	6 U	5.5 U	69	62
108-90-7	Chlorobenzene	6 U	5.5 U	59	57
100-41-4	Ethylbenzene	6 U	5.5 U	50	50
1330-20-7	Xylene (m,p)	6 U	5.5 U	91	90
95-47-6	Xylene (o)	6 U	5.5 U	50	49
1330-20-7	Xylene (total)	6 U	5.5 U	140	140
100-42-5	Styrene	6 U	5.5 U	52	50
75-25-2	Bromoform	6 U	5.5 U	83	77
79-34-5	1,1,2,2-Tetrachloroethane	6 U	5.5 U	5.4 U	5.4
	Metals				
57-12-5	Cyanide	1.8	7.3	9.1	5.1
7429-90-5	Aluminum	5130	6760	10265	8705
7440-36-0	Antimony	0.72 U	0.63 U	9.4	0.64
7440-38-2	Arsenic	2.4	2.5	5.7	2.4
7440-39-3	Barium	52.4	67.5	258	108
7440-41-7	Beryllium	0.27 B	0.38 B	4.1	0.42
7440-43-9	Cadmium	0.037 U	0.033 U	3.2	0.76
7440-70-2	Calcium	2400	40500	41971	41971
7440-47-3	Chromium	25.9	30.7	57	37
7440-48-4	Cobalt	4.1 B	4.2	42	6.8
7440-50-8	Copper	20.6	25.8	43	26
7439-89-6	Iron	11300	12000	16954	15553
7439-92-1	Lead	38.9	39.1	106	100
7439-95-4	Magnesium	2990	4410		7630
7439-96-5	Manganese	161	212	365	311
7440-02-0	Nickel	14.7	15.9	66	30
7440-09-7	Potassium	1840	1830		3799
7440-22-4	Silver	0.18 U	0.33 B	4.2	0.24

7440-23-5	Sodium	PPM	3170	2000	2511
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CAS #	Client Sample ID	COMPOSITE G	AMEND COMPOSITE G	AMEND COMPOSITE F MS	AMEND COMPOSITE F MSD / REP
	Laboratory ID	681907	681914	681911MS	681911MSD
	Sampling Date	9/6/2006	9/7/2006	9/7/2006	9/7/2006
	Metals (Continued)	Units			
7440-62-2	Vanadium	PPM	14.8		
7440-66-6	Zinc	PPM	59.4	65	25
7782-49-2	Selenium	PPM	0.34 B	140	210
7440-28-0	Thallium	PPM	0.086 B	4.3	0.4 B
7439-97-6	Mercury	PPM	0.29	4.3	0.2
	Dioxins			0.30	0.17
57117-41-6	1,2,3,7,8-PeCDF	pg/g	ND U		
57117-31-4	2,3,4,7,8-PeCDF	pg/g	0.25 Q B	103	101
70648-26-9	1,2,3,4,7,8-HxCDF	pg/g	0.399 B J	104 B	99.8 B
60851-34-5	2,3,4,6,7,8-HxCDF	pg/g	ND U	105 B	102 B
72918-21-9	1,2,3,7,8,9-HxCDF	pg/g	ND U	106 B	102 B
67562-39-4	1,2,3,4,6,7,8-HpCDF	pg/g	1.13 B J	106 B	103 B
39001-02-0	OCDF	pg/g	2.04 B J	113 B	107 B
1746-01-6	2,3,7,8-TCDD	pg/g	0.366 Q J	174 B	182 B
40321-76-4	1,2,3,7,8-PeCDD	pg/g	ND U	23.4	21.8
19408-74-3	1,2,3,7,8,9-HxCDD	pg/g	ND U	106 B	101 B
35822-46-9	1,2,3,4,6,7,8-HpCDD	pg/g	0.341 B J	108 B	102 B
3268-87-9	OCDD	pg/g	2.79 B J	105 B	100 B
57117-44-9	1,2,3,6,7,8-HxCDF	pg/g	157 B	402 B	313 a B
55673-89-7	1,2,3,4,7,8,9-HpCDF	pg/g	0.133 Q J	104	103
39227-28-6	1,2,3,4,7,8-HxCDD	pg/g	0.244 B J	ND U	101 B
57653-85-7	1,2,3,6,7,8-HxCDD	pg/g	ND U	ND U	99.8 B
51207-31-9	2,3,7,8-TCDF	pg/g	0.261 B J	104 B	102 B
-	TEQ	pg/g	ND U	105 B	102 B
		0.88	1.2	22.4	22.1
					NA

Note: For the TEQ calculation ND TEQ concentration = EDLxTEF Factor

## Masters, Matt

---

**From:** rickr@hotmail.com  
**Sent:** Thursday, October 07, 2010 2:44 PM  
**To:** Masters, Matt  
**Cc:** Rich Studer; Don Sansing  
**Subject:** Re: Placement of PDM from HH.654.121

Matt: as stated in our conversation you have our concurrence on this matter. We will continue to push for permitting resolutions to facilitate placement at the GATX site as well as alternatives. We appreciate your willingness to defer issuing work orders on the second contract for the immediate future giving us time to receive approvals from the DEC. Please keep us in the loop on how this particular contract ends up being handled.

-----Original Message-----

**From:** Matt Masters  
**To:** Rick Redle  
**Cc:** Jacobsen, Peter  
**Cc:** Barrios, Rene  
**Cc:** Lombardi, Dennis  
**Sent:** Oct 7, 2010 1:32 PM  
**Subject:** Placement of PDM from HH.654.121

Rick,

Per our conversation today between you, me and Peter Jacobsen, the purpose of this email is to obtain your written concurrence that UTEX is amenable to the Port Authority addressing the placement of processed dredged material from Howland Hook (Contract HH 654.121) by means that are different than the terms of the Settlement Agreement. We agreed verbally, that specific to the Howland Hook dredging contract, it was advantageous to both the Port Authority and UTEX to have our dredging contractor arrange for the placement of the PDM. Please respond at your earliest convenience.

Thank you.

Matt

Matt Masters  
Manager, Waterways Planning & Development Port Commerce Department  
225 Park Avenue South, 11th Floor  
New York, NY 10003  
Phone: (212)435-4273  
Fax: (212) 435-4203  
Email: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)

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RickR Sent via BlackBerry - a service from AT&T Wireless.

## Masters, Matt

---

**From:** Barrios, Rene  
**Sent:** Wednesday, October 06, 2010 3:59 PM  
**To:** 'Rickr UTEX'; 'dsansing@utex-environmentalservices.com'  
**Cc:** Jacobsen, Peter; Masters, Matt; Dunne, Pamela; Slattery, George; Stringer, Judith  
**Subject:** RE: AUD Brookfield Site

Rick & Don -

This afternoon I called your main office in Texas and left a message with the secretary to please call me back. I still didn't get a response.

The Resident Engineer needs to ensure that all parties understand their responsibilities prior to start dredging. Since there are still some questions regarding the transportation and placement of the PDM at the Brookfield Landfill, the PA is formally requesting Jay Cashman, Clean Earth and UTEX staff attend a **meeting scheduled for tomorrow Thursday, October 7, at 9:00 AM at the PI/HHMT Resident Engineer's Office in Staten Island, NY**. Please note that time is of the essence in resolving coordination issues since the contractor is mobilized and the PA is already incurring unanticipated costs.

Kindly advise of your attendance at tomorrow's meeting as soon as possible.

Thanks,  
Rene

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Wednesday, October 06, 2010 1:47 PM  
**To:** Barrios, Rene; Masters, Matt  
**Subject:** RE: AUD Brookfield Site

Renee/Matt; as it pertains to Renee's communication I hope the following response clarifies the status with respect to the questions:

1. The AUD issued by Suzanne Dietrick at the NJDEP for transportation to the Brookfield site was forwarded directly to Matt yesterday for distribution within the Port Authority; We will resend if you need us to. Renee would you like to be on all correspondence related to this contract as we are happy to provide though we were assumptive that Matt would be coordinating and forwarding to appropriate individuals as necessary? Just let us know whom should be on all correspondence as we are always sensitive to your internal distribution and communications so I apologize for not having followed up to see if you had received from Matt. We expect to receive the AUD for transportation and placement at Bellmawr today or tomorrow from Suzanne.

2. Yes there is a scale at Brookfield. And I believe there is also one at the alternative Bellmawr.

3/4 We have meet with Brookfield and are currently meeting with the alternative [Bellmawr] to go over scheduling aspects on the receipt end of the material. These schedules will accommodate transportation and loading requirements to meet the contemplated daily processing currently projected at 3,000 cy. That said the loading and transportation schedules are being confirmed with Clean Earth and we expect to have them finalized by Friday, whether they are for movements directly to Brookfield or alternatively to Bellmawr. There is also the possibility that we may have shipments going to both locations. In either case transportation is anticipated to occur during normal hours as loading operations are are expected to mirror typical daylight operations. If for some reason Clean Earth's elects to varies its historical loading practices from normal operations we of course will adjust our transportation and receipt protocol to accommodate.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001

972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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> Subject: Fw: AUD Brookfield Site  
> To: rickr@hotmail.com; rstuder@utex-environmentalservices.com  
> From: dsansing@utex-environmentalservices.com  
> Date: Wed, 6 Oct 2010 16:54:30 +0000  
>  
> Fyi  
> Sent via BlackBerry by AT&T  
>  
> -----Original Message-----  
> From: "Barrios, Rene" <rbarrios@panynj.gov>  
> Date: Wed, 6 Oct 2010 12:23:26  
> To: <dsansing@utex-environmentalservices.com>  
> Cc: Jacobsen, Peter<pjacobse@panynj.gov>; Ng, Fred<fng@panynj.gov>; Dunne, Pamela<pdunne@panynj.gov>; Stringer, Judith<jstringer@panynj.gov>; Masters, Matt<mmasters@panynj.gov>; <jleibler@hgcapitaldal.com>  
> Subject: RE: AUD Brookfield Site  
>  
> Don -  
> Prior to direct Jay Cashman,Inc.(Cashman)to start dredging,the PANYNJ requests that UTEX provide the following.  
> 1) Copy of the AUD issued by NJDEP to place PDM at the Brookfield Landfill in Staten Island, NY  
> 2) Please advise of the availability of a weighing scale at the Brookfield Landfill.  
> 3) The PA contractual obligation with Cashman is for the designated off-loading facility to be available 24/7. Please advise the Hours of Operation at the Brookfield Landfill.  
> 4) Cashman anticipates delivery of PDM at a daily rate of 3,000 CY. Will the Brookfield Landfill meet Cashman's projected daily delivery rate?  
> Your prompt response will be greatly appreciated. If any questions, please call me at (908) 629 5528.  
> Thanks,  
> Rene  
>  
> -----Original Message-----  
> From: Masters, Matt  
> Sent: Tuesday, October 05, 2010 3:01 PM  
> To: Barrios, Rene  
> Subject: FW: AUD Brookfield Site  
>  
>  
>  
>  
> -----Original Message-----  
> From: Suzanne Dietrick [mailto:Suzanne.Dietrick@dep.state.nj.us]  
> Sent: Tuesday, October 05, 2010 1:59 PM  
> To: rickr@hotmail.com  
> Cc: jleibler@hgcapitaldal.com; jbourdeau@keyenvir.com;  
> psawchuck@keyenvir.com; Masters, Matt;  
> dsansing@utex-environmentalservices.com;  
> rstuder@utex-environmentalservices.com  
> Subject: Re:  
>



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> PERMANENTLY DELETE THIS E-MAIL (ALONG WITH ANY ATTACHMENTS), AND DESTROY ANY  
> PRINTOUTS.

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Wednesday, October 06, 2010 1:47 PM  
**To:** Barrios, Rene; Masters, Matt  
**Subject:** RE: AUD Brookfield Site

Renee/Matt; as it pertains to Renee's communication I hope the following response clarifies the status with respect to the questions:

1. The AUD issued by Suzanne Dietrick at the NJDEP for transportation to the Brookfield site was forwarded directly to Matt yesterday for distribution within the Port Authority; We will resend if you need us to. Renee would you like to be on all correspondence related to this contract as we are happy to provide though we were assumptive that Matt would be coordinating and forwarding to appropriate individuals as necessary? Just let us know whom should be on all correspondence as we are always sensitive to your internal distribution and communications so I apologize for not having followed up to see if you had received from Matt. We expect to receive the AUD for transportation and placement at Bellmawr today or tomorrow from Suzanne.

2. Yes there is a scale at Brookfield. And I believe there is also one at the alternative Bellmawr.

3/4 We have meet with Brookfield and are currently meeting with the alternative [Bellmawr] to go over scheduling aspects on the receipt end of the material. These schedules will accommodate transportation and loading requirements to meet the contemplated daily processing currently projected at 3,000 cy. That said the loading and transportation schedules are being confirmed with Clean Earth and we expect to have them finalized by Friday, whether they are for movements directly to Brookfield or alternatively to Bellmawr. There is also the possibility that we may have shipments going to both locations. In either case transportation is anticipated to occur during normal hours as loading operations are expected to mirror typical daylight operations. If for some reason Clean Earth's elects to varies its historical loading practices from normal operations we of course will adjust our transportation and receipt protocol to accommodate.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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> Subject: Fw: AUD Brookfield Site  
> To: rickr@hotmail.com; rstuder@utex-environmentalservices.com  
> From: dsansing@utex-environmentalservices.com  
> Date: Wed, 6 Oct 2010 16:54:30 +0000  
>  
> Fyi  
> Sent via BlackBerry by AT&T  
>  
> -----Original Message-----  
> From: "Barrios, Rene" <rbarrios@panynj.gov>  
> Date: Wed, 6 Oct 2010 12:23:26  
> To: <dsansing@utex-environmentalservices.com>  
> Cc: Jacobsen, Peter<pjacobse@panynj.gov>; Ng, Fred<fng@panynj.gov>; Dunne, Pamela<pdunne@panynj.gov>;

Stringer, Judith<jstringer@panynj.gov>; Masters, Matt<mmasters@panynj.gov>; <jleibler@hgcapitaldal.com>

> Subject: RE: AUD Brookfield Site

>

> Don -

> Prior to direct Jay Cashman,Inc.(Cashman)to start dredging,the PANYNJ requests that UTEX provide the following.

> 1) Copy of the AUD issued by NJDEP to place PDM at the Brookfield Landfill in Staten Island, NY

> 2) Please advise of the availability of a weighing scale at the Brookfield Landfill.

> 3) The PA contractual obligation with Cashman is for the designated off-loading facility to be available 24/7. Please advise the Hours of Operation at the Brookfield Landfill.

> 4) Cashman anticipates delivery of PDM at a daily rate of 3,000 CY. Will the Brookfield Landfill meet Cashman's projected daily delivery rate?

> Your prompt response will be greatly appreciated. If any questions, please call me at (908) 629 5528.

> Thanks,

> Rene

>

> -----Original Message-----

> From: Masters, Matt

> Sent: Tuesday, October 05, 2010 3:01 PM

> To: Barrios, Rene

> Subject: FW: AUD Brookfield Site

>

>

>

>

> -----Original Message-----

> From: Suzanne Dietrick [mailto:Suzanne.Dietrick@dep.state.nj.us]

> Sent: Tuesday, October 05, 2010 1:59 PM

> To: rickr@hotmail.com

> Cc: jleibler@hgcapitaldal.com; jbourdeau@keyenvir.com;

> psawchuck@keyenvir.com; Masters, Matt;

> dsansing@utex-environmentalservices.com;

> rstuder@utex-environmentalservices.com

> Subject: Re:

>

>

> I will issue the AUD today for placement of material at the Brookfield site.

>

> Sincerely,

>

> Suzanne U. Dietrick, Chief

> Office of Dredging and Sediment Technology

> P.O. Box 028

> Trenton, NJ 08625

> p - (609) 292-8838

> c- (609) 439-6673

> fax - (609) 777-1914

> suzanne.dietrick@dep.state.nj.us

>

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>

>

> >>> Rickr UTEX <rickr@hotmail.com> 10/5/2010 1:54 PM >>>

>



## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Tuesday, October 05, 2010 3:57 PM  
**To:** suzanne dietrick  
**Cc:** Masters, Matt; jack leiblernew; rich cingular; pete sawchuck; bourdeau; don sansing  
**Subject:** FW: Request for acceptance of Howland Hook PDM  
**Attachments:** 7077952426.pdf

Suzanne: here is the Bellmawr site acceptance letter; Key environmental is inserting this along and forwarding it along to you based on your prior conversation. We appreciate your issuing the AUD for Bellmawr as our backup.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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> Subject: Fw: Request for acceptance of Howland Hook PDM  
> To: rickr@hotmail.com; rstuder@utex-environmentalservices.com; psawchuck@keyenvir.com;  
jbourdeau@keyenvir.com  
> From: dsansing@utex-environmentalservices.com  
> Date: Tue, 5 Oct 2010 19:36:42 +0000  
>  
> Here is the acceptance letter from bellmawr site.  
>  
> Sent via BlackBerry by AT&T  
>  
> -----Original Message-----  
> From: Kristin Foldes <kfoldes@rtenv.com>  
> Date: Tue, 05 Oct 2010 13:01:26  
> To: Don Sansing<dsansing@utex-environmentalservices.com>  
> Cc: Charles Gallub<cgallub495@aol.com>; Ed Fallon<efallon@HKGroup.com>; Gary Brown<gbrown@rtenv.com>;  
Howard Saunders<hsaunders@hkgroup.com>; JimLitka<jlitka@hkgroup.com>; Kristin Foldes<kfoldes@rtenv.com>;  
MikeEsposito<espo1023@aol.com>; Walter Hungarter<whungarter@rtenv.com>  
> Subject: RE: Request for acceptance of Howland Hook PDM  
>  
> Don,  
>  
> Attached is the preliminary approval letter for the Howland Hook PDM.  
> RT understands that 37,649 cubic yards of material is to be dredged  
> from this site, the attached letter reflects this quantity.  
>  
> A formal approval can be issued only after an AUD is issued by the NJDEP.  
>  
> Let me know if you have any questions.  
>  
> Thanks,  
> Kristin Foldes

> Project Manager  
> RT Environmental Services, Inc.  
> 215 West Church Road  
> King of Prussia, PA 19406  
>  
> o: (610) 265-1510 ext 231  
> f: (610) 265-0687  
> c: (610) 316-3928  
> Quoting Don Sansing <dsansing@utex-environmentalservices.com>:  
>  
> > Kristin,  
> >  
> >  
> >  
> > More information is attached. Let me know if you need anything else.  
> >  
> >  
> >  
> > Donald Sansing  
> >  
> > Senior Vice President  
> >  
> > UTEX Environmental Services, LLC  
> >  
> > 4570 Westgrove Drive, Suite 240  
> >  
> > Addison, Texas 75001  
> >  
> > 972-407-0701  

---

  
> >  
> >  
> > \_\_\_\_\_  
> >  
> > From: Kristin Foldes [mailto:kfoldes@rtenv.com]  
> > Sent: Monday, October 04, 2010 11:50 AM  
> > To: 'Don Sansing'  
> > Cc: jawad@bayshorerecycling.com  
> > Subject: RE: Request for acceptance of Howland Hook PDM  
> >  
> >  
> >  
> > Don,  
> >  
> >  
> >  
> > Can you please forward the sampling plan and the analytical data within that  
> > plan for the Howland Hook Material to me? I recognize that you sent a few of  
> > the tables to me for review, but we require the complete report.  
> >  
> >  
> >  
> > Thanks,  
> >  
> >  
> >  
> > Kristin A. Foldes  
> >

> > Project Manager  
> >  
> > RT Environmental Services, Inc.

> >  
> > 215 West Church Road  
> >  
> > King of Prussia, PA 19406

> >  
> >  
> >  
> > o: 610.265.1510 ext 231

> >  
> > c: 610.316.3928

> >  
> > f: 610.265.0687

> >  
> >  
> >  
> > NOTICE: This communication and any attachments are intended for the  
> > appropriate addressee only, and may contain privileged and/or confidential  
> > information. If you received this communication in error, do not read it and  
> > please delete it or destroy and discard it immediately. Any reading,  
> > printing or distribution of the communication and/or any attachments by  
> > anyone other than the intended recipient is strictly prohibited.

> >  
> > \_\_\_\_\_

> > From: Don Sansing [mailto:dsansing@utex-environmentalservices.com]

> > Sent: Monday, October 04, 2010 12:39 PM

> > To: kfoldes@rtenv.com

> > Cc: jawad@bayshorerecycling.com

> > Subject: FW: Request for acceptance of Howland Hook PDM

> >  
> >  
> >  
> > Kristin,

> >  
> >  
> > Per our conversation, I am forwarding the Request for Approval Letter, which  
> > I previously sent to Gary Brown, to you. I believe everything you need is  
> > attached but if you have any questions please call me at 972-407-0701 or my  
> > cell at 903-366-2737.

> >  
> >  
> >  
> > Donald Sansing  
> >  
> > Senior Vice President

> >  
> > UTEX Environmental Services, LLC

> >  
> > 4570 Westgrove Drive, Suite 240

> >  
> > Addison, Texas 75001

> >  
> > 972-407-0701

> >



✓  
✓  
✓

# **RT Environmental Services, Inc.**

October 5, 2010

Mr. Donald Sansing  
UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
Addison, TX 75001  
(972) 407-0701

**RE: BELLMAWR WATERFRONT DEVELOPMENT  
PRELIMINARY APPROVAL TO RECEIVE PROCESSED DREDGE MATERIAL  
FROM THE HOWLAND HOOK ARTHUR KILL PROJECT  
RT PROJECT #70779-52**

Dear Mr. Sansing:

RT Environmental Services, Inc. (RT) is pleased to provide this letter to UTEX Environmental Services, LLC confirming that the material proposed to be shipped from the Howland Hook Arthur Kill Project is acceptable candidate material for the Bellmawr Waterfront Development (BWD).

RT understands that up to 56,473.5 tons (37,649 cubic yards) of material will be generated from the Site. Five (5) samples were provided for review. The data was found to meet BWD non-residential limits and can be accepted at the BWD facility.

The acceptability of this material is based upon information and analytical data supplied by UTEX Environmental Services, LLC. RT has reviewed all analytical data provided to date, and has determined that it complies with BWD New Jersey Department of Environmental Protection Permit No. 131997 Approval No. LCC090001.

A formal approval for the Howland Hook Arthur Kill Project Site may be issued upon receipt of an AUD issued by The NJ Department of Environmental Protection.

Should you have any additional questions, please contact me at (610) 265-1510 ext 234.

Very truly yours,

**RT ENVIRONMENTAL SERVICES, INC.**



Gary Brown, P.E.  
President

G:\RT Projects\70700 SERIES\70779-52\7077952426.doc

cc: M. Esposito, C. Gallub – BWD,  
J. Litka, E. Fallon – H & K,  
W. Hungarter, K. Foldes – RT



215 West Church Road ■ King of Prussia, PA 19406 ■ (610) 265-1510 ■ Fax: (610) 265-0687  
E-Mail RTENV@AOL.COM ■ Web Address <http://www.RTENV.COM>

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Tuesday, October 05, 2010 1:54 PM  
**To:** suzanne dietrick  
**Cc:** Masters, Matt; don sansing; jack leiblernew; rich cingular; bourdeau; pete sawchuck

Suzanne; we still haven't received the acceptance letter yet as I understand that Kristin is on the way back in from the field. Will forward as soon as we receive it for the Bellmawr as we would like this to be the backup site if any technical issues arise in the site's protocol at Brookfield. We are not anticipating any issues but its better to be safe than sorry. That said does it make any sense and is it possible for you to issue the AUD as it pertains to the Brookfield site and follow up with one for the Bellmawr site once we receive RT's letter so the folks at the PA can process their dredging activity.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Tuesday, October 05, 2010 10:34 AM  
**To:** suzanne dietrick; pete sawchuck; Masters, Matt  
**Cc:** rich cingular; jack leiblernew  
**Subject:** RE: Brookfield letter of Acceptance of Howland Hook

Susan very helpful; Rich Studer has a meeting with them at 9:00am Wednesday to firm up specifics; also expect acceptance letter from RT Environmental Services re: Belmawr this am as Kristin Foldes Project Manager indicated she had reviewed all the testing data and supplemental information and the materials were suitable. I will forward upon receipt

Appreciate your gracious assistance.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

> Date: Tue, 5 Oct 2010 10:18:13 -0400  
> From: [Suzanne.Dietrick@dep.state.nj.us](mailto:Suzanne.Dietrick@dep.state.nj.us)  
> To: [rickr@hotmail.com](mailto:rickr@hotmail.com); [psawchuck@keyenvir.com](mailto:psawchuck@keyenvir.com); [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
> Subject: Brookfield letter of Acceptance of Howland Hook  
>  
> See attached.  
>  
> Sincerely,  
>  
> Suzanne U. Dietrick, Chief  
> Office of Dredging and Sediment Technology  
> P.O. Box 028  
> Trenton, NJ 08625  
> p - (609) 292-8838  
> c- (609) 439-6673  
> fax - (609) 777-1914  
> [suzanne.dietrick@dep.state.nj.us](mailto:suzanne.dietrick@dep.state.nj.us)  
>  
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>  
>  
>

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Friday, October 01, 2010 1:17 PM  
**To:** Suzanne Mattei  
**Cc:** Masters, Matt; don sansing; rich cingular  
**Subject:** follow up

Suzanne: sorry I missed you earlier and will call you again this afternoon. I have also had discussions with Matt and as a follow up to my voice message I wish to confirm UTEX's efforts and desire to place material at the Staten Island site subject to their approval protocol and we are pursuing that option with a high level of urgency. That said we have forwarded you the pertinent information for processing the AUD's related to transportation and acceptance at Belmawr as the alternative site for receiving this information. Please note that the owners acceptance letter included in the information package references different materials from the NJ berths. We have provided RT Environmental with all the appropriate information and I have reached out to Mr. Brown, RT's President in conjunction with Bayshore's participation to obtain acceptance of the material upon their review. We are hopeful to receive an written indication today or at the latest monday and expect no rejection as the material characterization is very similar to other PDM which have been accepted to the site and will supplement that information when received.

I am following up with a formal letter indicating UTEX's efforts and desire to placement of this material in Staten Island or as an alternative the Belmawr site. Our AUD request as submitted by Key Environmental will be amended to include the Brookfield site in this regard.

Rick Redle  
Executive Vice President  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** rickr@hotmail.com  
**Sent:** Friday, October 01, 2010 12:07 PM  
**To:** Malione, Bernice  
**Cc:** Rich Studer; Masters, Matt  
**Subject:** Re: NYCDEP point of contact

Great thanks we have already put a call in but its lunch time.

RickR Sent via BlackBerry - a service from AT&T Wireless.

---

**From:** "Malione, Bernice" <bmalione@panynj.gov>  
**Date:** Fri, 1 Oct 2010 12:01:24 -0400  
**To:** <dsansing@utex-environmentalservices.com>  
**Cc:** Masters, Matt<mmasters@panynj.gov>; Zeppie, Christopher<czeppie@panynj.gov>; <rickr@hotmail.com>  
**Subject:** FW: NYCDEP point of contact

Don,  
Kevin Clarke is managing the construction for NYCDEP Bureau of Design and Construction. His number is 718-595-5995.

Bernice

---

*Bernice R. Malione*  
*Assistant Director, Environmental Initiatives*  
*Office of Environmental & Energy Programs*  
*Port Authority of NY & NJ*  
*225 Park Ave. South - 12th floor*  
*New York, NY 10003*  
*(212)435-4454*



Please consider the environment before printing this email

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Friday, October 01, 2010 10:32 AM  
**To:** Masters, Matt  
**Cc:** rich studer2; don sansing  
**Subject:** followup

Matt; Don is forwarding all analyticals to Suzanne and cover letter in the next few minutes.

As to following up on the Brookfield site we have calls into URS whom are the indicated engineering group

representing the NYCDEP for the Brookfield site. However we would like to contact someone at the NYCDEP, whom according to Suzanne is the lead on the site [as opposed to the NYDEC]. Do you know or have a contact person within the NYCDEP that could put us directly with the responsible individual for this site [Maybe Chris or Bernice could be of some help]

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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**Masters, Matt**

---

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]

**Sent:** Friday, October 01, 2010 10:32 AM

**To:** Masters, Matt

**Cc:** rich studer2; don sansing

**Subject:** followup

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## Masters, Matt

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**To:** Masters, Matt  
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**Subject:** followup

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, September 30, 2010 4:35 PM  
**To:** suzanne.dietrick@dep.state.nj.us  
**Cc:** Masters, Matt; don sansing; rich cingular  
**Subject:** AUD request.

Suzanne; I am the Administrative Corporate Officer for UTEX and understand that you are assisting us with obtaining appropriate AUD permitting aspects. I appreciated your forward and comments regarding the Brookfield site on Staten Island as a potential NY placement option. We have our team fully engaged on ascertaining the acceptability of the PDM at that site based on your suggestion. While we were aware of the site, as was Matt Masters, we were led to believe that the site did not yet have all of the necessary permits in place to accommodate placement at this juncture. Also, as I am to understand placement may be restricted as our analyticals do not include any TCLP data [The information on the source materials we have contains SPLC data but I believe the site placement requirements dictate that TCLP values must also be known and acceptable]. Regardless we are revisiting this and hope to have feedback from URS and the DEC shortly as this would be a much better alternative to taking the material to Bellmawr.

That said with this option still being open but due to the timing of the Port Authority contracting obligations we find it necessary to request your assistance in the issuance of the appropriate AUD's with respect to the approximately 37,000 cubic yards of process dredge sediments that will be processed by Clean Earth. Our obligations will be for truck transportation and placement at the Bellmawr site subject to NJDEP issued AUD's for trucking [as applicable] and placement consistent with established protocols at Bellmawr. We also continue to evaluate other potential sites within NJ that may offer us an alternative placement options pending receipt of permits at our Staten Island site.

Key Engineering is compiling the analytical comparisons to NJ standards [as they had been previously compiled against NY standards in anticipation of placement at the GATX site] and we expect to forward this information late today or early tomorrow to your offices.

Once this information is received by your offices your administrative processing of those AUD's necessary for transportation and placement at Bellmawr to accommodate the Port Authority is very much appreciated.

As a further comment we continue to work closely with the NYDEC for finalizing permitting aspects at the Staten Island site and hope to have those in place shortly but unfortunately it will not accommodate this initial Port Authority obligation.

Rick Redle  
Executive Vice President  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, September 30, 2010 12:34 PM  
**To:** Masters, Matt  
**Cc:** jack leiblernew  
**Subject:** RE: AUD

Its being done and would have been done on Tues as we indicated but several calsl into her [for clarifying issues] went unreturned. That said our folks are just finalizing the transmittal supplements. We will copy you when it goes in.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

**Subject:** RE: AUD  
**Date:** Thu, 30 Sep 2010 12:21:38 -0400  
**From:** [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
**To:** [dsansing@utex-environmentalservices.com](mailto:dsansing@utex-environmentalservices.com)  
**CC:** [rickr@hotmail.com](mailto:rickr@hotmail.com); [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com)

Don,

I just got off the phone with Suzanne Dietrick. I strongly suggest UTEX send an AUD request letter to her today. Just tell her what you intend to do and where you want to go with the PDM.

Matt

-----Original Message-----

**From:** Don Sansing [mailto:[dsansing@utex-environmentalservices.com](mailto:dsansing@utex-environmentalservices.com)]  
**Sent:** Tuesday, September 28, 2010 5:13 PM  
**To:** Masters, Matt  
**Cc:** 'Rickr UTEX'; [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com)  
**Subject:** AUD

Matt,

UTEX is pursuing the application for a NJ AUD for the Howland Hook Berth PDM to be placed at the Bellmawr Site. Key Environmental, UTEX's Environmental Consultant has attempted to contact Suzanne Dietrick to insure that we are providing what she is expecting to see on the AUD application. We expect to have all necessary info tomorrow.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240

Addison, Texas 75001  
972-407-0701

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Thursday, September 30, 2010 12:24 PM  
**To:** Masters, Matt  
**Cc:** don sansing; rich cingular  
**Subject:** RE: AUD for Howland Hook PDM

Matt; we've reached back to Susan to see what her issue is [somewhat of a surprise] and obviously we would much prefer to take it to the Brookfield site on Staten Island if it can accept it there [as she believes it can]. Don is following up with the site's owner/ environmental contractor. Give us a couple hours as Rich, Don and I sort it out and we will give you a call back mid- afternoon

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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---

**Subject:** AUD for Howland Hook PDM  
**Date:** Thu, 30 Sep 2010 11:45:39 -0400  
**From:** [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)

Do you have already have a contract with Bellmawr to take the PDM, or could you go elsewhere if there was a permitted site on Staten Island that could take the material? Please have someone contact me asap.

Matt

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Thursday, September 16, 2010 4:13 PM  
**To:** Masters, Matt  
**Cc:** don sansing; jack leiblernew; rich cingular  
**Subject:** follow-up

Matt; Both Rich and I are traveling, though separately. I noted Don's short response regarding status as he was trying to fill in the blanks in our absence. I am happy to call you tomorrow or Rich will be in NYC early next week for scheduled followup discussions with the DEC. The short update however is that the DEC is aggressively reviewing the submissions with a goal to have the full plan approved, that if timely will permit the material to be delivered to the GATX site. Unfortunately as Don indicated John Urda was indisposed for a couple days but is working hard to accommodate our objectives. Both Rich and I were in NYC yesterday following up with the representatives of GATX and the land owners ISC to work through some of the technical aspects and implementation of the pending engineering work plan so there is no conflicts to receiving the materials at the site that would interfere with ongoing remediation activities. Hope this is a little more helpful in updating parties.

Rick Redle

UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
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## Masters, Matt

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**From:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Sent:** Tuesday, September 28, 2010 5:13 PM  
**To:** Masters, Matt  
**Cc:** 'Rickr UTEX'; rstuder@utex-environmentalservices.com  
**Subject:** AUD

Matt,

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Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

## Masters, Matt

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**Sent:** Thursday, September 16, 2010 4:13 PM  
**To:** Masters, Matt  
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**Subject:** follow-up

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## Masters, Matt

---

**From:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Sent:** Thursday, September 16, 2010 3:19 PM  
**To:** Masters, Matt  
**Cc:** rstuder@utex-environmentalservices.com; rickr@hotmail.com  
**Subject:** Status of GATX Documents

Matt,

Hope all is going well with you. Rich asked me to give you a status check on the GATX site concerning the progress with NYSDEC. I have talked briefly with John Urda about the GATX documents and I attempted to schedule a conference call with him and Rich on Tuesday. John has had some conflicts with his schedule and we expect to reschedule a call with him for tomorrow morning. I am waiting for confirmation of the time. We will get with you as soon as we have talked with Urda and possibly have some direction from him and the DEC.

Thanks.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

---

## Masters, Matt

---

**From:** Barrios, Rene  
**Sent:** Tuesday, September 07, 2010 1:54 PM  
**To:** 'rickr@hotmail.com'  
**Cc:** Jacobsen, Peter; Ng, Fred; Masters, Matt; Slattery, George  
**Subject:** RE: Port Authority CMD Meeting September 8th  
**Attachments:** Agenda Site Status Update 090810.doc

Rick -

Attached is the **Draft Agenda** for tomorrow's subject meeting. It includes basic information on the upcoming PANYNJ maintenance dredging contracts and status update items regarding the UTEX/380 site. Please review the **Draft Agenda** and advise of any comments and/or revisions.

Thanks,  
Rene

*Rene C Barrios*  
*Project Manager, PCD*  
*(908) 629 5528*

-----Original Message-----

**From:** Masters, Matt  
**Sent:** Wednesday, September 01, 2010 6:50 PM  
**To:** Barrios, Rene  
**Subject:** FW: Port Authority CMD Meeting September 8th

Hi Rene,

---

Per the request below, can we supply UTEX with a draft agenda of items we wish to discuss? If yes, please forward directly on to UTEX.

Thanks.

Matt

---

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Wed 9/1/2010 1:33 PM  
**To:** Masters, Matt  
**Subject:** Port Authority CMD Meeting September 8th

Matt does CMD have a outline of the subject matters for the pre-construction meeting on the 8th. It would be helpful to have so we can be prepared to address all of the issues.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

SUBJECT: *OFF-LOADING AND PLACEMENT AT THE UTEX/380 SITE*

DATE: *Wednesday, September 8, 2010* TIME: *11:00 AM*

PLACE: *225 Park Avenue South – NYC – 11<sup>th</sup> Floor, Conf. Rm. A*

**AGENDA**

**A) UPCOMING PANYNJ DREDGING CONTRACTS**

***Contract HH-654.121 – Howland Hook Marine Terminal – Maintenance Dredging***

- 1. Estimated dredging quantity: 30,000 CY***
- 2. Contract duration: 8/29/10 to 11/29/10***
- 3. Anticipated Dredging Schedule: 10/1 to 11/15/2010***
- 4. Contractor: Jay Cashman, Inc. –***
- 5. Contractors intends to deliver PDM to UTEX/380 by truck***
- 6. Pay volume determination to be coordinated between PANYNJ - CMD and UTEX field staff***

***Contract MFP-654.130 – New Jersey Marine Terminals – Maintenance Dredging***

- 
- 1. Estimated dredging quantity: 50,000 CY***
  - 2. Contract duration: 8/9/10 to 8/9/11- Work Order Contract***
  - 3. Anticipated dredging schedule – First Work Order: October 2010***
  - 4. Contractor: Donjon Marine, Inc.***
  - 5. Contractor intends to deliver PDM to UTEX/380 by barge***
  - 6. Pay volume determination to be coordinated between the PANYNJ consultant GBA/MLI and UTEX field staff***

**B) UTEX/380 SITE STATUS UPDATE**

- 1. NYSDEC - Work Plan Approval and BUD***
- 2. Wharf Repairs - Schedule***
- 3. Barge Delivery and Off-Loading***
- 4. Truck Delivery and Off-Loading***
- 5. Contingency Plan to place PDM at an alternate site***
- 6. Maritime Insurance***

**C) CONCLUSIONS - ACTION ITEMS – FOLLOW-UPS**

## Masters, Matt

---

**From:** Rich Studer [rstuder@utex-environmentalservices.com]  
**Sent:** Wednesday, August 18, 2010 2:32 PM  
**To:** Masters, Matt  
**Subject:** Re: Construction meeting

Matt I would like to confirm the pre construction meeting on the 8th of September at 225 Park Avenue at 11:00am. I will attend with my construction management team and will probably have Jack along. I will be in the City most of next week and will touch base with you so we can get together if necessary.

Thanks

Rich

Sent via BlackBerry -a service from AT&T Wireless.

---

**From:** "Masters, Matt" <mmasters@panynj.gov>  
**Date:** Tue, 17 Aug 2010 13:24:57 -0400  
**To:** Rickr UTEX<rickr@hotmail.com>  
**Cc:** Barrios, Rene<rbarrios@panynj.gov>; Rich Studer (E-mail)<rstuder@utex-environmentalservices.com>  
**Subject:** Construction meeting

Rick,

I have received a request from the Port Authority's Construction Management Division (CMD) to call a meeting with UTEX staff regarding UTEX field operations for the placement of PDM from Port Authority maintenance dredging contracts. CMD would like the UTEX site manager and/or designated field representative to be present.

I have identified Wednesday September 8th or Thursday September 9th as suggested dates for an 11:00 AM meeting here at 225 park Avenue South.

---

Please get back to me asap with your preference for the meeting date.

Thanks,

Matt

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Monday, August 16, 2010 2:49 PM  
**To:** Masters, Matt  
**Cc:** rich cingular  
**Subject:**

Matt; got your voice message and acknowledge your "notice to proceed" notification. We are excited and look forward to working with you.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, August 16, 2010 2:49 PM  
**To:** Masters, Matt  
**Cc:** rich cingular

Matt; got your voice message and acknowledge your "notice to proceed" notification. We are excited and look forward to working with you.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

---

**From:** Masters, Matt  
**Sent:** Friday, August 13, 2010 3:19 PM  
**To:** 'Rickr UTEX'  
**Cc:** 'rich cingular'; 'jack leiblernew'  
**Subject:** FW: MAINTENANCE DREDGING CONTRACTS - DELIVERY OF PDM TO UTEX/380

Rick,

I sent this out earlier today, but I am having computer problems so I do not know if you received it. Please confirm receipt if you get this.

Thank you.

Matt

-----Original Message-----

**From:** Masters, Matt  
**Sent:** Friday, August 13, 2010 11:47 AM  
**To:** Rick Redle (E-mail)  
**Cc:** Rich Studer (E-mail); Jacobsen, Peter; Barrios, Rene  
**Subject:** FW: MAINTENANCE DREDGING CONTRACTS - DELIVERY OF PDM TO UTEX/380

Rick,

In accordance with Clause 8.6 (Notice to Proceed) of Attachment "A" of the Settlement Agreement, please find the Port Authority's upcoming plans for performing maintenance dredging.

Please let me know if you have any questions.

---

Thanks.

Matt

-----Original Message-----

**From:** Barrios, Rene  
**Sent:** Friday, August 13, 2010 11:36 AM  
**To:** Masters, Matt  
**Cc:** Jacobsen, Peter; Ng, Fred; Wojnar, George; Jones, Christopher; Cavaliere, Dennis; Shaw, Ron; Wong, Frank; Dunne, Pamela  
**Subject:** MAINTENANCE DREDGING CONTRACTS - DELIVERY OF PDM TO UTEX/380

Matt -

As discussed this morning, the following information is provided regarding formal notification to UTEX/380 on the upcoming subject contracts.

**Contract MFP-654.130 - New Jersey Marine Terminals - Maintenance Dredging** - This contract was awarded to Donjon Marine Co., Inc. on August 9, 2010. New Jersey Marine Terminals staff anticipates that the first Work Order under this contract will be issued in mid September 2010. The contractor will then mobilize and perform soundings prior to start dredging and processing the dredged material. Based on the duration of these activities, it is anticipated that the first delivery of processed dredged material (PDM) from the NJMT to the UTEX/380 facility will take place in early to mid October



## Masters, Matt

---

**From:** Rich Studer [rstuder@utex-environmentalservices.com]  
**Sent:** Thursday, August 12, 2010 4:02 PM  
**To:** Masters, Matt  
**Subject:** Re: Status update request

We have finished the Work Plan and will get it to DEC tomorrow. DEC is very familiar with the plan as they have been briefed several times. I will be coming to NYC Tuesday of next week to engage myself in DEC's expedited review of the WP. I would be happy to visit with you once I have DEC's review timing defined, hopefully by Wed.

Thanks

Rich

Sent via BlackBerry -a service from AT&T Wireless.

---

**From:** "Masters, Matt" <mmasters@panynj.gov>  
**Date:** Thu, 12 Aug 2010 09:32:12 -0400  
**To:** Rickr UTEX<rickr@hotmail.com>  
**Cc:** jack leiblernew<jleibler@hgcapitaldal.com>; rich cingular<rstuder@utex-environmentalservices.com>  
**Subject:** RE: Status update request

Rick,

Good morning. Could you please provide an update for me.

Thanks,

Matt

---

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]  
**Sent:** Monday, August 02, 2010 1:31 PM  
**To:** Masters, Matt  
**Cc:** jack leiblernew; rich cingular  
**Subject:** RE: Status update request

Afternoon Matt: as indicated we continue to make progress as we have had several more discussions with all participants regarding the Engineering Work Plan and its pending submission to the NYDEC. We have incorporated both GATX's input and that of the property owner, 380 Development so we expect final drafting should be complete this week. Our engineers, counsel and management team are expected to meet later in the week in NY with representatives of both 380 and GATX to finalize final form so the submission can timely proceed to the DEC.

I trust this brings you up to speed.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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Subject: RE: Status update request  
Date: Mon, 2 Aug 2010 13:02:45 -0400  
From: [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
To: [rickr@hotmail.com](mailto:rickr@hotmail.com)  
CC: [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

Hi Rick.

When Rich and Jack met with me two weeks ago we discussed upcoming milestones. I believe that last week UTEX was expecting to obtain approval from GATX on the draft Engineering Workplan and then submit the document to NYSDEC to initiate final review.

Can you confirm this has happened. If it hasn't, can you please provide the revised status.

Thanks!

Matt

-----Original Message-----

**From:** Rickr UTEX [<mailto:rickr@hotmail.com>]  
**Sent:** Friday, July 16, 2010 4:00 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; ted johnstun; jack leiblernew  
**Subject:**

Matt got your voice message; haven't caught up with Rich as he was traveling but I understand we are making good progress on all fronts with respect to GATX. Rich will be in NY a good part of next week so I will make sure he coordinates an update meeting with you. Do you have an idea yet on when the first materials will be coming to us yet?

---

I also noticed that you were copied on correspondence the John had sent me regarding questions on Insurance yesterday. I've arranged for the entire policies to be forwarded to his/{for Risk management} attention but have also gone over these questions in detail with our carrier. The short answer is that we have appropriate coverage. That said we will be getting with John on Tuesday when he returns to clear up any questions.

Have a good weekend.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

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**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Monday, August 02, 2010 1:31 PM  
**To:** Masters, Matt  
**Cc:** jack leiblernew; rich cingular  
**Subject:** RE: Status update request

Afternoon Matt: as indicated we continue to make progress as we have had several more discussions with all participants regarding the Engineering Work Plan and its pending submission to the NYDEC. We have incorporated both GATX's input and that of the property owner, 380 Development so we expect final drafting should be complete this week. Our engineers, counsel and management team are expected to meet later in the week in NY with representatives of both 380 and GATX to finalize final form so the submission can timely proceed to the DEC.

I trust this brings you up to speed.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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**Subject:** RE: Status update request  
**Date:** Mon, 2 Aug 2010 13:02:45 -0400  
**From:** [mmasters@panynj.gov](mailto:mmasters@panynj.gov)  
**To:** [rickr@hotmail.com](mailto:rickr@hotmail.com)  
**CC:** [rstuder@utex-environmentalservices.com](mailto:rstuder@utex-environmentalservices.com); [jleibler@hgcapitaldal.com](mailto:jleibler@hgcapitaldal.com)

Hi Rick.

When Rich and Jack met with me two weeks ago we discussed upcoming milestones. I believe that last week UTEX was expecting to obtain approval from GATX on the draft Engineering Workplan and then submit the document to NYSDEC to initiate final review.

Can you confirm this has happened. If it hasn't, can you please provide the revised status.

Thanks!

Matt

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**Sent:** Friday, July 16, 2010 4:00 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; ted johnstun; jack leiblernew  
**Subject:**

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Have a good weekend.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

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**From:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Sent:** Thursday, July 22, 2010 2:58 PM  
**To:** Masters, Matt  
**Cc:** 'Rickr UTEX'; rstuder@utex-environmentalservices.com  
**Subject:** RE: HHMT Maintenance Dredging Test Results

Matt,

Thanks for the sediment analytical information and the revised permit info. Please provide us with a sample location drawing and boring logs (if available) for the Howland Hook maintenance and deepening project.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

---

**From:** Masters, Matt [mailto:mmasters@panynj.gov]  
**Sent:** Wednesday, July 21, 2010 12:45 PM  
**To:** Rich Studer (E-mail)  
**Cc:** Jack Leibler (E-mail); Rick Redle (E-mail); Don Sansing  
**Subject:** FW: HHMT Maintenance Dredging Test Results

Rich,

Attached please find the sediment test results for Howland Hook and a copy of the recent permit modification from NYSDEC.

Matt

<<Port Authority of NY NJ\_2010 HHMT\_rev 4.XLS>> <<nysdec - maint dredging permit mod - july 2010.pdf>>

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## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Friday, July 16, 2010 4:00 PM  
**To:** Masters, Matt  
**Cc:** rich cingular; ted johnstun; jack leiblernew

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Have a good weekend.

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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## Masters, Matt

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**From:** rick.hgcapital@gmail.com  
**Sent:** Friday, July 16, 2010 11:42 AM  
**To:** Fitzpatrick, John (Law)  
**Cc:** tedj@peterseninc.com; Jack Leibler (E-mail); Masters, Matt; Mohiuddin, Mahveen; Stickelman, Timothy; David Aird  
**Subject:** Re: UTEX Insurance

John in receipt of your comments. I have contacted our carrier and suggest we have a joint call to address these comments. As soon as I have some available times I will contact you.

Sent via BlackBerry by AT&T

---

**From:** "Fitzpatrick, John (Law)" <jfitzpat@panynj.gov>  
**Date:** Thu, 15 Jul 2010 18:08:36 -0400  
**To:** Rick Redle (E-mail)<rick.hgcapital@gmail.com>  
**Cc:** <tedj@peterseninc.com>; Jack Leibler (E-mail)<jleibler@hgcapitaldal.com>; Masters, Matt<mmasters@panynj.gov>; Mohiuddin, Mahveen<mmohiudd@panynj.gov>; Stickelman, Timothy<tstickel@panynj.gov>  
**Subject:** UTEX Insurance

---

~~Rick - Attached is a letter concerning insurance requirements in the upland disposal contract that still require resolution. A hard copy will be forwarded to you by Federal Express. <<UTEX Environmental Services.pdf>>~~

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## Masters, Matt

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**From:** Fitzpatrick, John (Law)  
**Sent:** Thursday, July 15, 2010 6:09 PM  
**To:** Rick Redle (E-mail)  
**Cc:** 'tedj@peterseninc.com'; Jack Leibler (E-mail); Masters, Matt; Mohiuddin, Mahveen; Stickelman, Timothy  
**Subject:** UTEX Insurance

Rick - Attached is a letter concerning insurance requirements in the upland disposal contract that still require resolution. A



JTEX Environmental  
Services.pd...

hard copy will be forwarded to you by Federal Express.



**THE PORT AUTHORITY OF NY & NJ**

*Darrell Buchbinder, General Counsel  
Christopher M. Hartwyk, First Deputy General Counsel*

July 15, 2010

UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001

Attention: Rick Redle, Senior Vice President

Dear Mr. Redle:

We have reviewed the letter from your insurance broker, David Aird of James Banasky Insurance, dated June 2, 2010, concerning the insurance requirements set forth in the agreement between the Port Authority, UTEX Holdings, LLC and TDM America, LLC dated July 17, 2009. The letter was submitted in response to my earlier correspondence to you dated May 25, 2010 in which I set forth certain problems with the certificate of insurance that had previously been submitted to the Port Authority on behalf of UTEX.

The contract contains a requirement that UTEX obtain Maritime Protection coverage. Mr. Aird advised in his letter of September 15, 2009 that this coverage could not be obtained because UTEX "does not and will not operate, maintain or control any vessel". Mr. Aird added that the Commercial Liability policy would cover operations and work that UTEX would perform on the dock. In his letter of June 2, Mr. Aird stated that he could find no exclusion for piers, wharfs and docks in the Commercial General Liability policy despite the Port Authority's expectation that the policy would not cover them. In order to resolve these concerns, I would appreciate it if UTEX would provide me with a copy of the Commercial General Liability policy. I will forward that copy to our Risk Management Department so that they can confirm the absence of any exclusion.

The contract also requires that UTEX maintain a policy of Environmental Liability insurance. In both of his letters, Mr. Aird advised that UTEX carried a policy of Pollution Legal Liability insurance but I have been advised that this insurance covers clean up costs resulting from pollution while Environmental Liability insurance protects against third party claims for personal and property damage. Since the Pollution Legal Liability insurance does not provide this protection, we must still see evidence that UTEX has obtained the required policy of Environmental Liability insurance.

Since Mr. Aird advises that UTEX does not have any vehicles that commercial auto liability insurance would apply to, we do not require any further information with regard to that coverage. However, should UTEX acquire such vehicles in the future, we

*225 Park Avenue South  
New York, NY 10003*



**THE PORT AUTHORITY** OF NY & NJ

Mr. Rick Redle, Senior Vice President  
July 15, 2010  
Page 2

would ask that you advise the Port Authority and submit evidence that the required auto liability coverage has been obtained.

The contract also requires that the certificate of insurance contain an endorsement that, upon cancellation or any material change that adversely affects the interests of the Port Authority or the US that such change shall not be effective for such a period as may be prescribed by the laws of the states in which the Agreement is to be performed, and in no event, less than thirty days after UTEX provides written notice thereof to the Port Authority and the US. Mr. Aird has offered to amend the certificate to require sixty days notice but that does not address the provision that the laws of the applicable states apply and a revised certificate is necessary that incorporates the full verbiage required by the contract.

Lastly, UTEX has advised the Port Authority that if the former GATEX property in Staten Island is not available for the unloading of processed dredged material removed from Howland Hook and Port Newark/Elizabeth pursuant to upcoming Port Authority maintenance dredging contracts, it will hire a stevedoring firm to deliver that material to a fully permitted disposal facility in New Jersey. In such event, we would expect that UTEX would require the stevedoring firm to obtain the same insurance as UTEX is required to obtain pursuant to the contract and list the Port Authority as an additional insured on the policies.

Please feel free to contact me if you have any questions on the above.

Very truly yours,

John B. Fitzpatrick  
Attorney  
(212) 435-3524

## Masters, Matt

---

**From:** Rich Studer [rstuder@utex-environmentalservices.com]  
**Sent:** Thursday, July 08, 2010 10:49 AM  
**To:** Masters, Matt  
**Subject:** Re: UTEX - Pricing Information

Got it Matt and we have responded and will work with them to get what they need.  
Rich

Sent via BlackBerry -a service from AT&T Wireless.

---

**From:** "Masters, Matt" <mmasters@panynj.gov>  
**Date:** Thu, 8 Jul 2010 10:38:57 -0400  
**To:** Rich Studer (E-mail)<rstuder@utex-environmentalservices.com>  
**Subject:** FW: UTEX - Pricing Information

Rich,

I wanted to make sure you are aware of this request. Speak with you soon.

Matt

---

-----Original Message-----

**From:** Fitzpatrick, John (Law)  
**Sent:** Wednesday, July 07, 2010 1:03 PM  
**To:** Rick Redle (E-mail)  
**Cc:** Stickelman, Timothy; Masters, Matt; Jack Leibler (E-mail)  
**Subject:** UTEX - Pricing Information

Rick - Article 15 of the Settlement Agreement between the Port Authority and UTEX Holdings/TDM dated July 17, 2009 states that the terms of the agreement are to be treated as confidential, subject to certain exceptions. Article 15 also allows a party to disclose terms of the Settlement Agreement with the written approval of the other party.

The Port Authority has solicited bids for dredging its Howland Hook facility and intends to deliver the dredged material to the UTEX - Staten Island facility for beneficial reuse. The Port Authority leases the Howland Hook facility from the City of New York and the lease provides that each party will share the costs of dredging performed at the facility. In order to obtain full reimbursement for its dredging costs, the Port Authority must advise the City of the disposal cost that it will pay.

The purpose of this e-mail is to request UTEX' s approval for the Port Authority to advise the City of New York and the New York City Economic Development Corporation, which is acting on the City's behalf in connection with this matter, of the price that the Port Authority will pay for disposal of the Howland Hook material at the UTEX site.

Please feel free to contact me should you have any questions.

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## Masters, Matt

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**From:** Fitzpatrick, John (Law)  
**Sent:** Wednesday, July 07, 2010 1:03 PM  
**To:** Rick Redle (E-mail)  
**Cc:** Stickelman, Timothy; Masters, Matt; Jack Leibler (E-mail)  
**Subject:** UTEX - Pricing Information

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Please feel free to contact me should you have any questions.

## Masters, Matt

---

**From:** Donald Sansing [dsansing@utex-environmentalservices.com]  
**Sent:** Tuesday, June 15, 2010 2:03 PM  
**To:** Masters, Matt  
**Cc:** Rich Studer; Ricky Redle  
**Subject:** Acceptance letter from Bellmawr Site  
**Attachments:** Bellmawr Acceptance.pdf

Matt,

Please find attached an Acceptance Letter from the Bellmawr Waterfront Development Site confirming that the PDM from the New Jersey Marine Terminals Multi-Facility Maintenance Dredging Contract MFP-654.130 is acceptable for beneficial use at the site.

As stated in the letter from Rick Redle, UTEX has been advised the NJDEC will confirm directly to the Port Authority the acceptability of beneficial use of the PDM at the Bellmawr site. Rick has previously provided the Port Authority with the AUD confirming that off-loading at the PDM at the Bayshore Recycling site was previously approved by NJDEC.

If you have any questions please contact either Rick Redle or me at 972-407-0701.

Don Sansing

# RT Environmental Services, Inc.

June 14, 2010

Mr. Al Ludwig  
Bayshore Recycling Corporation  
75 Crows Mill Road  
P.O. Box 290  
Keasbey, NJ 08832  
(732) 738-6000/fax: (732) 738-9150

**RE: BELLMAWR WATERFRONT DEVELOPMENT  
PRELIMINARY APPROVAL TO RECEIVE PROCESSED DREDGE MATERIAL  
FROM THE NEW JERSEY MARINE TERMINALS MULTI-FACILITY MAINTENANCE  
DREDGING CONTRACT MFP-654.130  
RT PROJECT #70779-52**

Dear Mr. Ludwig:

RT Environmental Services, Inc. (RT) is pleased to provide this letter to Bayshore Recycling Corporation confirming that the material proposed to be shipped from the New Jersey Marine Terminals Multi-Facility Maintenance Dredging Contract MFP-654.130 is acceptable candidate material for the Bellmawr Waterfront Development (BWD).

RT understands that up to approximately 75,000 tons (50,000 cubic yards) of material will be generated from the Site. ~~Thirteen (13) samples were provided for review. The data was found to meet BWD non-residential limits and can be accepted at the BWD facility. It is noted that the laboratory method detection limits for toxaphene on several samples of amended dredge are in excess of the BWD acceptance criteria. However, the analytical results for unamended dredge for these samples showed that no toxaphene was detected and that the BWD non-residential criteria are in fact met for these samples. As such our review of the amended and unamended results for these samples demonstrates that the BWD non-residential criteria are satisfied.~~

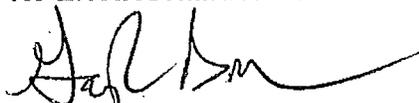
The acceptability of this material is based upon information and analytical data supplied by Bayshore Recycling Corp. RT has reviewed all analytical data provided to date, and has determined that it complies with BWD New Jersey Department of Environmental Protection Permit No. 131997 Approval No. LCC090001.

A formal approval for the New Jersey Marine Terminals Multi-Facility Site may be issued upon receipt of an AUD issued by The Department.

Should you have any additional questions, please contact me at (610) 265-1510 ext 234.

Very truly yours,

**RT ENVIRONMENTAL SERVICES, INC.**

  
Gary Brown  
President



G:\RT Projects\70700 SERIES\70779-52\7077952405.doc

cc: M. Esposito, C. Gallub – BWD,  
J. Litka– H & K,  
W. Hungarter, K. Foldes – RT

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## Masters, Matt

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**From:** Laura Fischer [laurafischer13@aol.com]  
**Sent:** Monday, June 14, 2010 5:59 PM  
**To:** Masters, Matt  
**Cc:** 'Don Sansing'; 'Rickr UTEX'  
**Subject:** UTEX Facility  
**Attachments:** MattMasters\_PANYNJ\_UTEX\_061410.pdf

Mr. Masters,

Please see attached from Mr. Redle.

Thank you,

Laura Fischer  
**Executive Assistant to Rick Redle**  
4570 Westgrove Dr., Suite 240  
Addison, TX 75001  
972-407-0701

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June 14, 2010

Matt Masters  
Port Commerce Department  
The Port Authority of NY & NJ  
225 Park Avenue South, 11<sup>th</sup> Floor  
New York, NY 10003

RE: UTEX Facility

Dear Matt:

In furtherance of our prior discussions regarding UTEX's capacity to receive processed dredge materials ("PDM"), UTEX has advised that pending the finalization of regulatory consent from the New York Department of Environmental Conservation ("NYDEC") as it pertains to acceptance of PDM at the former GATX property on Staten Island, UTEX will receive PDM at the Bayshore Recycling Facility in Keasbey, New Jersey.

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The PDM will be transloaded to trucks as permitted under Bayshore's WDF/AUD which allows PDM off-loading. This permit from the New Jersey Department of Environmental Protection ("NJDEP") (NJDEP permit number: 1225-04-0013 WFD 04001 (Modification) as attached) and permits the PDM to be transferred to a permitted location that can accept the PDM for beneficial reuse. UTEX is identifying the former Fazio and Dewey Blanton Landfills [a/k/a Belmawr Landfill Project] as the beneficial use site for receipt of PDM. We have been advised that the NJDEP will confirm directly to the Port Authority the acceptability of the material for beneficial reuse at the Belmawr site. UTEX's intent to place the PDM at Belmawr or other permitted sites as may be identified in the future is contemplated as being temporary in nature only until such time at the regulatory consent is finalized with the NYDEC permitting the PDM to be placed on the Staten Island property.

As you are aware, the NYDEC has confirmed the acceptability of placing PDM at the Staten Island site as part of its remedial closure plan with the responsible parties and current owner. Draft documentation has been circulated for their comments and approvals. While we remain optimistic that the necessary approvals for the Staten Island site will be in place prior to the anticipated receipt of any PDM nevertheless our acceptance of the PDM at Bayshore and subsequent disposition is provided in the event that timing is delayed.

Sincerely,

A handwritten signature in black ink that reads "Rick Redle". The signature is fluid and cursive.

Rick Redle  
Executive Vice President

cc: Ritchie Studer  
Jack Leibler  
Don Sansing



(See Issuing Division below)



# PERMIT\*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.		
Permit No. 1225-04-0013.1 WFD 040001 (MODIFICATION)	Application No. 1225-04-0013.1 WFD 040001 (MODIFICATION)	
Issuance Date May 8, 2009 (MODIFICATION)	Effective Date May 8, 2009 (MODIFICATION)	Expiration Date July 1, 2010 (Pursuant to the Permit Extension Act of 2008)
Name and Address of Applicant Bayshore Recycling Corporation 75 Crows Mill Road, P.O. Box 290 Keasbey, NJ 08832	Name and Address of Owner Recycling Technology Development, LLC 75 Crow Mill Road, P.O. Box 290 Woodbridge Township, Middlesex County	Name and Address of Operator Bayshore Recycling Corporation/Montecalvo Contracting 75 Crows Mill Road, P.O. Box 290 Woodbridge Township, Middlesex County
Location of Activity/Facility (Street Address) Recycling Technology Development, LLC 75 Crow Mill Road, P.O. Box 290 Woodbridge Township, Middlesex County Lot: 1, 1R, 2B, 2 and 2C Block: 51	Issuing Division Office of Dredging and Sediment Technology	Statute(s) NJSA 58:10A NJSA 12:5-3
Type of Permit: Waterfront Development Permit/ Water Quality Certificate/Acceptable Use Determination		Maximum Approved Capacity, if applicable
<p>This permit grants permission to: Continued operation of a dredged material off-loading facility consisting of spudded work barges on the waterfront portion designated as Block 51, Lot 1R. The off-loading facility consists of the following moored structures; one 120' long by 60' wide deck barge, one 366' long by 40' wide deck barge, an access ramp, and one 80' long by 30' wide deck barge. Four bollards will be located on the barges and on the adjacent upland area of the property. The two larger barges will be configured in an "L" shape and will serve as a truck off-loading area for dredged material removed from dredge scows. To offset the loss of intertidal/subtidal shallows by the construction of the pier structure, mitigation for 0.54 acres of shallow water habitat is required.</p> <p>The material once off-loaded from dredge scows would be truck transported to a dredged material stockpile area located on Block 41C, Lot 3B and Block 52, Lot 1. The dredge material stockpile area has the capacity to store approximately 143,000 cy to a height of 40'. The dredged material would be blended with on-site processed/unprocessed Class B material also stockpiled on Block 41C, Lot 3B and Block 52, Lot 1 for beneficial reuse off-site as construction material.</p> <p>Stormwater management for this portion of the site consists of a rip-rap swale which directs stormwater to a detention basin prior to discharge to surface waters of the State. Stormwater runoff from the entire facility is authorized by a NJPDES/DSW Stormwater Permit (Permit #NJ0132209).</p> <p>The pier structure is also to be used as a off-loading facility for processed dredged material accepted from other dredged material processing facility in the NY/NJ Harbor provided the conditions specified in this permit are met.</p>		
Prepared By: <u>Suzanne U. Dietrick</u> <u>5/8/09</u> (See Page 9 of 9 pages for Chief's signature.)		
Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) _____	Title _____
	Signature _____	Date _____

\*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

**This permit is subject to the following general conditions:**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.

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4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

The approved plans consists of:

- One sheet entitled "Facility Site Map and Clean Dredged Material Unloading and Processing Areas for Bayshore Recycling Development, LLC, Tax Map Sheet 129, Block 51, Lot 1, 1R, 2B and 2C" dated 4/30/09 and prepared by Robert J. Roth, Environmental Liability Management Inc.
- One sheet entitled "Existing Facility Operation Areas, for Recycling Technology Development, LLC, Tax Map Sheet 130, Block 51, Lot 1B, 2B, 2 and 1, Block 52, Lot1 and Block 41C, Lots 3B and 3R" dated 12/18/08 and prepared by Robert J. Roth, Environmental Liability Management Inc.
- One sheet entitled "Proposed Facility Operations Areas for Recycling Technology Development, LLC, Tax Map Sheet 130, Block 51, Lot 1B, 2B, 2 and 1, Block 52, Lot1 and Block 41C, Lots 3B and 3R" dated 12/18/08 and prepared by Robert J. Roth, Environmental Liability Management Inc.

The project is authorized under, and in compliance with, the Rules of Coastal Zone Management (N.J.A.C. 7:7E) governing; Navigational Channels (7:7E-3.7), Ports (7:7E-3.11), Intertidal/Subtidal Shallows (7:7E-3.15), Filled Water Edge (7:7E-3.23), Docks and Piers (Commercial)(7:7E-4.4), Dredged Material Disposal (7:7E-4.8), Moorings (7:7E-4.11), Dredged Material Placement on Land (7:7E-7.12), Water Quality (7:7E-8.4), Buffers and Compatibility of Uses (7:7E-8.13).

This permit is approved, subject to, and in accordance with a tidelands license issued to Bayshore Recycling Corporation on September 1, 2004 (File No. 04-0312-T). Issuance of this permit does not in any way relinquish the State's ownership interest in the property, if any exists.

This permit is issued subject to and provided that the following conditions can be met to the satisfaction of the New Jersey Department of Environmental Protection (NJDEP) Office of Dredging and Sediment Technology. All conditions must be met prior to construction unless otherwise specified. Compliance with Administrative conditions shall be determined once copies of all specified permits, certifications, plans, agreements, etc. have been received, not less than 30 days prior to construction, and approved by the NJDEP Office of Dredging and Sediment Technology. All Physical Conditions are subject to on-site compliance inspection by the NJDEP Bureau of Coastal and Land Use Enforcement. As per N.J.A.C. 7:7-1.4, you must notify the NJDEP Bureau of Coastal and Land Use Enforcement, (401 East State Street, P.O. Box 422, Trenton, NJ 08625), in writing at least 3 days prior to commencement of construction or site preparation.

This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after the receipt of the permit by the applicant and verified notice shall be forwarded to the NJDEP Office of Dredging and Sediment Technology immediately thereafter.

This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the NJDEP Office of Dredging and Sediment Technology, 6<sup>th</sup> floor Assistant Commissioner's Suite, P.O. Box 028, Trenton, New Jersey 08625.

#### ADMINISTRATIVE CONDITIONS

1. The permittee shall allow an authorized representative of the NJDEP the right to inspect construction pursuant to N.J.A.C. 7:7-1.5.
2. The permittee shall obtain all required local, state and federal approvals.

3. Prior to initiation of construction, the permittee shall obtain Army Corps Authorization for the project. A copy of said authorization shall be forwarded to the Office upon receipt by the permittee.
4. Prior to accepting any dredged material at this facility, the permittee shall obtain the following:
  - A modification to the existing "Recycling Center General Approval for Class By Reycable Materials for Concrete, Asphalt, Brick, Block and Petroleum Contaminated Soil" issued December 6, 2007 (as modified on May 14, 2008) issued to authorize the dredged material processing areas.
  - A final Stormwater Permit for the facility which specifically authorizes the dredged material off-loading and processing areas.

#### PHYSICAL CONDITIONS

1. This permit does not authorize the discharge of decant water to surface waters of the State at the Bayshore Recycling Corporation unless specifically authorized under a NJPDES/DSW permit. Decant water may be discharged at the site of origin of the dredged material provided the project has received a separate Waterfront Development Permit.
2. The permittee shall comply with all conditions imposed in the Recycling Center General Approval issued to the facility on December 7, 2007 and any modifications thereto as required by this permit.
3. Spill plates and other best management practices shall be employed during the off-loading of material from the dredge scows. ~~The spill plates shall remain in place during the entire off-loading and transfer process.~~
4. All debris sifted from dredged material within a scow shall be placed in roll-off containers and disposed of at an approved construction material disposal facility.
5. Any dust emissions from the dredged material stockpile area/end product stockpile area shall be controlled via use of a water truck.
6. The permittee must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.

#### ACCEPTABLE USE DETERMINATION

1. The in-situ bulk sediment chemistry analysis of all dredged material accepted at the Bayshore Recycling Corporation facility shall meet the NJDEP's Residential-Soil Remediation Standards as promulgated on June 2, 2008 and any amendments thereto. Any dredged material determined to be greater than 90% sand by the Department shall not be required to provide in-situ bulk sediment chemistry analyses to meet this condition.
2. No dredged material may be accepted at the Bayshore Recycling Corporation facility unless the material has received a Waterfront Development Permit and/or an Acceptable Use Determination from the Department, or a written waiver from these requirements.

3. No dredged material may be accepted at the Bayshore Recycling Corporation facility unless the Department is provided with the beneficial use location(s) for the end product (blended dredged material/Class B material). Said information shall be provided in the AUD application submitted for a specific dredging project.
4. No dredged material/processed dredged material may be accepted at the Bayshore Recycling Corporation facility from another dredged material processing facility unless an Acceptable Use Determination is received from the Department, or a written waiver from these requirements is obtained.
5. Bayshore Recycling Corporation shall maintain daily records noting the transportation vehicle identification number (truck and scow), material quantity, source and destination for all dredged material and/or end product (blended dredged material/Class B material) entering and/or leaving the facility. Bayshore Recycling Corporation shall maintain daily records of all Class B recyclable material that is placed in the "Unprocessed/Processed Class B Material" Stockpile Area located on Block 41C, Lot 3B. Said records shall be provided to the Office on a yearly basis. Bayshore Recycling Corporation shall provide the Office with a copy of the yearly monitoring reports submitted to the Solid and Hazardous Waste Management Program which provides detailed information on final use location for any end product (blended dredged material/Class B material) exported from the site.
6. Within 30 days of the effective date of the permit, the permittee shall prepare and submit an Operation and Management (O&M) Plan to this Office for review and approval. That plan shall deal comprehensively with procedures for clean up of any processed dredged material or additive mixture, which is accidentally spilled at the site. The plan must also specify all arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on site. This includes, but is not limited to, a schedule for the cleaning of all sump pits, pumps, and storage tanks. The plan shall also include health and safety procedures. A copy of the O&M plan shall be kept on site and all employees involved in the dredged material processing facility shall be briefed on the contents of the plan.
7. Any major accidental release of dredged material, add mixture or processed dredged material shall be immediately reported to the DEP Emergency Response 24-Hour Hotline at (609) 292-7172. The report must specify the type of substance discharged, estimated quantity, nature of the discharge, location of the discharge, any action being taken to mitigate the discharge and any other information the Department may request at the time of notification.
8. The Department reserves the right to revise or terminate this authorization at any time as a response to any: complaints, violations of this authorization or its conditions, any violation of any related permit and their conditions and / or failure to comply with the Department's Acceptable Use Criteria for the end use site.

#### MITIGATION REQUIREMENTS

The following special conditions must be met for the activity to be authorized under these permits:

1. The mitigation project must be conducted prior to or concurrent with the construction of the approved project.
2. Mitigate for the loss of 0.54 acres of intertidal/subtidal shallows impacted by the construction of the pier structure through either an on-site or off-site creation, restoration or enhancement project or through the purchase of mitigation credits as detailed in condition 3 below.
3. Purchase credits from the Mitigation Bank as detailed below.

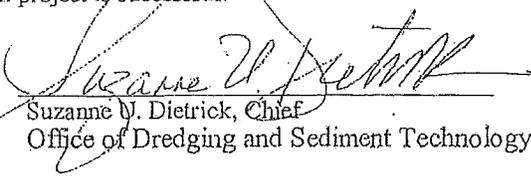
- a) The permittee must submit proof of the purchase of appropriate mitigation credit to Virginia Kop'Kash, from the Land Use Regulation Program, before the authorized construction may begin. If the permittee waits more than sixty days to make that purchase she/he must first contact Virginia Kop'Kash, from the Land Use Regulation Program at (609) 777-0454 to determine if the mitigation credits are still available for sale. For more information about the approved wetland mitigation banks in the State go to the following web page:  
<http://www.state.nj.us/dep/landuse/fw/m/mediate/mcouncil.html#banks>.
4. For an on-site or off-site individual mitigation project the permittee must submit a mitigation proposal to the Land Use Regulation Program, to create, enhance or restore an area of intertidal/subtidal shallows or coastal wetlands of equal ecological value to those, which will be temporarily impacted by the authorized activity for review and approval. Attached to this permit is a list of the necessary information that must be included in that on-site or off-site mitigation proposal or go to the following web page for the latest version of this checklist <http://www.state.nj.us/dep/landuse/forms/clkmitig.doc>. **The permittee shall comply with the mitigation requirements specified in N.J.A.C. 7:7E-3.15(h) when determining the appropriate type of mitigation for the impacts to intertidal/subtidal shallows.** The following conditions and information must be adhered to when performing mitigation.
  - a. Submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site.
  - b. Once the Program has approved the conceptual plan of the mitigation project the permittee must submit a final design of the mitigation project and include all the items listed on the attached on-site/off-site mitigation proposal checklist.
5. In accordance N.J.A.C. 7:7E-3B.3, obtain a secured bond, or other financial surety acceptable to the Department including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the permittee default. The financial surety for the construction of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost of the construction. In addition, financial surety to assure the success and maintenance of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost to maintaining and monitoring the project. The Department will review the financial surety annually and the permittee shall adjust the surety to reflect current economic factors. Please be advised if a governmental body is performing the mitigation the need for financial assurance is waived.
6. The permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.
7. The permittee shall notify the Land Use Regulation Program, in writing, at least thirty (30) days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Program.
8. The mitigation designer must be present during critical stages of construction of the mitigation project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and their predicted wetland hydrology is realized in the landscape. Mitigation designs are not static documents and changes may be necessary to ensure success of the project. It shall be the prerogative of the mitigation consultant to make changes to the design should field conditions warrant such action.
9. Immediately following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.

10. Immediately following the final grading of the mitigation site and prior to planting, the permittee shall notify the Program for a post-grading construction meeting between the permittee, contractor, consultant and the Program. The permittee must give the Program at least thirty (30) days notice prior to the date of this meeting.
11. Within 30 days following the final grading and planting of the mitigation project, the permittee shall submit a final report to the Land Use Regulation Program. The final report shall contain, at a minimum, the following information:
  - a. A completed WETLAND MITIGATION PROJECT COMPLETION OF CONSTRUCTION FORM (attached) which certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
  - b. As built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
  - c. Show on the as-built plans that the boundaries of the wetland mitigation area has been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period;
  - d. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
  - e. To document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in NJ state plane coordinates NAD 1983;
  - f. The permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited; and
  - g. The sign must also state the name of the permittee, LURP permit number along with a contact name and phone number.
12. If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Program until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan, all soil has been stabilized and there is no active erosion.
13. The permittee shall monitor the mitigation project for 3 full growing seasons after the mitigation project has been constructed. The permittee shall submit monitoring reports to the Land Use Regulation Program no later than December 31<sup>st</sup> of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).
14. All monitoring report will include all the following information (see attached monitoring report checklist):
  - a. All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed;

- b. All monitoring reports except the final one must include field data to document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (Target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan). If the proposed plant community is a scrub/shrub or forested wetland or wetland buffer the permittee must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year. If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation;
  - c. All monitoring reports except the final one must include documentation of any invasive or noxious species (see below for list of species) colonizing the site and how they are being eliminated. The permittee is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
  - d. All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed;
  - e. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required wetland buffer, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
  - f. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes. The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height;
  - g. The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);
  - h. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, tide gauge data, photographs and field observation notes collected throughout the monitoring period; and
15. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:
- a. That the goals of the wetland mitigation project including acreage and the required wetland buffer, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of wetlands in the mitigation area;

- b. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area are healthy and thriving. All trees are at least five feet in height;
  - c. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose); and,
  - d. The proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied.
16. All remaining financial surety, if required, will be released concurrent with the Program notifying the permittee that the mitigation project is a success.
17. If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure. The financial surety, if required, will not be released by the Program until such time that the permittee satisfies the success criteria as stipulated in condition number 15.
- 
18. The permittee shall assume all liability for accomplishing corrective work should the Program determine that the compensatory mitigation has not been 100% satisfactory. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the permittee until such time that the Department makes the finding that the mitigation project is successful.

5/8/09  
DATE

  
Suzanne V. Dietrick, Chief  
Office of Dredging and Sediment Technology

## Masters, Matt

---

**From:** Rickr UTEX [rickr@hotmail.com]  
**Sent:** Tuesday, June 01, 2010 11:14 AM  
**To:** Masters, Matt  
**Cc:** don sansing; rich cingular  
**Subject:** RE: Concurrence Letter from NYSDEC for placement of PDM at GATX site

1.800.430.0714 pass code 4070701; 11:00est 10:000cst

Rick Redle  
UTEX Holdings, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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**Subject:** RE: Concurrence Letter from NYSDEC for placement of PDM at GATX site  
**Date:** Tue, 1 Jun 2010 11:05:33 -0400  
**From:** mmasters@panynj.gov  
**To:** rickr@hotmail.com

Lets set this call up for 11:00 AM NY Time. Just let me know what number you would like me to call.

Matt

-----Original Message-----

**From:** rickr@hotmail.com [mailto:rickr@hotmail.com]  
**Sent:** Tuesday, June 01, 2010 10:50 AM  
**To:** Masters, Matt  
**Subject:** Re: Concurrence Letter from NYSDEC for placement of PDM at GATX site

Friday am you pick the time. Rich will be in the air until late afternoon. RickR Sent via BlackBerry - a service from AT&T Wireless.

---

**From:** "Masters, Matt" <mmasters@panynj.gov>  
**Date:** Tue, 1 Jun 2010 10:40:55 -0400  
**To:** Rickr UTEX<rickr@hotmail.com>  
**Cc:** rich cingular<rstuder@utex-environmentalservices.com>; don sansing<dsansing@utex-environmentalservices.com>  
**Subject:** RE: Concurrence Letter from NYSDEC for placement of PDM at GATX site

Thursday doesn't work for me. I am available tomorrow (all morning until 1:30 PM) and all day Friday until 4:00 PM. Please let me know and I will hold day/time for your call.

Matt

-----Original Message-----

**From:** Rickr UTEX [mailto:rickr@hotmail.com]

**Sent:** Tuesday, June 01, 2010 10:30 AM

**To:** Masters, Matt

**Cc:** rich cingular; don sansing

**Subject:** RE: Concurrence Letter from NYSDEC for placement of PDM at GATX site

Matt; just returned from holiday in Africa on sunday; spoke to Rich who is in meetings in Europe today due back tomorrow. Would like to schedule call with you on Thursday to address this and other status issues. Is there a time of convenience?

Rick Redle

UTEX Holdings, LLC

4570 Westgrove Drive, Suite 240

Addison, Texas 75001

972.407.0701; facsimile 972.931.2218; cell 214.435.2351

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Subject: RE: Concurrence Letter from NYSDEC for placement of PDM at GATX site

Date: Tue, 1 Jun 2010 08:50:17 -0400

From: mmasters@panynj.gov

To: dsansing@utex-environmentalservices.com

CC: rstuder@utex-environmentalservices.com; rickr@hotmail.com

Don,

Thanks for forwarding me this letter. I left messages for you and Brad Studer last week hoping to speak with someone from UTEX. I was unaware that DEC needs to issue a Public Notice for the amendment to the Order on Consent. If possible, could you please get back to me on the following:

When does DEC plan to issue the PN?

When and who will brief Staten Island Public officials and third-party stakeholders? (per your April 20th meeting minutes w/DEC)

Can you provide an update to the timeline of activities for placement of PDM attached to the April 20th minutes?

Thanks,

Matt

-----Original Message-----

**From:** Don Sansing [mailto:dsansing@utex-environmentalservices.com]

**Sent:** Thursday, May 27, 2010 11:28 AM

**To:** Masters, Matt

**Cc:** rstuder@utex-environmentalservices.com; 'Rickr UTEX'

**Subject:** Concurrence Letter from NYSDEC for placement of PDM at GATX site

Matt,

Attached is a letter from NYSDEC concurring with our proposed use of PDM from the Port Authority (and other sources) at the 380 Development (formerly GATX) site on Staten Island, NY. UTEX is in the process of preparing the Engineering Work Plan and BUD's. In UTEX's opinion this is a huge step forward in getting approvals necessary to place the PDM on the site.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

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## Masters, Matt

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**From:** Don Sansing [dsansing@utex-environmentalservices.com]  
**Sent:** Thursday, May 27, 2010 11:28 AM  
**To:** Masters, Matt  
**Cc:** rstuder@utex-environmentalservices.com; 'Rickr UTEX'  
**Subject:** Concurrence Letter from NYSDEC for placement of PDM at GATX site  
**Attachments:** Cover Letter and Meeting Note to JO FINAL4-20-10.pdf; Concurrence Letter Urda 05-26-10.pdf

Matt,

Attached is a letter from NYSDEC concurring with our proposed use of PDM from the Port Authority (and other sources) at the 380 Development (formerly GATX) site on Staten Island, NY. UTEX is in the process of preparing the Engineering Work Plan and BUD's. In UTEX's opinion this is a huge step forward in getting approvals necessary to place the PDM on the site.

Donald Sansing  
Senior Vice President  
**UTEX Environmental Services, LLC**  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
972-407-0701

April 20, 2010



**New York State Department of Environmental Conservation  
Region 2  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101-5407**

*RE: Preparation of "Engineering Report" for Types of Materials and Chemical Constituents  
for Fill Materials to be Placed at the 380 Development Site, Staten Island, NY*

Dear Ms. O'Connell,

As per the direction provided at the meeting between NYSDEC, UTEX and 380 Development on April 1, 2010, I am providing you with a Memo describing UTEX's understanding of the general requirements for fill placement that were outlined by NYSDEC.

As shown in the "*Schedule of Activities for Fill Placement at Staten Island Site*", UTEX anticipates a Technical Meeting between NYSDEC and our Environmental Consultant, Key Environmental, during the week of May 3<sup>rd</sup> and another Working Meeting (if necessary) on or about May 14<sup>th</sup> to provide NYSDEC with updates and further information concerning UTEX's fill placement concept.

UTEX is prepared to begin the engineering and design work to provide the appropriate documents (which must then be reviewed by 380 Development and GATX) necessary for approval based on the "Meeting Notes from NYSDEC Region 2 Meeting" attached hereto. Please provide concurrence with the attached general requirements for preparation of said documents at your earliest convenience.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Ritchie G. Studer".

Ritchie G. Studer  
UTEX Holdings, LLC

Attachment: Memo

# Memo

**To:** Jane O'Connell, NYSDEC Environmental remediation  
**From:** Don Sansing, REM  
**CC:** Sam Arakhan, NYSDEC DSHM  
John Urda, NYSDEC, Legal  
**Date:** April 20, 2010  
**Re:** Meeting Notes from NYSDEC Region 2 Meeting

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**Location:** NYSDEC Region 2 Offices, Long Island City, NY  
**Date:** April 1, 2010  
**Purpose:** Type of Materials and Chemical Constituent Limits for Fill Materials to be Placed at the 380 Development Site, Staten Island, NY  
**In Attendance:** **UTEX**

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Jack Liebler	Jake Bourdeau – Key Environmental
Rich Studer	Greg Banner – Key Environmental
Don Sansing	

**380 Development**

Brett Scharback - ISC  
Marie Raser – EcolSciences  
Michael Heister – Baker Botts

**GATX**

Amanda Ludlow – ROUX

**NYSDEC**

John Urda	John Cryan
Anthony Morenzi	Jane O'Connell
Adrain Santiago	Sam Arakhan
Suzanne Mattei	Steve Zahn
Lou Oliva	Sebastian Zacharias
Chan Chakrabaryi	

UTEX was pleased with the progress that was made during the April 1st meeting. UTEX remains committed to working with DEC on this matter until DEC and UTEX have a proposal acceptable not only to UTEX and DEC but also 380 Development, GATX, and other key stakeholders in the community. Nothing stated in the meeting or included herein is intended to alter the rights and obligations of GATX in any way, and shall not interfere with GATX's ongoing remedial work

There are at least 2 state programs that could govern the fill placement on the site:

1. Remediation Program
2. Solid Waste Materials Program

In a "White Paper" dated February 26, 2010, UTEX requested that the proposed fill be placed under the Remediation Program by submitting a Remedial Action Work Plan and placing the material as the required cover system which is mandated by the existing Corrective Action Plan.

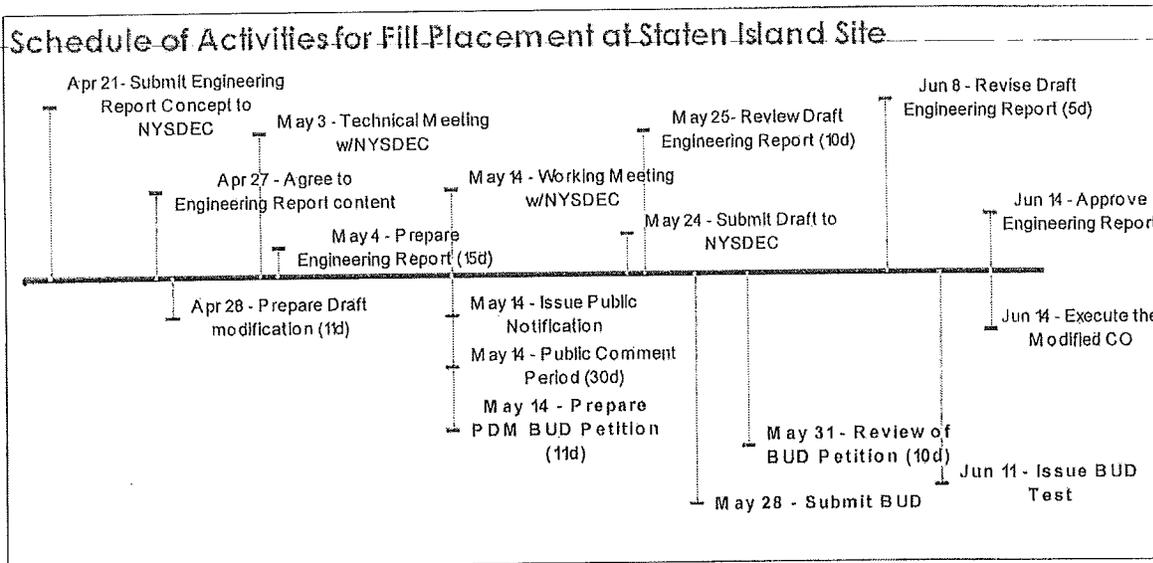
NYSDEC has provided guidance concerning submission of an "Engineering Report" which will be utilized to amend the existing CAP to approve the use of Processed Dredge Material (PDM), a beneficially used material, as a portion of the surface cover material for the site and to have UTEX submit material specific BUD applications for each separate source of material that we propose to use for fill material. Each BUD will be approved for the different source materials but with the same environmental protection level as outlined by NYSDEC at the meeting.

The general requirements outlined in the meeting that UTEX will follow when preparing the appropriate "Engineering Report" are:

1. The Engineering Report document which will be prepared by UTEX will be appropriate for use in modifying the existing 1998 Consent Order DEC File No. D2-0001-98-01-02. No Public Hearing will be required, but there will be a Public Notice period and there is a need to brief the Staten Island Public Officials and third-party stakeholders.
2. Any controlled material (PDM or Dredge Material) that UTEX desires to place on the site must have a specific BUD approved for its placement. The chemical constituent requirements for each BUD will be the same as those that are agreed to at this meeting and will be further outlined in the Engineering Report. Assuming the chemical constituents are below the placement threshold, PDM will be allowed for placement. The acceptance criteria for the placement threshold will include normally accepted statistical data evaluation.
3. The NYSDEC has agreed to a "sandwich" approach for acceptance of the chemical composition of the proposed fill material. This means that there will be at least three layers of approved materials. The chemical constituents was outlined by the NYSDEC to be as follows:
  - a. Cover Layer – This layer will be 1.0 feet thick in areas that will have an impermeable cover (i.e. asphalt or concrete paving, concrete floors for buildings, etc.). For all areas that are not covered by asphalt or concrete, this layer will be 1.5' thick with the upper 0.5' made up of material which will support vegetative growth. The material utilized for this layer will meet the requirements of Table 375-6-8 (b) and will use the lower of the protection of groundwater or the protection of public health soil cleanup objectives for Commercial use.
  - b. Middle Layer – This layer will include all the material located between the Cover Layer and the Bottom Layer. The engineering design of this layer will promote storm water drainage across the placement site. The material placed for this layer will meet the requirements of Table 375-6-8 (b) and will use:
    1. The lower of the protection of groundwater or the protection of public health soil cleanup objectives for Commercial use for VOC's only.
    2. All Non-VOC substances will use the protection of public health soil cleanup objectives for Commercial use. (If soil cleanup objectives are exceeded, the use of statistical average of SPLP or other acceptable leachable data to support the proposition that the material will not leach contaminants above acceptable levels (i.e. Groundwater Standards) will be utilized.
  - c. Bottom Layer – This layer will be placed directly on the existing surface of the site and will be a minimum of 1.0 foot thick. The thickness of this layer will be determined by establishment or mutual agreement of the elevation of the seasonal high groundwater table plus 1.0 foot. This additional 1.0 foot of material will create a "safety factor" to minimize contact with the groundwater table by the upper layers. Settlement or land surface subsidence data will be utilized to estimate the elevation to which the existing surface may "subside" or consolidate after applying overburden. The material placed for this layer will meet the requirements of Table 375-6-8 (b) and will use the lower of the protection of groundwater or the protection of public health soil cleanup objectives for commercial use.
4. The DEC will require that an Environmental Monitor (EM) will be utilized to perform Quality Assurance for the material that is placed on-site. The EM will be employed by UTEX and will

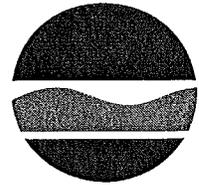
- be approved and under the direct supervision of the NYSDEC Project Manager for the site. The EM will provide periodic reports of the fill activities to UTEX and to NYSDEC.
5. The Engineering Report will include a slope stability analysis for the designed and constructed exterior berms surrounding the proposed development site. The slope stability and the structural design of the berms will provide assurance that there will be no release of material into the wetlands or wetland adjacent areas from the surface cover placement.
  6. The Engineering Report will include a Fill Plan and a schedule for fill placement. The schedule will be dependent upon the availability of materials for placement and the chemical composition of the available materials. The design of the intermediate stockpiling of various acceptable materials will include all appropriate engineering controls to prevent cross contamination of the various materials or the existing surface of the site.
  7. NYSDEC will require Financial Assurance as part of the Consent Order modification.
  8. During the placement, gathering and on-site collection of the approved multi-layer materials, UTEX will be responsible for installation of erosion and sediment control best management practices. BMP's such as silt fence, bottom layer placement and sediment basins will be instituted to insure that any migration of the placed or gathered commercial grade material will be captured.
  9. NYSDEC will require that deed restrictions be in-place to restrict the site to Commercial or Industrial as-of-right use.
  10. NYSDEC will require submission of a Post Closure Monitoring Plan/Site Management Plan.
  11. UTEX will be required to modify the existing SPDES Permit.

The following chart identifies some of the proposed work activities that are necessary to complete the regulatory requirements which will allow the site filling activities to begin. The dates and time associated with each activity may vary by 1 to 2 weeks.



New York State Department of Environmental Conservation  
Office of General Counsel, Region 2  
47-40 21<sup>st</sup> Street  
Long Island City, New York 11101-5401

jkurda@gw.dec.state.ny.us  
Telephone: (718) 482-4089  
Facsimile: (718) 482-4962



Alexander B. Grannis  
Commissioner

May 26, 2010

**VIA E-MAIL**

Mr. Donald Sansing  
Senior Vice President  
UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001  
dsansing@utex-environmentalservices.com

**Re: 500 Western Avenue, Staten Island, New York**

Dear Mr. Sansing:

Department staff has reviewed your April 20, 2010 memorandum summarizing our April 1, 2010 meeting regarding the above-referenced site. We concur with your general points, and have the following comments on specific proposed elements of the draft Engineering Work Plan and draft modification to the 1998 Order on Consent, subject to further review:

Memo

Section                      Department staff comments

1.                      The Modified Order on Consent will provide for a 30-day public comment period, at the conclusion of which Department staff and the respondents shall consider revisions to the draft Engineering Work Plan.
  
3.                      All fill material must meet the following geotechnical standards: 5 psi sheer strength, and less than 80% moisture.
  - a. Cover layer – All open vegetated areas shall be subject to the protection of ecological resources SCOs regardless of proximity to regulated wetland areas.
  
  - b. Middle layer – Long-term monitoring: quarterly monitoring to address seasonal variations, to be revisited at the end of five years, plus monitoring after any significant flood event yielding an equivalent of a 50-year rainfall or a storm surge exceeding the 50-year surface water flood elevation.

Mr. Donald Sansing  
May 26, 2010

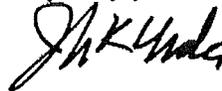
Page Two

- c. Bottom layer – This layer must include an additional 2-foot increment of fill to account for the potential impacts of sea-level rise.
4. As provided in the draft Modified Order on Consent, the monitor should be referred to as the Independent Environmental Monitor (“IEM”). The IEM shall be hired subject to the approval of the NYSDEC Regional Solid Materials Engineer, and shall be subject to dismissal without cause upon notification by the Department. The IEM shall monitor all fill activities, and report directly to the Regional Solid Materials Engineer.
  5. The Engineering Work Plan shall include design calculations to show that the height and volume of fill material will be no greater than is necessary to provide for adequate drainage.
  9. As provided in the draft Modified Order on Consent, deed restrictions shall be implemented covering i) the entire site, and ii) other sensitive areas including tidal and freshwater wetlands. Compliance shall be monitored by the NYSDEC Regional Natural Resources Supervisor.

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I am enclosing the draft Modified Order on Consent for your review. It is our understanding that UTEX will provide a draft Engineering Work Plan within the next two weeks to serve as a basis for a meeting among the parties’ technical staffs. In the meantime, please feel free to call me or Suzanne Mattei if you have any questions.

Very truly yours,



John K. Urda  
Assistant Regional Attorney

Encl.

cc: Suzanne Mattei  
Steve Zahn  
Sam Arakhan  
Jane O’Connell  
Sebastian Zacharias

## Masters, Matt

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**From:** Fitzpatrick, John (Law)  
**Sent:** Tuesday, May 25, 2010 5:08 PM  
**To:** Rick Redle (E-mail)  
**Cc:** Masters, Matt  
**Subject:** Upland Disposal Agreement - Insurance Issues

Rick - Attached is a letter identifying certain insurance matters that need to be resolved on the upland disposal contract.



Ltr Utex.pdf

A hard copy has also been sent to you by Federal Express.



**THE PORT AUTHORITY OF NY & NJ**

*Darrell Buchbinder, General Counsel  
Christopher M. Hartwyk, First Deputy General Counsel*

May 25, 2010

UTEX Environmental Services, LLC  
4570 Westgrove Drive, Suite 240  
Addison, Texas 75001

Attention: Rick Redle, Senior Vice President

Dear Mr. Redle:

Our Risk Management Department has reviewed the insurance certificates that were submitted by UTEX in accordance with the requirements of the dredged material disposal contract dated July 17, 2009. Based upon that review, they have advised that additional information will be required as set forth below.

- 1) Section 8.2(a)(iv) of the contract requires that the contractor maintain Maritime Protection Indemnity Insurance in limits of not less than Five Million Dollars combined single limit per occurrence. UTEX has forwarded a letter from its broker, Dave Aird of James Banasky Insurance, dated September 15, 2009, stating that Maritime Protection Insurance cannot be obtained because UTEX does not and will not operate, maintain or control any vessel. Mr. Aird added that UTEX's general liability policy would cover operations and work that UTEX will perform on the dock. Our Risk Management Department has requested that UTEX provide a copy of the general liability endorsement documenting the inclusion of dock work because wharfs, docks, and piers are typically excluded from commercial general liability policies.
- 2) Section 8.2(a)(v) of the contract requires that UTEX maintain Environmental Liability Insurance in limits of not less than One Million Dollars combined single limit per occurrence for bodily injury, death and property damage liability. The insurance certificate prepared by James Banasky Insurance shows that "Site Pollution Liability" insurance is in place but we would ask that UTEX submit further evidence to demonstrate that this policy satisfies the Environmental Liability insurance requirements contained in the contract or that a separate policy of such insurance has been obtained.
- 3) The contract, in Section 8.2(a)(ii), requires that UTEX maintain Commercial Auto Liability insurance in limits of not less than Three Million Dollars. The above referenced certificate indicates that coverage in the amount of One Million Dollars is in place but we would appreciate confirmation from your broker that the Four Million Dollars Excess/Umbrella Liability insurance evidenced on the certificate of insurance applies to Auto Liability.

*225 Park Avenue South  
New York, NY 10003*



- 4) Section 8.2(b) of the contract sets forth an endorsement pertaining to cancellation and material change in the policies that must be included on the certificate of insurance. We would ask that the certificate be revised to include that endorsement.

If you have any questions on the above, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "John B. Fitzpatrick".

John B. Fitzpatrick  
Attorney  
Tel: (212) 435-3524