

# Long-Term Stewardship Plan for the Colonie, New York, Site

February 2026



U.S. DEPARTMENT OF  
**ENERGY**

Legacy  
Management

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- Appendix A Property Deed
- Appendix B Entry Procedure for Offsite Properties
- Appendix C Supplemental Emergency Response Information

## Abbreviations

AEC	U.S. Atomic Energy Commission
Amtrak	National Railroad Passenger Corporation
ASTM	ASTM International
bgs	below ground surface
CASI	Condition Assessment Survey Inspection
cDCE	<i>cis</i> -1,2-dichloroethene
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	<i>Code of Federal Regulations</i>
COC	contaminant of concern
CP	Commissioner Policy
CSX	CSX Transportation Inc.
DER	Division of Environmental Remediation
DOE	U.S. Department of Energy
DU	depleted uranium
EE/CA	engineering evaluation/cost analysis
EGDM	Environmental and Geospatial Data Management
EPA	U.S. Environmental Protection Agency
EQuIS	Environmental Quality Information System
ERDA	U.S. Energy Research and Development Administration
ERF	<i>Environmental Review Form</i>
FIMS	Facilities Information Management System
ft	feet
FUSRAP	Formerly Utilized Sites Remedial Action Program
GAC	granular activated carbon
GSA	U.S. General Services Administration
HHRA	human health risk assessment
IC	institutional control
IDW	investigation-derived waste
ISO	International Organization for Standardization
IWCP	Integrated Work Control Process
LM	Office of Legacy Management
LMS	Legacy Management Support
LTPR	long-term periodic review

LTS	long-term stewardship
LTSP	Long-Term Stewardship Plan
MED	Manhattan Engineer District
µg/L	micrograms per liter
MNA	monitored natural attenuation
MOU	Memorandum of Understanding
NCP	National Contingency Plan
NEPA	National Environmental Policy Act
NPL	National Priorities List
NRC	U.S. Nuclear Regulatory Commission
NYCRR	<i>New York Codes, Rules and Regulations</i>
NYECL	<i>New York Environmental Conservation Law</i>
NYSDEC	New York State Department of Environmental Conservation
OU	operable unit
PCE	tetrachloroethene
QA	Quality Assurance
QAM	<i>Quality Assurance Manual</i>
RI	Remedial Investigation
ROD	Record of Decision
SAP	Sampling and Analysis Plan
SERI	Supplemental Emergency Response Information
SMP	Site Management Plan
TCE	trichloroethene
TCG	target cleanup goal
USACE	U.S. Army Corps of Engineers
USC	<i>United States Code</i>
UU/UE	unlimited use and unrestricted exposure
VC	vinyl chloride
VOC	volatile organic compound
VP	vicinity property

## Forms Referenced in This Manual

LMS forms are accessible on the **Document Management** homepage > **LMS Forms**.

<i>Landowner/Stakeholder Notification Form</i>	LMS 1013
<i>Supplemental Emergency Response Information (SERI)</i>	LMS 1415

LM forms and templates are accessible at  
**LM Portal > Employee Resources > LM (Federal) > Controlled Documents**.

<i>Environmental Review Form</i>	LM-Form-4-20.3-4.0
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# 1.0 Introduction

This Long-Term Stewardship Plan (LTSP) describes the processes and requirements for the management of the U.S. Department of Energy (DOE) Colonie, New York, Site. The U.S. Army Corps of Engineers (USACE) completed remedial actions at the site under the Formerly Utilized Sites Remedial Action Program (FUSRAP) (USACE 2018). The site was transferred to the DOE Office of Legacy Management (LM) on September 30, 2019.

## 1.1 Purpose and Scope

This LTSP documents the activities and processes required to maintain and ensure the effectiveness of the selected remedies for the Colonie site. These activities and processes include the following:

- Ensuring onsite actions are conducted safely
- Understanding the institutional controls (ICs)
- Conducting the groundwater monitoring program
- Identifying and complying with the applicable federal and state regulations
- Ensuring that risks, funding needs, and personnel requirements are identified for the life-cycle baseline
- Ensuring that outreach (websites, public databases, and written communications) informs the public about site conditions
- Ensuring that data and records are maintained and accessible
- Ensuring that the wells are maintained and secure

## 1.2 Plan Organization

**Section 1.0, “Introduction”:** Provides the purpose of the plan and the site’s history, geologic setting, and regulatory requirements.

**Section 2.0, “Site Conditions”:** Describes the environmental conditions and real property and personal property assets.

**Section 3.0, “Long-Term Stewardship”:** Describes plans for community outreach, environmental monitoring, long-term periodic reviews (LTPRs), contingencies, and emergency response.

**Section 4.0, “References”:** Includes all references used in the report, including appendixes.

## 1.3 FUSRAP Background

In 1942, under the jurisdiction of the U.S. Army, USACE established the Manhattan Engineer District (MED), also known as the Manhattan Project, as the agency responsible for early atomic weapons research and development. On January 1, 1947, in accordance with the Atomic Energy Act of 1946, all atomic energy activities transferred to the newly created U.S. Atomic Energy

Commission (AEC). From 1942 to 1946, more than 10 contractors and several hundred subcontractors were involved in MED production, research, and development operations, and AEC continued the MED practice of contracting with industry, private contractors, and academic institutions to perform many of the actual operations.

FUSRAP was established in 1974 by AEC to evaluate and remediate sites where radioactive contamination remained from MED and AEC operations. In early 1974, AEC initiated the survey program to identify all formerly utilized sites involved with radioactive materials and to determine their radiological status. This survey program became FUSRAP. The responsibility for this survey was assigned to the AEC Division of Operational Safety. At that time, all divisions and field offices of AEC were required to search their files to identify any former government-owned or government-leased sites and facilities that had been used in MED and AEC research or production activities. In addition, the files were searched for records identifying the radiological conditions at the termination of MED or AEC activities, the transfer (in some cases) of custodial responsibility for such sites, the current radiological conditions of the sites, and the land use and ownership data. This effort identified many sites for which pertinent information was lacking or was insufficient to determine their radiological conditions. During the initial records review, FUSRAP personnel assessed the radiological conditions at more than 600 sites that were potentially involved in early atomic weapons and energy activities and identified 46 sites for cleanup.

Later in 1974, AEC was abolished, and its responsibilities were divided among the newly established U.S. Nuclear Regulatory Commission (NRC) and the U.S. Energy Research and Development Administration (ERDA). NRC assumed AEC's licensing and regulatory roles, and ERDA assumed other programmatic AEC responsibilities, including FUSRAP. ERDA and DOE, which became its successor agency in 1977, began identifying and characterizing sites under FUSRAP.

DOE began remediating sites under FUSRAP in 1979. The initial remediation activities focused on sites where conditions were relatively straightforward in terms of size, nature, and extent of contamination rather than sites with more challenging and complex conditions, where remediation extended for several years or decades or may be in progress now. DOE implemented a multiphase approach to characterize sites, identify appropriate remedial activities, conduct remediation and waste disposal, prepare a final report, and assemble materials for a certification docket. DOE established programmatic guidelines for the cleanup of residual concentrations of radionuclides in soil, concentrations of airborne radon and radon decay products, external gamma radiation levels, surface contamination levels, and residual radionuclide concentrations in air and water. Certification was performed to verify that final site conditions met cleanup objectives, to assemble and document the data used in final decisions, and to archive the documentation in a format that permitted public availability. Both the remedial action contractor (or subcontractor) and an independent verification contractor reviewed final site radiological conditions to ensure that remedial objectives were achieved. To document completion of activities, a notice was typically placed in the *Federal Register*.

In 1997, Congress transferred responsibility for the administration and execution of FUSRAP remediation activities to USACE. In 1999, the *Memorandum of Understanding Between the U.S. Department of Energy and the U.S. Army Corps of Engineers Regarding Program Administration and Execution of the Formerly Utilized Sites Remedial Action Program*

(FUSRAP) (DOE and USACE 1999), hereafter referred to as the MOU, was signed, and it defined the roles of DOE and USACE in administering and executing FUSRAP. From 1974 to 1997, DOE completed the remediation of 25 FUSRAP sites. Of the initial list of 25 sites, several sites required further remediation by USACE in subsequent years. Since 1997, DOE has maintained responsibility for identifying FUSRAP sites and for long-term stewardship (LTS) of remediated sites.

This LTSP complies with the criteria outlined in the MOU and the *Joint U.S. Army Corps of Engineers and U.S. Department of Energy Office of Legacy Management Information Transfer/Transition Protocol for Formerly Utilized Sites Remedial Action Program* (DOE and USACE 2023). The MOU addresses program administration and execution of FUSRAP and includes two supporting letters of agreement between the two agencies. The MOU stated that USACE would administer and execute cleanup at FUSRAP sites pursuant to the Energy and Water Development Appropriations Act of 1998 (Public Law 105-62 [PL 105-62]) and the Energy and Water Development Appropriations Act of 1999 (PL 105-245). Cleanup would be subject to regulation under Title 42 *United States Code* Section 9601 et seq. (42 USC 9601 et seq.), “Comprehensive Environmental Response, Compensation, and Liability Act” (CERCLA); Title 40 *Code of Federal Regulations* Section 300 (40 CFR 300), “National Oil and Hazardous Substances Pollution Contingency Plan,” also called the National Contingency Plan (NCP); and any subsequent laws specifically relating to FUSRAP, CERCLA, and the NCP. CERCLA Section 121(d) also requires that site cleanup follow state and federal applicable or relevant and appropriate requirements, unless exempted by a waiver.

With the 1997 change in remediation responsibilities, the MOU between DOE and USACE established a 2-year maintenance and monitoring period following remediation, after which FUSRAP sites would transfer back to DOE for LTS responsibilities. DOE established LM in December 2003. LM is responsible for LTS of remediated FUSRAP sites. After transfer, it manages sites based on the requirements of the Records of Decision (RODs), the authority of the Atomic Energy Act of 1954 as amended (42 USC 2011 et seq.), and other applicable laws and regulations under an LTSP.

FUSRAP sites on the National Priorities List (NPL) are regulated by state and federal environmental regulatory authorities. Sites that are not on the NPL are subject to the NCP but not regulated by additional authorities. If a site is not on the NPL, then USACE acts as the lead agency and develops cleanup criteria (PL 105-62).

## **1.4 FUSRAP Eligibility**

DOE was directed to remediate the site by Congress under the authority of the Energy and Water Development Appropriation Act of 1984 (PL 98-50).

## **1.5 Authorities**

This section describes the applicable regulatory authorities that affect the LTS program for the site.

From 1958 to 1962, the Colonie site was owned by the National Lead Company and licensed by AEC, the predecessor of NRC. In 1962, when New York State became an Agreement State,

regulatory oversight of licensed activities transferred to New York (Travers 2000). NRC and New York State licenses were terminated or allowed to expire when the site was sold to the United States and assigned to DOE due to DOE's independent authorities granted under the Atomic Energy Act of 1954 (PL 83-703) (Judd 1999).

As a result of the Energy and Water Development Appropriation Act of 1984 (PL 98-50), the site became eligible for FUSRAP by congressional mandate. DOE performed investigations and removal actions at 53 of the 56 vicinity properties (VPs) under the authorities granted under the Atomic Energy Act of 1954. In the Energy and Water Development Appropriations Act of 1998 (PL 105-62) and the Energy and Water Development Appropriations Act of 1999 (PL 105-245), USACE was designated as the lead federal agency for performing FUSRAP Remedial Investigations (RIs) and response actions. USACE was directed to use the administrative, procedural, and regulatory provisions of CERCLA and the NCP. The site is neither on the NPL, nor is there a Federal Facility Agreement with the U.S. Environmental Protection Agency (EPA).

DOE performed initial removal actions at the site and finalized an Action Memorandum in 1997 (DOE 1997), hereafter called the 1997 Action Memorandum. USACE issued a Final Action Memorandum in 2001 (USACE 2001a).

USACE has issued the following three RODs for the operable units (OUs) that were established:

- *Colonie FUSRAP Site Record of Decision, Colonie Site Groundwater* (USACE 2010), hereafter called the Groundwater ROD
- *Colonie FUSRAP Site, Colonie Main Site Soils Record of Decision* (USACE 2015), hereafter called the Soil ROD
- *Colonie FUSRAP Site, Vicinity Property Operable Unit Record of Decision* (USACE 2017c), hereafter called the VP ROD

The RODs summarize site conditions and the risks posed to human health and the environment from FUSRAP contaminants of concern (COCs). The RODs state the determinations made by USACE regarding the current and potential future use of the site and its resources. The selected remedies are stated, followed by determinations that the remedies satisfy the statutory requirements of CERCLA and the NCP.

The New York State Department of Environmental Conservation (NYSDEC) has concurred with all three RODs. Both the Soil ROD and the Groundwater ROD require a Five-Year Review of the protectiveness of the remedies for the Colonie site. Those reviews are required after CERCLA corrective actions where hazardous substances remain above levels that allow for unlimited use and unrestricted exposure (UU/UE). The CERCLA requirement is stated in 42 USC 9621(c), and the NCP requirement is found in 40 CFR 300.430(f)(4)(ii). The term "hazardous substance" is defined in CERCLA Section 101(14). FUSRAP performs LTPRs to satisfy the CERCLA requirements for Five-Year Reviews.

The Soil ROD specified that an environmental easement would be put in place for three areas of inaccessible soil contamination. Environmental easements in New York are attached to the land in favor of the state, subject to the provisions of Article 71 *New York Environmental Conservation Law* Title 36 (NYECL 71-36). Under certain provisions of NYECL 71-36, NYSDEC has enforcement authority over the environmental easements. NYECL 71-36 also

requires the use of a Site Management Plan (SMP), which describes the use, monitoring, and reporting requirements for the three soil easement areas and is a separate, standalone document describing the ICs established for the soil easement areas.

The Groundwater ROD specified that an environmental easement would be put in place to prevent human exposure to vapors from volatile organic compounds (VOCs) emanating from groundwater beneath the site. The ICs include a groundwater monitoring program, a temporary requirement for vapor intrusion controls if residences are built above the VOC plume, and the permanent prohibition of groundwater use for potable purposes.

USACE stated in the Groundwater ROD that NYSDEC is the lead regulatory agency. New York cleanup requirements are codified in Title 6 *New York Codes, Rules and Regulations* Part 375 (6 NYCRR 375), “Environmental Remediation Programs.” NYSDEC guidance on the technical standards for site investigations and cleanup is given in the NYSDEC Division of Environmental Remediation (DER) program policy, *Technical Guidance for Site Investigation and Remediation* (DER-10).

The VP ROD states that No Further Action is required for the VPs under CERCLA (USACE 2017c). However, the VP ROD described the presence of inaccessible soil beneath the utility rail spur on the CSX Transportation Inc. (CSX) VP. LM used USACE sampling data to perform a dose assessment of potential exposure under residential-use assumptions. The dose assessment showed that the area meets the dose limit for unrestricted release even under the most conservative assumptions (DOE 2018).

In September 2019, USACE transferred the responsibility for LTS of FUSRAP sites to LM, in accordance with the guidance in the March 1999 MOU between USACE and DOE (DOE and USACE 1999), which states that LM will assume the LTS responsibilities 2 years after USACE issues the Site Closeout Report. LM performed the first annual site inspection (DOE 2020) and the first LM round of groundwater sampling under the long-term monitoring program (DOE 2021) in July 2020.

LM made the site available for beneficial reuse opportunities in cooperation with the U.S. General Services Administration (GSA) in March 2020. GSA auctioned the property in May 2022 and closed the real estate transaction on January 5, 2023.

LM performed a five-year review of protectiveness, referred to by LM as an LTPR, in 2023; the LTPR was accepted by NYSDEC in 2024. The LTPR determined that the remedies for the Main Site Soils and Groundwater OUs are protective of human health and the environment because ICs are in place and functioning as intended. The monitored natural attenuation (MNA) remedy for groundwater is functioning because groundwater contaminant concentrations are declining as anticipated.

## **1.6 Accountabilities**

In addition to LM, USACE, NYSDEC, and other stakeholders are assigned certain long-term care accountabilities, as described here.

### **1.6.1 Role of LM**

LM is responsible for providing stewardship of the site and ensuring that DOE's postclosure responsibilities are met, including LTS, records management, property management, and beneficial reuse planning. The FUSRAP LTS program is guided by the *Legacy Management Program Management Plan for Formerly Utilized Sites Remedial Action Program* (DOE 2025d). LM will perform the following duties:

- Periodic groundwater monitoring to protect human health because residual groundwater contamination remains above target cleanup goals (TCGs)
- Acting as custodian of site records and being responsible for responding to inquiries from the public, NYSDEC, and other stakeholders
- Performing LTPRs of the remedies for as long as residual soil or groundwater contamination exceeds levels allowing for UU/UE

### **1.6.2 Role of Site Owner**

The site was purchased by Asian Center Mall LLC. The deed was then transferred to Ren Garden Group Inc. on January 31, 2024. Both entities have the same mailing address, which is 2055 Niagara Falls Boulevard, Amherst, New York, 14228. The site owner is responsible for enforcing, maintaining, monitoring, and reporting on the ICs required under the environmental easement, as stipulated in the SMP. Ownership information was confirmed as part of a desktop assessment in January 2026. See Section 3.4 for details about the desktop assessment.

### **1.6.3 Role of USACE**

USACE is responsible for any additional cleanup actions that would be required under CERCLA (DOE and USACE 1999). For example, USACE would be responsible for response actions for inaccessible soils should they become accessible. However, it would become the responsibility of the site owner to remedy any excavations into the inaccessible soils easements and to notify LM and NYSDEC.

### **1.6.4 Role of NYSDEC**

NYSDEC provides regulatory oversight for the remaining soil and groundwater remedies. The agency reviews proposed changes to the long-term groundwater monitoring program, SMP, and environmental easement. With respect to LM responsibilities, NYSDEC provides review and input of groundwater reports and LTPRs.

### **1.6.5 Role of Stakeholders**

Stakeholders may view public documents, attend public meetings, and direct questions and concerns to LM or NYSDEC. Community outreach documents are discussed in Section 3.3.

## 1.7 Location and Overview

The Colonie site is in the town of Colonie, New York, within the county of Albany (Figure 1). The southern property line is on the border of the city of Albany. The main site comprises 11.2 acres of privately owned land. There are 56 privately owned VPs, which are identified in Figure 2 and in Table 1. DOE acquired the original 9.2-acre National Lead site in 1984 and then acquired the adjacent 2-acre parcel to the west from Niagara Mohawk Power Corporation in 1985. The municipal address is 1130 Central Avenue, and Central Avenue forms its northeastern boundary (Figure 3). Commercial properties, including a restaurant and automotive repair shop, are due east. National Railroad Passenger Corporation (Amtrak) and CSX rail lines are on the southern boundary, and residences are on the southern side of the railroad tracks. Commercial and municipal properties are on the western boundary of the site.

### 1.7.1 Current Land Use

As of the date of this LTSP, the site owner's development plans for the Colonie site have been presented for town planning board review. A review of town and county records was performed during a January 2026 desktop assessment, and no construction permits or zoning amendment applications were issued for the site.

As of January 2026, the site consisted of vacant land in an urban area comprising both residential and commercial properties. The site itself is in a Town of Colonie "Industrial" municipal zoning district. The Industrial district encourages "the development of light and heavy industrial uses that require highway access...are prime locations for revitalization and redevelopment." (Colonie 2025).

U.S. Census Bureau data from 2020 indicated that, in April of that year, approximately 85,590 people lived in the Town of Colonie, and 314,848 people lived in Albany County (U.S. Census Bureau 2025).

Homes and businesses in the area around the site are provided with public water from the Latham Water District in the Town of Colonie. Water sources are the Mohawk River, five supply wells on Onderdonk Avenue, and the Stony Creek Reservoir (Colonie 2018). All these sources are more than 4 miles away and upgradient of the site.

### 1.7.2 Future Land Use

In accordance with EPA guidance for selecting a site's potential future land use, USACE examined current land use, the site setting, zoning laws and maps, and comprehensive community master plans. The Soil ROD states that the most probable future land use is urban residential. The town's master plan indicates future commercial use for properties along Central Avenue. Use of the urban residential cleanup criteria is supported by the residential property use to the south. USACE assumed that future residents will not use groundwater because the productivity of the shallow aquifer is too low to support domestic use (USACE 2015). The three easement areas are safe for restricted residential use, whereas the balance of the site is safe for residential use (DOE and USACE 2020).

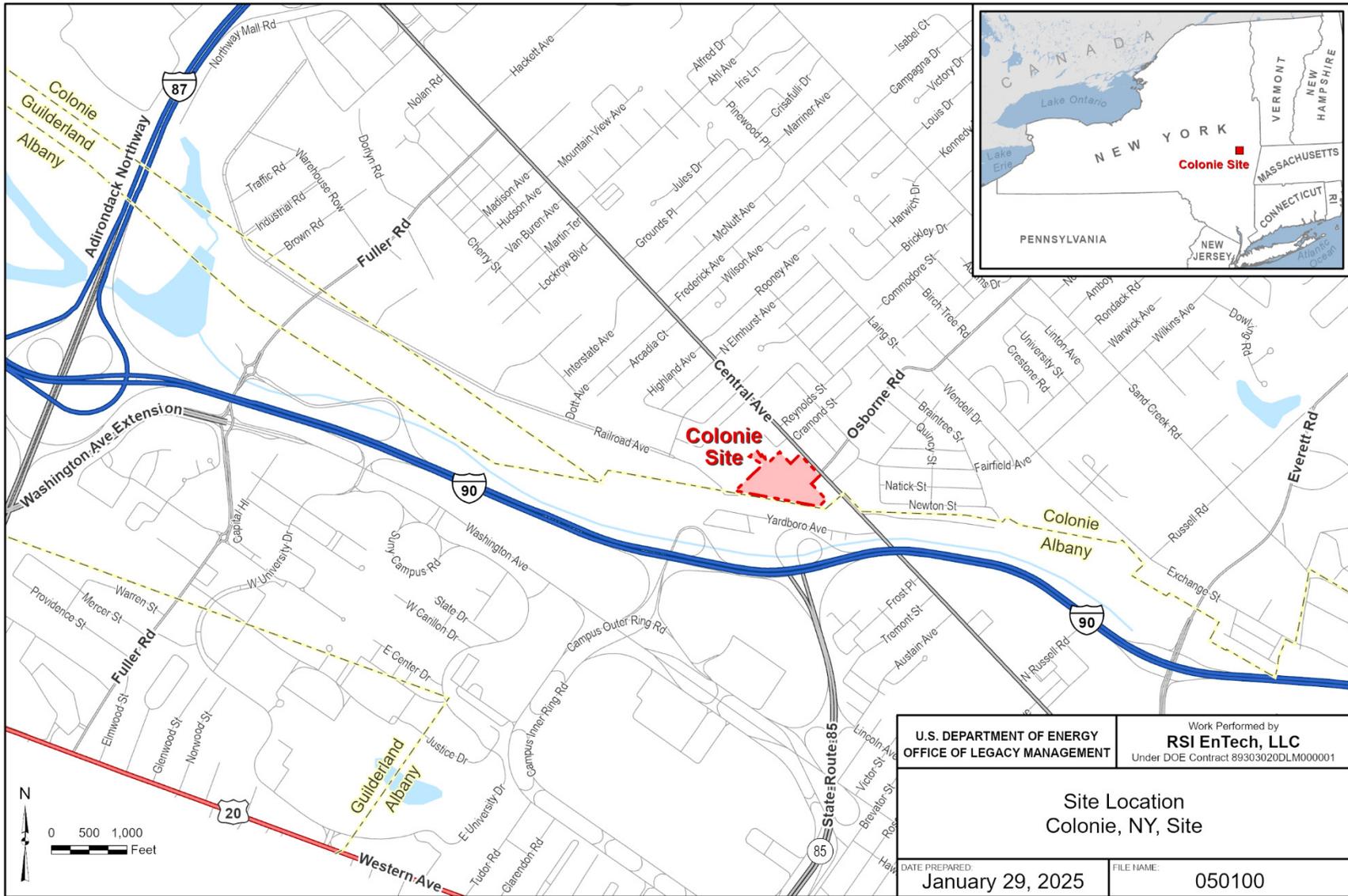


Figure 1. Site Location Map



Table 1. Addresses of the Colonie Site VPs

VPs Listed in the VP Remediation Reports (DOE 1988; DOE 1989; Shaw 2010)					
VP ID	Property	Comment	VP ID	Property	Comment
AL041	1100 Central Ave.		AL032	<b>1185 Central Ave.</b>	Absorbed into 1193
AL084	1101 Central Ave.		AL065	<b>1195 Central Ave.</b>	Absorbed into 1197
AL042	1104 Central Ave.		AL106	1200 Central Ave.	
AL215	1110 Central Ave.		AL217	7 Railroad Ave.	Crannell property, Railroad Ave.
AL022	1114 Central Ave.			7C Railroad Ave.	City of Colonie Patroon Creek culvert
	1118 Central Ave.		AL068	10 N Elmhurst Ave.	
AL043	1129 Central Ave.		AL212	Exit 4, 190 Right-of-Way property	Boundary not defined
AL098	1143 Central Ave.		AL023	10 Garden Lane	
AL010	1144 Central Ave.		AL148	10/14 Kraft Ave.	<b>10 Kraft Ave.</b> was absorbed later into 14 Kraft 14 Kraft Ave.
AL011	1144 A Central Ave.				
AL100	1145 Central Ave.		AL143	4 Maplewood Ave.	
AL024	1146 Central Ave.		AL218	Niagara Mohawk Power property, Railroad Ave.	2 Railroad Ave.
AL034	1147 Central		AL017	7 Palmer Ave.	
AL025	1148 Central		AL006	33 Palmer Ave.	
AL102	1149 Central Ave.		AL033	1 Reynolds Ave.	
AL026	1150 Central Ave.		AL031	5 Yardboro Ave.	
AL027	1152 Central Ave.		AL137	16 Yardboro Ave.	
AL028	<b>1159 Central Ave.</b>	Absorbed into 1157	AL136	20 Yardboro Ave.	
AL021	1160 Central Ave.		AL019	24 Yardboro Ave.	
AL056	<b>1161 Central Ave.</b>	Absorbed into 1165	AL016	25/27 Yardboro Ave.	Addresses absorbed into 25 Yardboro
AL020	1160/1162 Central Ave.	1160 Central Ave.	AL012	27/29 Yardboro Ave.	
		<b>1162 Central Ave.</b>	AL013	50 Yardboro Ave.	
AL053	<b>1166 Central Ave.</b>	Absorbed into 1170	AL005	52 Yardboro Ave.	
AL054	1167 Central Ave.		AL004	68 Yardboro Ave.	
AL052	<b>1168 Central Ave.</b>	Absorbed into 1170	AL003	74 Yardboro Ave.	
AL051	1170 Central Ave.		AL001	78 Yardboro Ave.	
AL130	1177 Central Ave.		AL002	80 Yardboro Ave.	
AL105	1178 Central Ave.		AL151	80–110 Yardboro Ave.	Split into 82 Yardboro, and 84-108 Yardboro
			AL141	Conrail property	Rear Anderson Drive

**Note:** Addresses in red were not found in the 2025 Albany County parcel data.



Abbreviations: CCP = concrete cylinder pipe, RCP = reinforced concrete pipe

Figure 3. Colonie Site Base Map

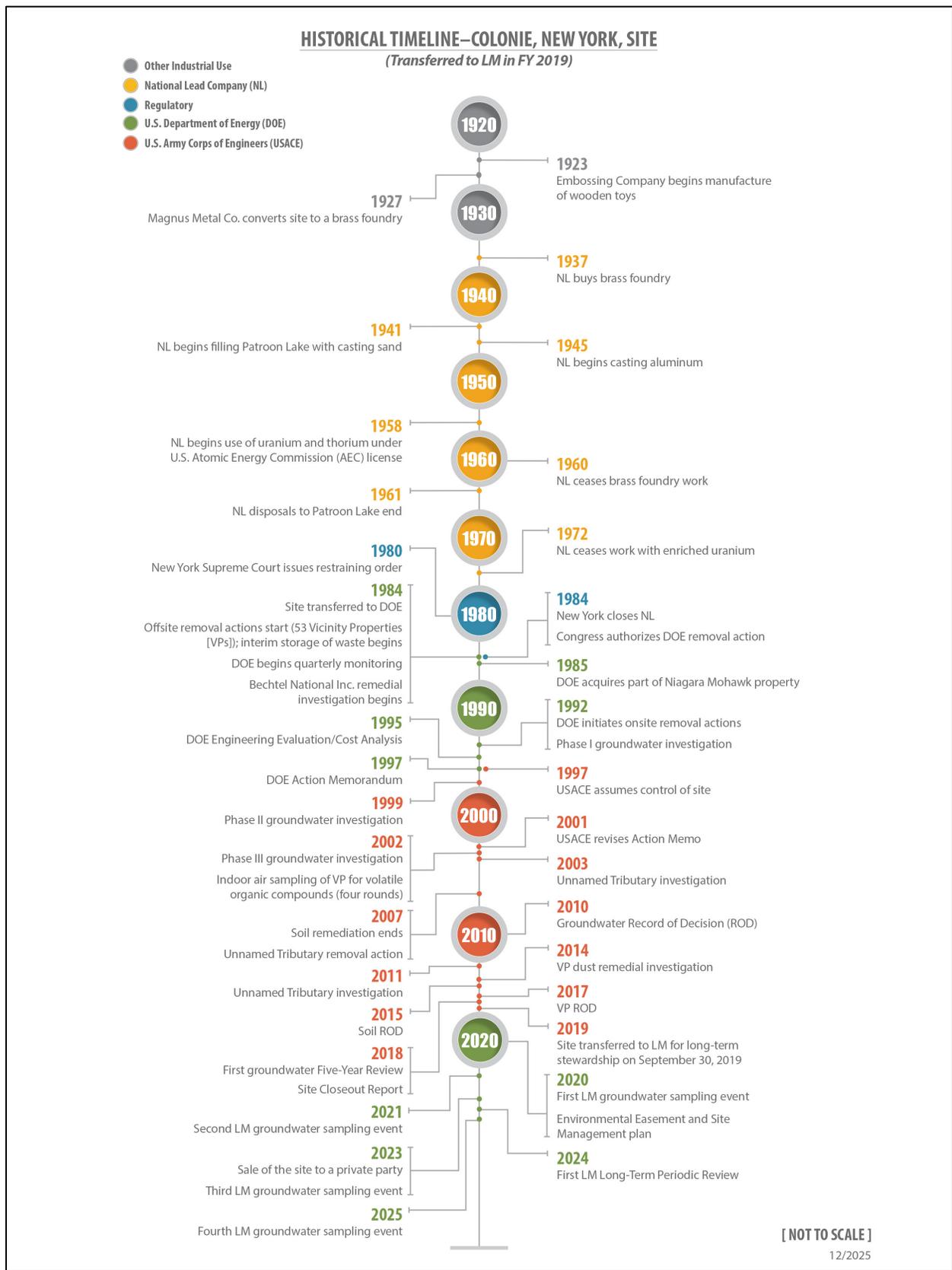
## 1.8 Site History

The site history is presented as a timeline in Figure 4. Industrial operations at the site began in 1923, when the Embossing Company built a factory for wooden products. In 1927, Magnus Metal purchased the site and operated a brass foundry for manufacturing railroad components, including parts cast in sand molds and brass-bearing housings with surfaces of babbitt metal (a metal matrix composite often using lead or tin as a base, mixed with copper and antimony, in varying amounts). In 1937, National Lead purchased the site and continued to operate the brass foundry.

Before 1941, National Lead began filling a lake on the western side of the site with used casting sand. The lake was used for additional waste disposal through 1961. The used casting sands contained high concentrations of heavy metals, primarily lead, copper, and arsenic. The filled-in lake was identified as a source of metal contamination.

In 1958, the nuclear division of National Lead began producing items including fuel components manufactured from uranium and thorium under licenses issued by AEC and the state of New York. The plant handled enriched uranium from 1960 to 1972, as well as depleted uranium (DU) until 1984. AEC terminated the contract in 1968, and work afterward was devoted to fabricating shielding components, artillery projectiles, and aircraft counterweights from DU (Dufek et al. 2006). Waste DU powder is pyrophoric, and was disposed of in an onsite incinerator, which resulted in DU dust contamination on the site and surrounding VPs (Lloyd et al. 2009).

The New York State Supreme Court shut down the National Lead plant in 1984 due to the violation of air emissions regulations, and the site was sold to DOE. As part of the Energy and Water Development Appropriation Act of 1984 (PL 98-50), DOE was directed to remediate the site. DOE managed the site and cleanup under FUSRAP from 1984 to 1997, purchasing the Niagara Mohawk property bordering the National Lead site to the west in 1985 to assist the cleanup. During this period, DOE investigated the VPs, onsite structures, groundwater, and surface and subsurface soils; developed a plan to remove radiologically impacted soils; cleaned up 53 of 56 vicinity properties; removed the onsite buildings; and stored the resulting waste materials. Investigation and cleanup activities were performed by DOE until remediation responsibilities were transferred by Congress to USACE in 1997. USACE completed remediation of the main site and three adjacent VPs and transferred responsibility for LTS to LM on September 19, 2019. In January 2023, the property was sold to a private party, and plans for commercial redevelopment are pending town approval. LM maintains access rights for the purpose of monitoring the effectiveness of the remedy and for sampling groundwater.



Abbreviation: FY = fiscal year

Figure 4. Colonie Site Historical Timeline

## 1.9 Remedial Actions

From 1984 to 1997, DOE investigated the site and 56 VPs (Figure 2) and initiated the remediation process. DOE remediated 11 VPs in 1984, 24 VPs in 1985, and 18 VPs in 1988, for a total of 53 VPs. DOE remediated the VPs and demolished the buildings onsite under the authority of the 1997 Action Memorandum (DOE 1997). The remaining three VPs were remediated by USACE.

In 1997, USACE assumed responsibility for the site cleanup, and in 2001 issued a revised Final Action Memorandum (USACE 2001a). USACE divided the site into the three OUs listed here. Cleanup was completed in each OU as follows:

- **Soil OU:** By the end of 2007, USACE completed the removal of contaminated soil at the site under the Final Action Memorandum (USACE 2001a). The Soil Feasibility Study and the Proposed Plan were completed in 2014 (USACE 2014a; USACE 2014b). The Soil ROD was executed in 2015 (USACE 2015).
- **Groundwater OU:** USACE continued groundwater investigations that were initiated by DOE. The Groundwater ROD was signed in 2010 (USACE 2010). USACE conducted 16 sampling events to demonstrate that natural attenuation of groundwater contaminants is occurring. The most recent USACE reports on groundwater monitoring were issued in 2016 (USACE 2016a) and 2017 (USACE 2017a).
- **VP OU:** DOE remediated 53 VPs, and USACE completed cleanup in the remaining three VPs in 2007 (USACE 2008). An evaluation of the DOE-remediated VPs was completed in 2012, and additional contaminated soil was removed from one property in 2013. Indoor dust sampling was performed at several VPs in 2014. A *Draft Final Colonie FUSRAP Site, Vicinity Property Operable Unit Remedial Investigation Summary Report* was completed in 2016 (USACE 2016b). The *Colonie FUSRAP Site, Vicinity Property Operable Unit Proposed Plan* (USACE 2017b) and the *Colonie FUSRAP Site, Vicinity Property Operable Unit Record of Decision* (USACE 2017c) were both issued in 2017.

The USACE *Final Site Closeout Report for the Colonie FUSRAP Site* (USACE 2018) was finalized in June 2018.

## 1.10 Regulations, Requirements, and Guidance Affecting LTS

This section addresses applicable or relevant and appropriate requirements that affect the site's LTS program. The Legacy Management Support (LMS) Environmental Compliance group conducts regular reviews of changes to federal and state regulations and DOE orders that could impact LM programs.

### 1.10.1 CERCLA and the NCP

In accordance with the processes of CERCLA (42 USC 9601 et seq.) Section 121(c) and NCP (40 CFR 300) Section 300.430(f)(4)(ii), if a remedial action is selected that results in any hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for UU/UE, the lead agency must review such action every 5 years after the initiation of the selected remedial action.

The completion of remedial actions can serve as the triggering event for the timing of LTPRs. USACE completed removal actions for the Soil OU in 2007, and completed the Soil ROD, which was signed in March 2015. USACE completed the *First Five-Year Review Report for Colonie FUSRAP Site, Groundwater Operable Unit, Town of Colonie, Albany County, New York* in September 2017 (USACE 2017d). These LTPRs are the functional equivalent of the Five-Year Reviews required under CERCLA and the NCP. LM completed an LTPR for both the Soil OU and the Groundwater OU in 2023, and will undertake the next LTPR in 2028.

### **1.10.2 National Environmental Policy Act (NEPA)**

NEPA (PL 91-190) requires federal agencies to assess the impacts that federal actions may have on the quality of human health and the environment. DOE procedures for implementing NEPA are contained in DOE's "National Environmental Policy Act Implementing Procedures" (10 CFR 1021), Council on Environmental Quality NEPA implementing regulations (40 CFR 1500–1508), and DOE Policy 451.1, *National Environmental Policy Act Compliance Program*. LM-specific procedures for implementing the DOE regulations and the DOE policy are contained in *Environmental Planning and NEPA Compliance Procedures* (DOE 2019) and *Office of Legacy Management National Environmental Policy Act Handbook: Guidance on Applying the National Environmental Policy Act Process to Office of Legacy Management Actions* (DOE 2022), which describe the legal and policy requirements and considerations related to NEPA and contain the information necessary to comply with and conduct sound environmental planning.

LM uses an *Environmental Review Form* (LM-Form-4-20.3-4.0) (ERF) to identify applicable environmental planning requirements and screen for potential environmental impacts (physical, cultural, social, and economic) of proposed actions early in the planning process. Completing the ERF results in the identification of site-specific environmental requirements, including the need for NEPA documentation, specific resource management plans, regulatory permits, and regulatory consultations. The activities anticipated in the ERF are well sampling and maintenance.

### **1.10.3 New York Environmental Conservation Law**

An environmental easement is used as an IC to protect humans from the risk of exposure to residual subsurface contamination. The environmental easement was recorded by the Albany County Clerk on June 12, 2020. NYECL 71-36 provides the requirements for environmental easements. The easement is granted to the State of New York through NYSDEC and by the United States through LM and was conveyed with the deed at the transfer of site ownership. An SMP is required by NYECL 71-36 for the monitoring and maintenance of the environmental easement. The SMP is described in Section 2.5.

### **1.10.4 New York Environmental Remediation Regulations**

The Soil and Groundwater RODs state that NYSDEC provides oversight of long-term groundwater monitoring and soil easement. The groundwater long-term monitoring program (Section 3.7.1) is designed to conform with the NYSDEC program policy *Technical Guidance for Site Investigation and Remediation* (DER-10). A crosswalk to compare DER-10 guidance to this plan is included in previous revisions of this plan.

### **1.10.5 New York Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations**

New York ambient water quality standards are codified in 6 NYCRR 703. These standards do not apply to the Colonie site groundwater remedy because USACE developed risk-based TCGs in compliance with CERCLA.

New York standards are relevant to produced groundwater, such as excess water generated from groundwater sampling and purged well redevelopment water. NYSDEC allows release of produced groundwater to the ground surface if it meets the ambient groundwater quality standards and if it is not allowed to run into surface water or storm drains. The *Sampling and Analysis Plan for U.S. Department of Energy Office of Legacy Management Sites* (DOE 2025i), also called the Sampling and Analysis Plan (SAP), includes a program directive for the site that specifies how purge water from one well that still exhibits VOC concentration above the TCG is to be filtered through granular activated carbon (GAC) to achieve the discharge standards before it is released to the ground surface. The proposed method for purge water was approved by NYSDEC on May 6, 2020 (Johnson 2020).

#### ***1.10.5.1 New York Monitoring Well Requirements***

There is no New York regulation or guidance that is applicable to the installation of groundwater monitoring wells. If a monitoring well will be installed (or replaced), then a work plan will be written that describes the procedures to be used. The procedures will include the SAP, the consensus guidelines of ASTM International (ASTM) D5092/D5092M-16, *Standard Practice for Design and Installation of Groundwater Monitoring Wells*, and the relevant federal guidelines described in the EPA RCRA Ground-Water Monitoring Technical Enforcement Guidance Document (EPA 1986).

The decommissioning of groundwater monitoring wells is regulated in New York by NYSDEC guidance. Monitoring well decommissioning is required when a well is no longer needed or when its integrity is suspect or compromised. When appropriate, all site monitoring wells will be decommissioned in accordance with NYSDEC Commissioner Policy (CP)-43, *Groundwater Monitoring Well Decommissioning Policy* (NYSDEC 2009).

## **2.0 Site Conditions**

The Colonie site is designated as an LM Category 2 site. Category 2 activities typically include routine inspection, monitoring, maintenance, recordkeeping, and stakeholder support, in accordance with the LM *Site Management Guide* (DOE 2025j).

The selected remedy in the Soil ROD stipulates the need for ICs due to the presence of inaccessible contaminated soil in three discrete areas. An environmental easement has been attached to the deed and the accompanying SMP describes the ICs that are required under the easement.

The selected remedy in the Groundwater ROD stipulates the use of MNA in conjunction with the use of ICs. The Groundwater ROD mandates periodic groundwater monitoring until cleanup

criteria are met. Cleanup criteria are discussed in Section 2.4 and summarized in Table 2. The current schedule is for biennial monitoring and sampling (once every 2 years). There are ICs in the easement to restrict the use of groundwater and protect against the intrusion of VOC vapors into residences.

Table 2. TCGs

COCs	TCGs
<b>Soil<sup>a</sup></b>	
Uranium-238	35 picocuries per gram (pCi/g)
Thorium-232	2.8 pCi/g
Lead	450 milligrams per kilogram (mg/kg)
Copper	1912 mg/kg
Arsenic	7.4 mg/kg
<b>Groundwater<sup>b</sup></b>	
Tetrachloroethene (PCE)	5.5 micrograms per liter (µg/L)
Trichloroethene (TCE)	18 µg/L
<i>cis</i> -1,2-Dichloroethene (cDCE)	1800 µg/L
Vinyl chloride (VC)	1.4 µg/L

**Notes:**

<sup>a</sup> Soil TCGs were issued in the Final Action Memorandum (USACE 2001a).

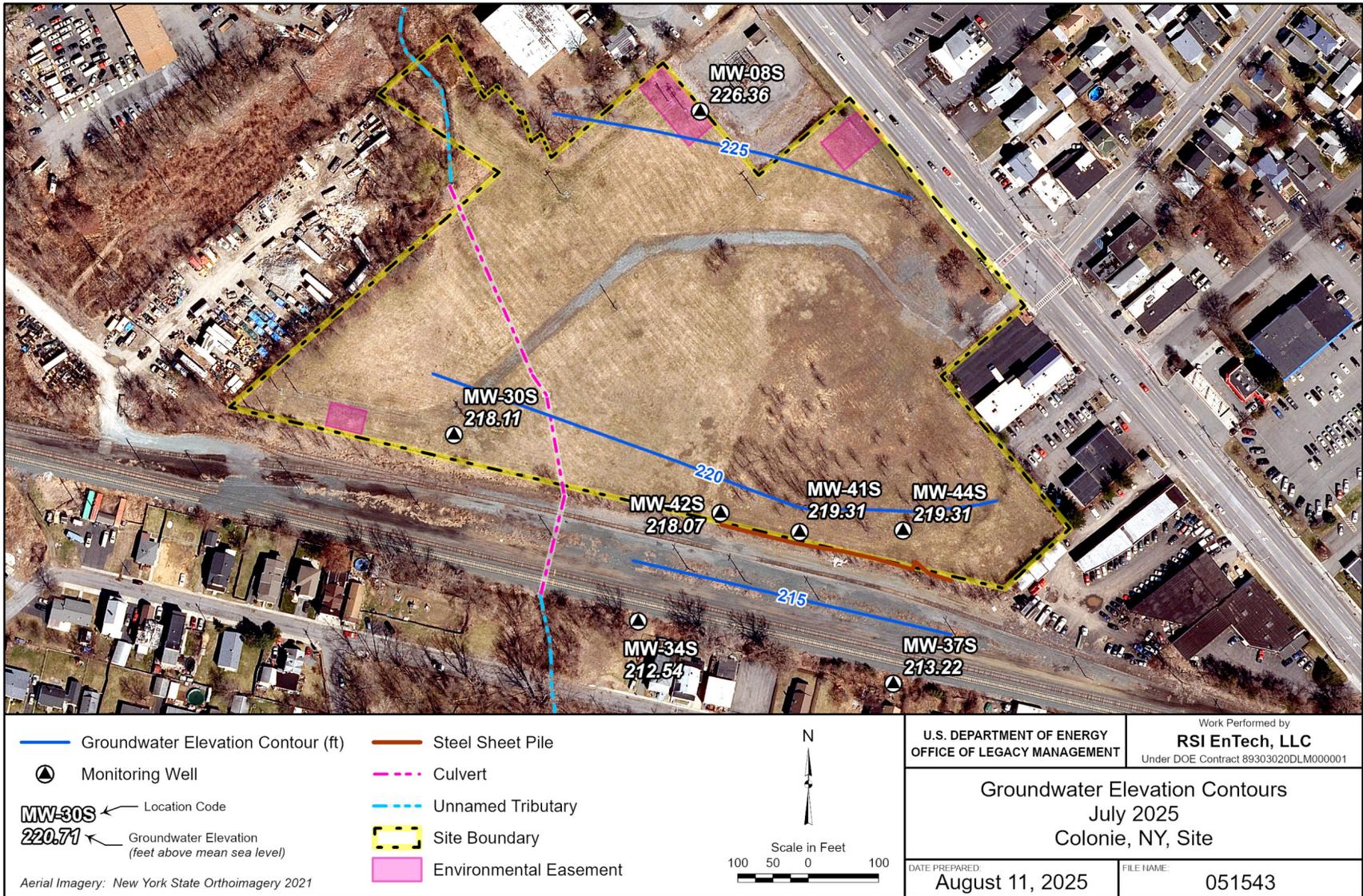
<sup>b</sup> Groundwater TCGs were issued in the Groundwater ROD (USACE 2010).

## 2.1 Site Description

The site is a vacant lot that is transected by a gravel and asphalt road (Figure 5). Sewer, water, and electric utilities are available along Central Avenue. A stand of aspen trees exists in the southeastern portion of the site. There is a network of seven monitoring wells, as shown in Figure 6, five of which are on the site, and the other two offsite to the south.



*Figure 5. View Across Colonie Site from Parking Area Looking West*



Abbreviation: ft = feet

Figure 6. Groundwater Elevation Contour Map, July 2025

## 2.2 Geology and Hydrology

The Colonie site is on the eastern edge of the Central Plateau physiographic province, with the Adirondack province to the north and the northern extension of the Valley and Ridge provinces to the east. The site is on relatively flat, slightly rolling terrain in the Pine Bush ecological zone within the Mohawk-Hudson lowland (USACE 2003).

The maximum topographic relief across the 11.2-acre site is 15 feet (ft). The highest point on the property, the northwest corner, has an elevation of approximately 235 ft above mean sea level. The land slopes gently (at approximately 2%) from the northwest toward the south-southeast. There is a steep embankment between the CSX and Amtrak rail lines, which parallel the southern site boundary, and the properties along Yardboro Avenue.

An unnamed tributary of Patroon Creek crosses the site from the west to the south and east, a portion of which is in an underground culvert, ultimately discharging into Patroon Creek. The unnamed tributary (Figure 3) drains an area of approximately 300 acres in the Town of Colonie; it is in an urban area and has been significantly channeled into culverts. Patroon Creek is a perennial stream that drains an area of approximately 13 square miles in Colonie and Albany. The drainage basin is mostly urban and includes both commercial and residential properties. The creek is approximately 7 miles long, from its headwaters to where it discharges into the Hudson River (USACE 2003).

The geologic units at the Colonie site include two notable water-bearing zones named the upper silt (also referred to as the upper aquifer) and the lower silt (or lower aquifer) (Figure 7). The upper aquifer is composed of lacustrine silt and sand, and the lower aquifer consists predominantly of silty sand with some clay. These two water-bearing zones are typically separated by a unit known as the upper aquitard that consists of a varied sequence of clay and silt that is 12–15 ft thick, and the lower aquifer is bound by the lower aquitard, which consists primarily of clay (Moore et al. 2014).

The upper aquifer is generally encountered at a depth of less than 10 ft below ground surface (bgs). The water table is at or near ground surface in the northwestern part of the site during the spring. The saturated thickness of this zone ranges from over 20 ft in the north portion of the site to less than 15 ft in the south near the property line. The thickness of the lower aquifer ranges from 10 to 15 ft. Groundwater level data provided in a 2003 groundwater RI report (USACE 2003) indicate that the hydraulic gradient and general direction of groundwater flow in the lower aquifer closely resemble those in the upper aquifer. Groundwater flow direction is generally to the south-southwest in both groundwater zones, as shown in Figure 6. There is a downward hydraulic gradient over the northern portion of the site, with localized upward hydraulic gradients near the unnamed tributary and Patroon Creek (USACE 2003).

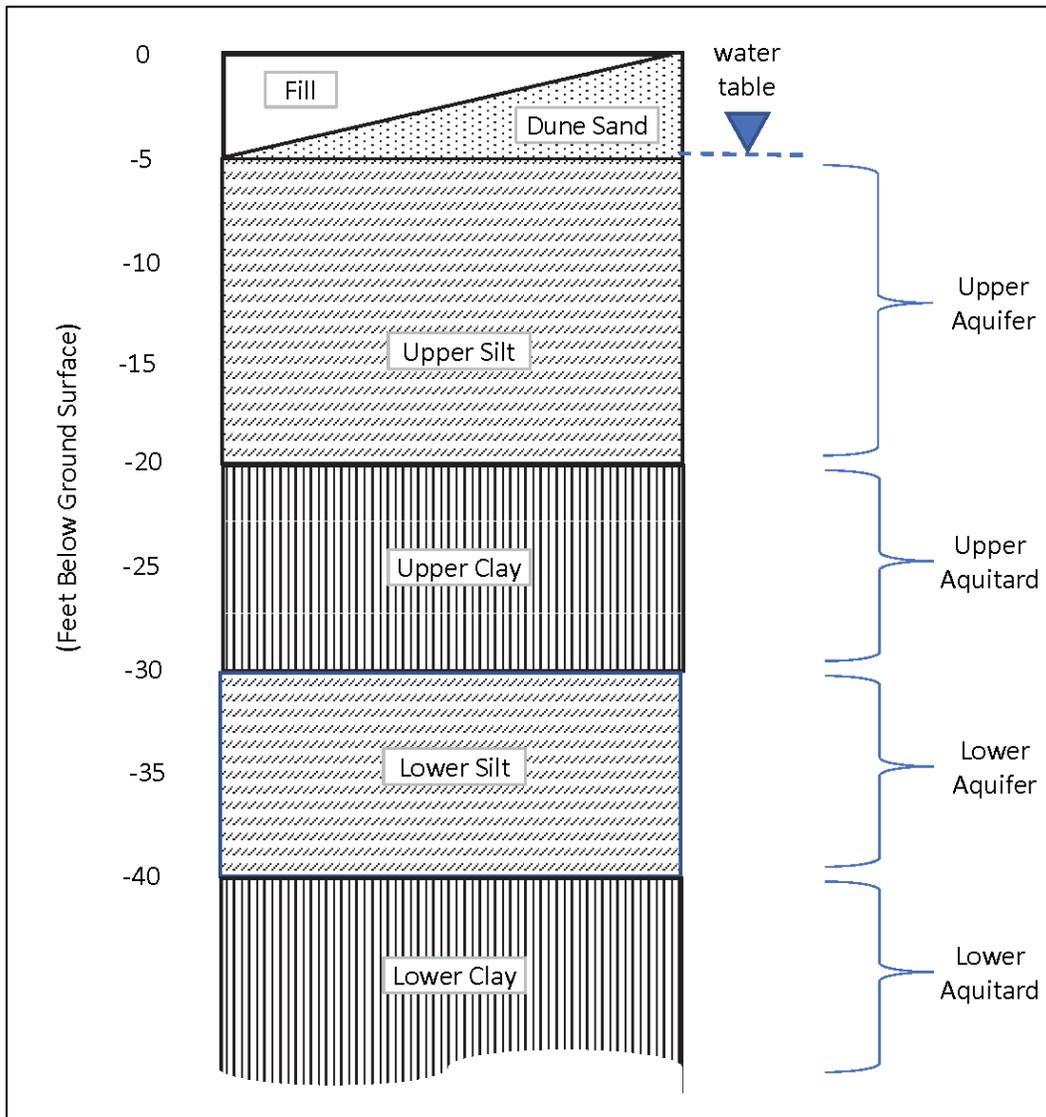


Figure 7. Generalized Cross Section

### 2.3 Soil Contamination

From 1992 to 1996, DOE removed the buildings on the site and developed the 1995 engineering evaluation/cost analysis (EE/CA) and the 1997 Action Memorandum (DOE 1997). The EE/CA and the 1997 Action Memorandum document the selected Alternative 3B, “Moderate Excavation and Capping.” Due to site constraints and the community’s resistance, the alternative was reevaluated when USACE assumed responsibility. The 1997 Action Memorandum was revised based on this reevaluation. A Technical Memorandum (USACE 2001b) and the Final Action Memorandum (USACE 2001a) document the subsequent selection of Alternative 2B, “Large-Scale Excavation and Disposal.” USACE conducted removal activities between 2000 and 2007, which resulted in the removal and offsite disposal of more than 135,000 cubic yards of soil contaminated with radionuclides and metals. The Technical Memorandum established the TCGs for the COCs in soil, which are shown in Table 2.

The Technical Memorandum established that radiological contamination would be excavated regardless of depth, but that metal-contaminated soil would be excavated to a maximum depth of 9 ft bgs. Contaminated soil from deeper than 9 ft bgs would not be removed because no completed exposure pathway was anticipated and, therefore, leaving that soil in place would be protective of human health and the environment. There are three discrete areas with metal-impacted soil that were inaccessible to excavation due to the presence of utilities, and these areas are protected under the environmental easement. The easement areas are further discussed in Section 2.5. With the completion of the removal action, most of the contaminated soil was removed, disposed of offsite, and replaced with certified-clean backfill soil. No soil with radiological contamination above removal action goals was left on the site (Shaw 2010).

The inaccessible metals contamination is limited to three survey units in the shallow subsurface and an area of the deeper subsurface (greater than 12 ft in depth). The shallow subsurface areas were not excavated due to the presence of physical obstructions, including high-voltage power line support poles, a rail line, and a water main. The easement areas are shown in Figure 3. A summary of each survey unit is provided in Table 3.

*Table 3. Summary of the Easement Areas*

<b>Easement Area</b>	<b>Location</b>	<b>Surface Area</b>	<b>Depth to Contamination</b>	<b>Contaminant</b>
North Lawn	North property line	2500 ft <sup>2</sup>	3.9 ft bgs	<ul style="list-style-type: none"> <li>• <b>Copper:</b> 4340 mg/kg (cleanup goal = 1912 mg/kg)</li> <li>• <b>Lead:</b> 3370 mg/kg (cleanup goal = 450 mg/kg)</li> </ul>
Survey Unit 104	Northwest corner	5171 ft <sup>2</sup>	1.8 ft bgs	<ul style="list-style-type: none"> <li>• <b>Arsenic:</b> 85.4 mg/kg (cleanup goal = 7.4 mg/kg)</li> </ul>
Survey Unit 124	Southwest corner	1716 ft <sup>2</sup>	5.3 ft bgs	<ul style="list-style-type: none"> <li>• <b>Copper:</b> 2450 mg/kg (cleanup goal = 1912 mg/kg)</li> <li>• <b>Lead:</b> 734 mg/kg (cleanup goal = 450 mg/kg)</li> </ul>

**Abbreviations:**

ft<sup>2</sup> = square feet

mg/kg = milligrams per kilogram

Soil sample results for six locations in deeper subsurface soils (shallowest is 12 ft bgs) exceeded the metals cleanup goals applicable to soil less than 9 ft bgs. The six locations are confined to a single portion of the site where past National Lead landfilling occurred in the former Patroon Lake. These deep subsurface soils were not removed because there is not a complete exposure pathway; that is, they pose no harm to future residents or workers because future excavation to these depths is not anticipated.

## **2.4 Groundwater Contamination**

Since 1984, multiple studies have been performed to investigate hydrogeological conditions and evaluate the nature and extent of groundwater impacted by past operations. The upper aquifer has been impacted by historical releases of tetrachloroethene (PCE). A lower aquifer was investigated and found to be uncontaminated. Information presented in the 2003 groundwater RI report (USACE 2003) indicated that the areas of impact had expanded southward from the

source areas toward the railroad tracks, nearby buildings, and the unnamed tributary of Patroon Creek, consistent with the natural direction of groundwater flow. A decrease in the extent of groundwater contamination has been observed since 2003, with significantly lower levels of contaminants being observed in the areas where excavation and dewatering were performed during the soil removal action (USACE 2010). The radiological COCs no longer need to be monitored. Wells with exceedances of the TCGs have decreased from three wells in 2010 to a single well in 2023. The COCs and their TCGs are summarized in Table 2.

The soil removal actions removed VOC source material and have been shown to improve groundwater quality. Groundwater sampling results have indicated a consistent decrease in VOC concentrations. The presence of the PCE breakdown products trichloroethene (TCE), *cis*-1,2-dichloroethene (cDCE), and vinyl chloride (VC) indicates that natural degradation processes are progressing. As a result, MNA of the remaining contamination is considered a viable means of achieving the TCGs (USACE 2016a; USACE 2017a; USACE 2017d).

The groundwater remedy includes a long-term groundwater monitoring program for the upper aquifer that will continue until natural environmental processes reduce the contamination to concentrations below the groundwater TCGs (USACE 2017d). In 2017, USACE estimated that contaminants in all wells would reach the TCGs in the initial 15-year window identified in the ROD (i.e., 2025), except for monitoring well MW-41S, based on modeling using the Monitoring and Remediation Optimization System software (USACE 2017d). Data from the 2025 long-term monitoring event indicate that COC concentrations could drop below TCGs by 2027 (DOE 2025g).

The following is a summary of the purpose of each monitoring well:

- **MW-08S:** This upgradient well serves to indicate potential upgradient influences and defines much of the gradient across the site. Analysis results have been nondetectable from all sampling events.
- **MW-30S:** This onsite well shows groundwater conditions near the former landfill location. The four VOCs are below their TCGs, and concentrations continue to decrease.
- **MW-34S:** This offsite downgradient well serves as a sentinel to demonstrate that contaminant migration is not occurring. There has not been a TCG exceedance at this well.
- **MW-37S:** This is another sentinel well downgradient from the former building location. There has not been a TCG exceedance at this well.
- **MW-41S:** This well indicates contaminant concentrations from the former building's source zone. It exhibits the single PCE exceedance at the site, but it is decreasing (8.63 micrograms per liter [ $\mu\text{g/L}$ ] in 2023 and 7.60  $\mu\text{g/L}$  in 2025).
- **MW-42S:** This well indicates contaminant concentrations from the former building's source zone. The four VOCs are below their TCGs here, and concentrations continue to decrease.
- **MW-44S:** This well indicates groundwater contaminant concentrations from the former building's source zone. Contaminant concentrations have been nondetectable during the last three sampling events.

To summarize, only one well in the seven-well network currently has a concentration of one VOC above its TCG. The TCG of 5.5  $\mu\text{g/L}$  for PCE is exceeded at monitoring well MW-41S (7.60  $\mu\text{g/L}$  in 2025) as shown in Figure 8.

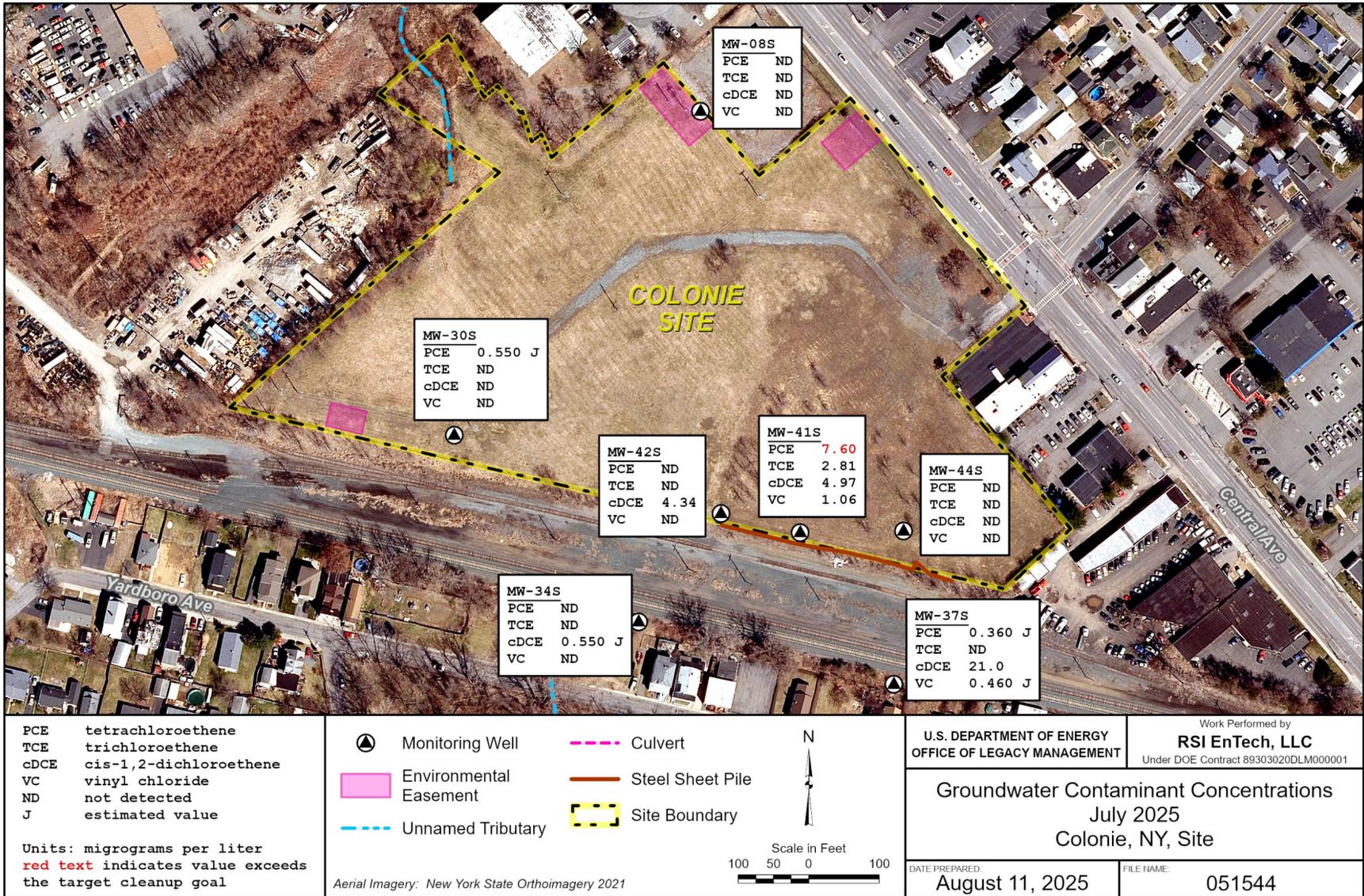


Figure 8. Monitoring Wells and VOC Concentrations

## 2.5 Institutional Controls

The Soil ROD mandates the placement of ICs in the form of an environmental easement on the three easement areas shown in Figure 3 and described in Section 2.3. The human health risk assessment (HHRA) that was performed during the RI determined that these areas contained soil that poses excess risk to human health (URS 2004). The HHRA determined that North Lawn and Unit 124 subsurface soil poses excess risk to children, and Unit 104 subsurface soil poses excess risk to residents. The residual contamination poses no unacceptable risk to a future worker.

The Groundwater ROD mandates that ICs are to be used to ensure that the property is safe for future residential land use by limiting potential exposure of hypothetical future onsite residents to groundwater contamination via the vapor intrusion pathway.

ICs are incorporated into an environmental easement to ensure that the property is safe for its intended future use. The ICs are also detailed in the SMP. LM prepared the first SMP, which transferred with the deed and easement to the current site owner.

LM maintains a permanent right of access to all portions of the property for environmental investigation, remediation, or other corrective action, included in the deed's environmental easement. The deed is presented in Appendix A.

In accordance with 6 NYCRR 375-1.2 (av), "Site management is conducted in accordance with a site management plan, which identifies and implements the institutional and engineering controls required for a site, as well as any necessary monitoring and/or operation and maintenance of the remedy."

The environmental easement contains the following nine ICs:

1. The Soil Easement Areas, Schedule A (of the SMP), may be used for restricted residential purposes as described in 6 NYCRR 375-1.8(g)(2)(ii), commercial purposes as described in 6 NYCRR 375-1.8(g)(2)(iii), and industrial purposes as described in 6 NYCRR 375-1.8(g)(2)(iv)
2. No digging or excavation shall be permitted in the Soil Easement Areas without prior written approval of DOE and NYSDEC
3. Vegetable gardens and farming are prohibited in the Soil Easement Areas
4. The use of groundwater underlying the site, Schedule B (of the SMP), is prohibited without necessary water quality treatment, as determined by the New York State Department of Health or the Albany County Department of Health, to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to carry out the treatment from NYSDEC
5. The potential for vapor intrusion must be evaluated for any buildings designed for occupancy on the site, Schedule B (of the SMP), and appropriate actions to address exposures must be implemented
6. Data and information pertinent to site management must be reported at the frequency and in the manner defined in the SMP

7. All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP
8. Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP
9. Maintenance, monitoring, inspection, and reporting of any physical component of the remedy shall be performed as defined in the SMP

Two of the ICs (4 and 5) concern groundwater but become the responsibility of the site owner to comply with the environmental easement. The SMP prepared by LM includes references to the long-term monitoring program. The site owner could cite the LTSP by reference regarding the conduct of the long-term monitoring program.

## **2.6 Vicinity Properties**

Remedial goals for each of the 56 VPs (Figure 2 and Table 1) have been achieved. There is an area of inaccessible soil beneath an active rail line in the CSX VP. USACE has assessed the level of residual radiological contamination in this area and has determined that the residual dose to a hypothetical future resident would be below federal guidelines (USACE 2008). Therefore, No Further Action is required for the VPs.

## **2.7 Real Property Assets**

Real property assets are tracked in the LM Facilities Information Management System (FIMS). The site is inspected in a Condition Assessment Survey Inspection (CASI) for FIMS database updates every 5 years, and there is an annual validation of the condition of those assets. The most recent CASI was conducted in September 2023 (DOE 2023). Due to the sale of the site, the only remaining DOE-owned asset is the monitoring well system.

### **2.7.1 Monitoring Well System**

There are seven groundwater monitoring wells in the network. See Table 4 for well construction details and their purposes in the network. Two wells (MW-34S and MW-37S) are on Amtrak property. Those offsite wells cannot be accessed without prior notification and approval (Appendix B). The other five wells are onsite. See Figure 6 for monitoring well locations. All seven wells were installed in the upper aquifer and have nominal 2-inch diameters and depths of 13–23 ft bgs. Monitoring well construction details are summarized in Table 4. All seven wells are enclosed in protective casings set in 2-foot-diameter pads (Figure 9). An additional offsite monitoring well (MW-32S) was in the right-of-way of CSX, as shown in Figure 3, but was decommissioned in 2022. The access agreement with CSX was allowed to expire.

Table 4. Monitoring Well Construction Information

Well ID	Well Installation Date	Coordinates <sup>a</sup>		Well Diameter (inches)	TOC Elevation (ft msl)	Ground Surface Elevation (ft msl)	Top of Screen		Pump Intake		Bottom of Screen		Well Total Depth <sup>b</sup>	
		Northing	Easting				Depth (ft from TOC)	Elevation (ft msl from TOC)	Depth (ft from TOC)	Elevation (ft msl from TOC)	Depth (ft from TOC)	Elevation (ft msl from TOC)	Depth (ft from TOC)	Elevation (ft msl from TOC)
MW-08S	7/28/1988	1406050.14	679397.21	2	230.90	228.90	8.00	222.90	10.50	220.40	13.00	217.90	15.00	215.90
MW-30S	8/2/2000	1405591.48	679047.79	2	226.74	225.24	6.00	220.74	10.00	216.74	16.00	210.74	16.00	210.74
MW-34S	12/20/2001	1405327.12	679309.35	2	219.84	218.33	10.01	209.83	15.01	204.83	20.01	199.83	20.01	199.83
MW-37S	1/27/2002	1405238.84	679671.42	2	219.96	218.05	12.91	207.05	17.91	202.05	22.91	197.05	22.91	197.05
MW-41S	12/11/2006	1405453.53	679538.46	2	224.82	223.15	11.67	213.15	16.67	208.15	21.67	203.15	23.67	201.15
MW-42S	12/12/2006	1405480.59	679426.27	2	225.77	224.23	11.54	214.23	16.54	209.23	21.54	204.23	24.54	201.23
MW-44S <sup>c</sup>	7/13/2020	1405455.84	679685.19	2	225.11	223.36	13.91	211.20	18.91	206.20	23.91	201.20	23.91	201.20

**Notes:**

<sup>a</sup> Coordinates reference: New York State Plane Coordinate System NAD 83 East Zone, U.S. survey feet.

<sup>b</sup> Well total depths are from boring logs and well construction diagrams prepared at the time of well construction.

<sup>c</sup> Well MW-44S was damaged in 2019 and repaired on July 13, 2020. Coordinates and elevation were resurveyed on July 18, 2020.

**Abbreviations:**

msl = mean sea level

NAD 83 = North American Datum of 1983

TOC = top of casing



Figure 9. Monitoring Well MW-30S

### 2.7.2 Pneumatic Pumps

Each well is equipped with a dedicated QED Environmental Systems Well Wizard pneumatic submersible bladder pump. The pumps are constructed of stainless steel and Teflon and have a diameter of 1.66 inches. The installation depths of the pumps are shown in Table 4. The pumps are suspended in the wells with high-density polyethylene air and water tubing.

### 2.7.3 Locks

There are five government-issued padlocks on the site, and two in the Amtrak right-of-way, one installed at each well. Each lock has a 2-inch-long shank and rubber jacket. Custodians of the well keys include the LMS site lead and sampling staff from the Weldon Spring, Missouri, Site. The lock on the site front gate is the responsibility of the site owner. Access is obtained by notifying the site owner as detailed in the deed. Beyond the listed personnel, LMS Physical Security maintains control of asset locks and keys as part of the LM/LMS *Site Security Plan* (DOE 2025k).

## 3.0 Long-Term Stewardship

The LTSP implements DOE-authorized procedures, identifies and assigns responsibilities, and presents the documentation required for the monitoring, inspection, review, and reporting requirements. LTS requirements for the Colonie site include:

- Preparing an LTPR every 5 years.
- Performing groundwater sampling every 2 years.
- Managing records.
- Responding to stakeholder inquiries.

### 3.1 Plan Revisions

LM is responsible for preparing, updating, and implementing this plan. LM will periodically review the plan and update it as necessary, based on changes in site conditions or changes in laws, regulations, or guidance.

### 3.2 Project Organization

The LTS activities described in this plan are managed by a project team, as shown in Figure 10. Specific roles are described below.

The LM site manager is responsible for overall scope, schedule, and budget decisions and serves as the point of contact with all regulators, stakeholders, and the public.

The LMS site lead coordinates project support activities from LMS functional groups and is responsible for implementing the scope, schedule, and budget decisions that are made by the LM site manager.

The LMS site lead will involve the LMS Environmental Compliance point of contact and other support groups (e.g., Asset Management, Environmental Monitoring Operations) early in the planning stages for groundwater compliance monitoring events (*Environmental Instructions Manual* [DOE 2025b]).

### 3.3 Stakeholder Engagement

LM seeks to keep the community informed and involved in site activities and accomplishments through media announcements, fact sheets and newsletters, and attendance, when warranted, at public meetings. The following subsections describe site-specific community outreach activities.

#### 3.3.1 Public Webpage

LM maintains a public webpage specific to the site. The webpage is reviewed annually on the same schedule as those for the other completed FUSRAP sites. The webpage can be found at <https://www.energy.gov/lm/colonie-new-york-site>. The webpage includes a site description, contact information, and access to key site documents, including the Administrative Record and the Geospatial Environmental Mapping System (GEMS).

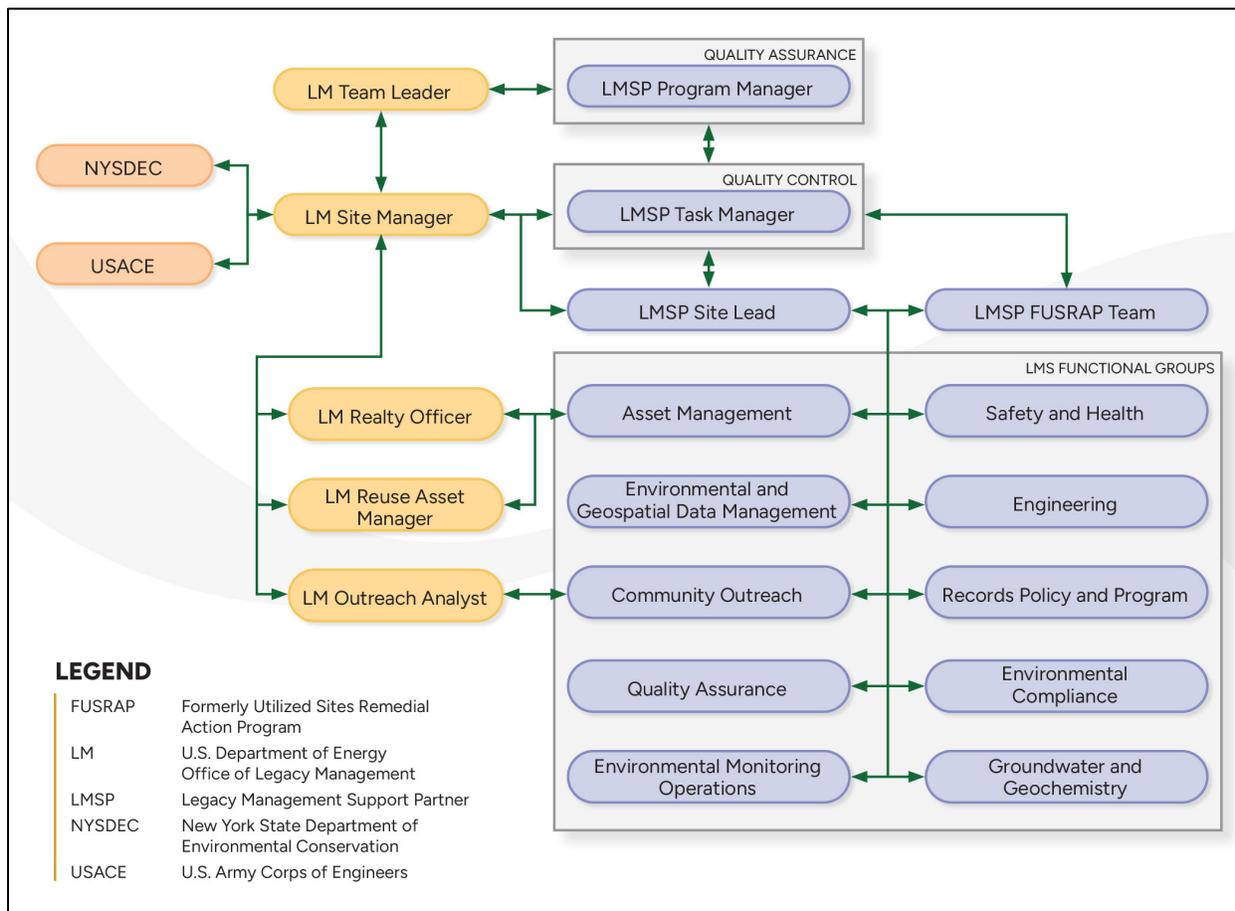


Figure 10. Site LTS Organizational Chart

### 3.3.2 Fact Sheet

LM protective measures include the production of a site fact sheet. The fact sheet is reviewed each spring for updates on the same schedule as other completed FUSRAP sites. The fact sheet is linked on the public webpage.

### 3.3.3 Stakeholder Inquiries

Stakeholder inquiries should be directed to the LM site manager. Media inquiries should be directed to the DOE Office of Public Affairs at [Public.Affairs@lm.doe.gov](mailto:Public.Affairs@lm.doe.gov) or (970) 248-6070.

### 3.4 Desktop Assessments

Desktop assessments are a formal method to document a records search for any change in land use, regulations, or stakeholder interest that may impact a remedy at a FUSRAP completed site and to document that any existing ICs are still in place. The assessments were designed to ensure that LM is aware of potential changing conditions related to Category 1 and 2 LTS sites and to ensure that ICs are maintained for the continued protection of human health and the environment. A well-documented cursory assessment of potential changes will be performed annually, and the results will be used to determine if the LTSP for a site needs to be adjusted.

### 3.5 Inspection of ICs

The ICs for the soil environmental easement (listed in Section 2.5) are monitored through annual site inspections in accordance with the SMP. The environmental easement is attached to the land; therefore, upon the transfer of the site, the current owner is responsible for site inspection.

### 3.6 Groundwater Monitoring

Groundwater sampling and analysis activities are conducted according to the SAP. Site-specific sampling instructions are stated in the SAP; the latest revision is available at <https://www.energy.gov/lm/additional-information>.

Plans for monitoring should note the following conditions:

- Work is performed as Type 3 procedure-based activities under the LMS *Integrated Work Control Process Manual* (DOE 2026b), also known as the IWCP Manual.
- The “Entry Procedure for Offsite Properties,” which is included as Appendix B, should be followed. There are two monitoring wells on Amtrak property: wells MW-34S and MW-37S. Amtrak property cannot be accessed without prior approval granted through its right-of-entry permit systems.
- The offsite wells are most easily accessed from Railroad Avenue through the CSX spur. These wells are accessed in accordance with Amtrak railroad permit requirements.

#### 3.6.1 Frequency of Groundwater Monitoring

USACE established biennial (once every 2 years) sampling in the 2016–2017 annual long-term groundwater monitoring report (USACE 2017a). LM reevaluates the sampling schedule after reviewing the data from each sampling event. Trend analysis, including the July 2025 sampling data, indicated that a biennial sampling schedule was still optimal. Once all wells show target level compliance for COCs, the frequency of groundwater monitoring may change (see Section 3.6.6).

#### 3.6.2 Well Redevelopment

LMS contractor guidance for well redevelopment found in the SAP recommends that redevelopment should be performed if there is excessive sedimentation, significant decline in well capacity, or excessive biological growth. Wells MW-30S, MW-41S, MW-42S, and MW-44S are screened in a lacustrine silt unit, and wells MW-41S and MW-42S were found to contain significant sediment thicknesses before the July 2020 sampling event. All wells were redeveloped in July 2020.

#### 3.6.3 Groundwater Elevation Measurements

Groundwater elevations are measured in accordance with the procedures of Section 3.1.1.4 of the SAP. Groundwater elevations will be measured during each groundwater sampling event. Groundwater flow direction has consistently been to the south-southwest, as indicated in Figure 6.

### 3.6.4 Groundwater Sampling

Each well is equipped with a dedicated pneumatically operated bladder pump. If a bladder pump malfunctions and cannot be fixed, the sampler may opt to either replace the pump or attach a peristaltic pump to the discharge port of the dedicated bladder pump. New York regulations in 6 NYCRR 375 do not mention the use of peristaltic pumps, but New York guidance permits their use (NYSDEC 2023).

Groundwater is sampled for VOCs as specified in the SAP and summarized in Table 5. Groundwater sample collection is conducted according to the low-flow sampling protocols described in Section 3.1.1.1 of the SAP. The monitoring wells are classed as Category 1 in Table 1 of the SAP, meaning that the wells will maintain a stable water level at a 100 milliliters per minute flow rate. Sample analysis is coordinated by the LMS Environmental Monitoring group, which has contracts with accredited commercial laboratories. Environmental sampling should be scheduled 6 months in advance with the LMS Environmental Monitoring group. The LMS site lead will coordinate the sampling schedule and confirm the requirements of the program directive with the Environmental Monitoring group at least 2 months in advance of fieldwork.

Table 5. Analysis Summary

Parameters (all are aqueous)	Analytical Method <sup>a</sup>	Field or Lab	Primary Samples	Field Duplicate	Equipment Rinsate <sup>b</sup>	Trip <sup>c</sup> Blank	No. of Samples
VOCs: PCE, TCE, cDCE, VC	SW 8260B	Lab	7	1	1	1	10
Dissolved oxygen	SM 4500-O	Field	7	0	0	0	7
Temperature	SM 2550	Field	7	0	0	0	7
Oxidation-reduction potential	ASTM D1498-00	Field	7	0	0	0	7
pH	EPA 9045C	Field	7	0	0	0	7
Specific conductance	SM 2510	Field	7	0	0	0	7
Turbidity	EPA 2130	Field	7	0	0	0	7
<b>Totals</b>			<b>7</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>10</b>

**Notes:**

<sup>a</sup> Test methods are described in EPA SW-846 test methods for hazardous waste (EPA 2015).

<sup>b</sup> One rinsate blank will be collected if any nondedicated equipment needs to be used.

<sup>c</sup> One trip blank will be used for each shipment of VOC samples.

**Abbreviations:**

SM = Standard Method

SW = solid waste

### 3.6.5 Investigation-Derived Waste (IDW)

IDW groundwater is generated during each sampling event when wells are purged, and also during well redevelopment. Approximately 17.65 liters of wastewater was generated during the July 2025 sampling event.

NYSDEC and DOE guidelines allow the release of waste groundwater onto unpaved surfaces onsite if contaminant levels are below regulatory standards. Waste groundwater must not be

allowed to directly enter storm drains. The applicable regulatory standards (Table 6) are NYSDEC Division of Technical and Operational Guidance Series 1.1.1, “Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations” (NYSDEC 1998). The same standards are codified in New York law under 6 NYCRR 703.

Table 6. New York Standards for Discharge of Groundwater

COC (CAS No.)	TCG <sup>a</sup>	New York Standard <sup>b</sup>
Uranium (7440-61-1)	Not applicable	$3 \times 10^{-7}$ microcuries per mL <sup>c</sup>
PCE (127-18-4)	5.5 µg/L	5 µg/L
TCE (79-01-6)	18 µg/L	5 µg/L
cDCE (156-59-2)	1800 µg/L	5 µg/L
VC (75-01-4)	1.4 µg/L	2 µg/L

**Notes:**

<sup>a</sup> Colonie Groundwater ROD (USACE 2010).

<sup>b</sup> NYSDEC standards for discharge of groundwater are listed in NYSDEC *Technical and Operational Guidance Series 1.1.1* (NYSDEC 1998).

<sup>c</sup> ASTM-11.7 Table II: (natural uranium); equivalent to 450 µg/L.

**Abbreviations:**

CAS = Chemical Abstracts Service

mL = milliliters

IDW groundwater generated during well redevelopment and sampling events is filtered onsite using a GAC filter medium. This filtration method was approved by NYSDEC on May 6, 2020 (Johnson 2020). The filtrate is sampled after each sampling event and tested along with the water samples for signs of breakthrough. Once the filter medium begins to show breakthrough, the used GAC will be disposed as described in Section 3.1 (GAC Sampling, Testing, and Disposal Plan) of the *Onsite Treatment and Recharge of Monitoring Well Purge Water, Using Granulated Activated Carbon at the Colonie, New York, Site* paper (DOE 2025h). The filtrate was sampled during the 2023 sampling event and was nondetectable for VOC concentrations.

### 3.6.6 Criteria for Terminating Monitoring

The Groundwater ROD specifies that cleanup will be achieved when COC concentrations are below TCGs over 4 consecutive quarters. However, these monitoring events no longer occur on a quarterly basis. Groundwater monitoring will continue until concentrations are found to be below the TCGs or have become asymptotic at an acceptable level over an extended period. If data indicate that MNA may no longer be required, a proposal to discontinue the groundwater monitoring activities will be submitted to NYSDEC.

## 3.7 Reporting Requirements

Reporting requirements are listed in the following sections and summarized in Table 7.

### 3.7.1 Long-Term Groundwater Monitoring Reports

The long-term groundwater monitoring program will continue until the TCGs for COCs are achieved. The current sampling interval approved by NYSDEC is biennial (once every 2 years). A long-term monitoring report will be completed to document each groundwater sampling event and will be submitted to NYSDEC for review.

### 3.7.2 Electronic Data Deliverables

NYSDEC requires that long-term monitoring data be submitted electronically by upload to its Environmental Information Management System. The NYSDEC system uses an Environmental Quality Information System (EQuIS) database like the LMS EQuIS database. The electronic data deliverable must be formatted by the LMS Environmental and Geospatial Data Management (EGDM) group according to guidelines specified by NYSDEC. The EGDM group has developed an operating procedure to describe the upload process, as described in the *EGDM Environmental Data Management Team Work Procedures* (DOE 2025a). The site lead will coordinate with EGDM data analysts to monitor progress of data formatting and submission. EGDM may need to contact NYSDEC if there are issues with the process. NYSDEC maintains a webpage for environmental data submission at <https://dec.ny.gov/environmental-protection/site-cleanup/environmental-data-submission>.

### 3.7.3 Long-Term Periodic Reviews

LTPRs are required under CERCLA and the NCP so long as residual contamination remains above UU/UE conditions. LTPRs will be required every 5 years for as long as any ICs are in place. USACE completed the first Five-Year Review for the Groundwater OU in 2017 (USACE 2017d). The first sitewide LTPR was prepared in fall 2023. The next LTPR is due in 2028.

### 3.7.4 Notifications to NYSDEC

Notifications requirements are identified in Table 7. LM will provide notifications to NYSDEC before each sampling event.

There are several notification requirements stipulated in the SMP that will be the responsibility of the current site owner. Prior notifications will be submitted to NYSDEC under the following circumstances:

- Excavation in the easement areas will require prior notification to NYSDEC
- Advance notice (60 days) of any proposed changes in site use that are required under the terms of 6 NYCRR 375 or NYECL 71-36
- Advance notice (7 days) of any field activity associated with the remedial program
- Advance notice (15 days) of any proposed ground-intrusive activity in the easement areas, except for emergency utility work, pursuant to the submission of an excavation work plan
- Any failure of the ICs will require the submission of a Corrective Measures Work Plan to NYSDEC (DOE and USACE 2020)

Table 7. Summary of Colonie Site Reporting and Notification Requirements

Document	Frequency or Triggering Event	Accountability	Site Inspection Required	Responsible Party
<b>Actions</b>				
Vapor intrusion study	Before building a habitable space	NYSDEC/SMP	No	Site owner
Water treatment study	Before use of groundwater	NYSDEC/NYSDOH/ Albany County Department of Health/SMP	No	Site owner
Corrective Measures Work Plan	Failure of an IC	NYSDEC/SMP	No	Site owner
Long-term groundwater monitoring report	Biennially	NYSDEC/ROD	Yes	LM
Long-term groundwater monitoring report (sampling results)	Biennially	Amtrak	No	LM
Electronic data deliverable	Sampling event	NYSDEC/SMP	No	LM
LTPR	Every 5 years	NYSDEC/ROD	Yes	LM
Annual site inspection	Annually	NYSDEC/SMP	Yes	Site owner
Periodic Review Report	Annually	NYSDEC/SMP	Yes	Site owner
<b>Notifications Required Under the Easement</b>				
Excavation notification (soil easement)	15 days advance notice	NYSDEC/SMP	No	Site owner
Field activity associated with the remedial program	7 days advance notice	NYSDEC/SMP	No	Site owner and/or LM
Proposed changes in site use	60 days advance notice	NYSDEC/SMP	No	Site owner
Corrective Measures Work Plan	IC failure	NYSDEC/SMP	No	Site owner and/or LM
Notification to NYSDEC of potential change of ownership	60 days before change in ownership	NYSDEC/SMP	No	Site owner
Notification to NYSDEC of change of ownership	15 days after change in ownership	NYSDEC/SMP	No	Site owner
Certification to NYSDEC that the environmental easement is still in place and has been complied with	Delisting from NYSDEC registry of inactive hazardous waste disposal sites	NYSDEC/SMP	No	Site owner
Damage to remedial components	As soon as possible	NYSDEC/SMP	No	Site owner or LM
<b>Notifications Under ROE Agreements</b>				
Entry onto private property	Access to offsite wells	ROE agreement	No	LM
Entry onto Amtrak property	Access to offsite wells	ROE agreement	No	LM

**Abbreviations:**

NYSDOH = New York State Department of Health

ROE = right-of-entry

Any change in ownership or responsibility for implementing the SMP will include the following notifications:

- At least 60 days before the change, NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser or lessee and the LMS Asset Management group have been provided with a copy of the SMP and all final copies of plans and reports required under the SMP.
- Within 15 days after the transfer of all or part of the site, the new owner's name, contact representative, and contact information will be confirmed in writing to NYSDEC.

### 3.8 Safety and Health

The safety and health program that applies to LTS activities is based on 10 CFR 851, "Worker Safety and Health Program"; 10 CFR 835, "Occupational Radiation Protection"; DOE Order 458.1, Chg 4 (LtdChg), *Radiation Protection of the Public and the Environment*; and other requirements as specified in the LMS contract. LTS activities are conducted in accordance with the *LMS Safety and Health Program* (DOE 2025f) and implementing procedures established for LM sites. These procedures are consistent with DOE orders, regulations, codes, and standards.

Emergency management information specific to DOE work at the site is found in Appendix C, "Supplemental Emergency Response Information." This plan contains a list of emergency telephone numbers and addresses for local fire departments, hospitals, ambulances, and police or sheriff's departments, as well as a map to the nearest emergency medical facility. LM inspectors will carry a copy of the site-specific emergency plan and conduct and document a site safety briefing before conducting an inspection, sampling event, or other activity. A job safety analysis will be developed by the subcontractors to address hazards and mitigation methods for the work they will perform on the site.

### 3.9 Emergency Response

Emergency management requirements for DOE sites, facilities, and activities are governed by DOE Order 151.1E, *Comprehensive Emergency Management System*. The DOE order is implemented by the joint *LM/LMS All Hazards Emergency Management Plan* (DOE 2026c) and the joint *LM/LMS Worker Emergency Response Procedure* (DOE 2025e). The site's *Supplemental Emergency Response Information (SERI)* form (LMS 1415) is in Appendix C.

If there is an emergency at any time while LM and LMS personnel are onsite, they should follow the steps outlined in the *LM/LMS Worker Emergency Response Procedure*, Section 3.1, "Immediate Actions for Emergencies," as well as any additional steps in the SERI.

- Stop what you are doing and alert nearby workers.
  - If time permits, ensure safe shutdown of equipment and secure flammable liquids and hazardous materials.
- Take appropriate actions to minimize exposure to any hazards (e.g., get away from a fire, get upwind of a release).

- Call **911** and follow the 911 dispatcher’s instructions. Then, call the Watch Office at **(303) 404-6100**.
- Ask others to call 911 and the Watch Office if you are unable to do so in a timely manner due to immediate life-safety needs (e.g., administering CPR or evacuating due to a fire).
- Workers may address immediate life-safety needs (e.g., administering CPR, suppressing an incipient stage fire with a fire extinguisher).
- Remain calm and follow instructions issued by an emergency response organization member or offsite emergency responder.

### **3.10 Records Management**

DOE maintains analog FUSRAP records at the LM Business Center at Morgantown, West Virginia, and digital records in LM’s Enterprise Content Management system. These records contain critical information required to protect public health and the environment, manage land and assets, protect the legal interests of DOE and the public, and mitigate community impacts resulting from the cleanup of legacy waste. Site historical records about the environmental remediation and stewardship are included in these collections.

All LM records will be managed in accordance with the following requirements:

- 36 CFR 1220–1239, “Records Management”
- 44 USC 29, “Records Management by the Archivist of the United States and by the Administrator of General Services”
- 44 USC 31, “Records Management by Federal Agencies”
- 44 USC 33, “Disposal of Records”
- DOE Order 243.1C, *Records Management Program*
- LM Records Management Program procedures

### **3.11 Environmental and Geospatial Data Management**

Environmental monitoring data are collected electronically using the EQUIS Data Gathering Engine, also called EDGE. These data are then reviewed, uploaded to the LMS EQUIS system, and validated. See Section 3.7.2 for information concerning electronic data deliverables that are submitted to NYSDEC.

Site inspections are no longer performed by LM, however, data concerning the condition of the monitoring well network are collected during sampling events and stored electronically in compliance with the *Quality Assurance Manual* (DOE 20251), hereafter called the QAM, utilizing the *Mobile Mapping Applications (MMAPPS) Procedure* (DOE 2026d). Photos and well assessment data are saved on the project website and available to LM/LMS staff on the LM GeoPortal for reference, as well as archived as records.

## 3.12 Quality Assurance

The LTS of the site will comply with the QAM, which is based on DOE Order 414.1E, *Quality Assurance*, and on the current version of International Organization for Standardization (ISO) 9001:2015, *Quality Management Systems — Requirements*. These requirements include project organization; a quality assurance program; a document control system; the identification and control of items; inspections; the control of measuring and test equipment; handling, storage, and shipping of quality-affecting items; a program for implementing and verifying corrective action; a program for maintaining quality assurance records; and a routine assessment program.

The quality of the environmental monitoring program is maintained and documented through a number of measures that are documented in the SAP in accordance with the current version of ISO 14001:2015, *Environmental Management Systems — Requirements with Guidance for Use*. The measures include the use of standard operating procedures; the collection, analysis, and evaluation of quality control samples and performance evaluation samples; the use of standardized analytical methods; data management activities and data quality evaluations (data validation); maintaining quality assurance records; and evaluating analytical laboratory data, sample collection activities, and programmatic procedures.

### 3.12.1 Quality Assurance (QA) Reviews

QA representatives perform multiple types of reviews of projects and work activities as part of the work planning process. All planned work is reviewed by QA representatives to ensure that work is planned and executed in accordance with the LMS IWCP Manual.

QA manages the assessment program as described in the QAM, which establishes methods to assess whether internal or external products and services have been planned, managed, and performed in a compliant and effective manner that achieves intended results. Assessments identify issues, opportunities for improvement, noteworthy practices, lessons learned, and problems that hinder the organization from achieving its objectives.

IWCP reviews and planned assessments apply to personnel involved in the scheduling, planning, conducting, reporting, or tracking of internal or external independent assessments, management assessments, surveillances, and site visits. They do not apply to oversight bodies conducting assessments of LMS program activities.

### 3.12.2 Issue Reporting and Management

Issues refer to any conditions or occurrences (planned or unplanned) that affect the staff, visitors, public property, the environment, or the organizational mission. Issues refer to all issues, events, observations, concerns, and deficiencies and are reported and managed according to the issues reporting and management processes described in the QAM. Issues identified during sampling, inspections, or site visits are submitted to an electronic tracking system described in the QAM, which is used by QA to track responsible managers, Corrective Action Plans, and issue status through closure.

### 3.13 Monitoring Wells

Programmatic guidance and standard operating procedures for monitoring well inspection and maintenance are found in the *Environmental Monitoring Operations Procedures Manual* (DOE 2026a).

#### 3.13.1 Well Redevelopment

Monitoring wells will be redeveloped as needed. The need for well redevelopment will be evaluated during sampling events by monitoring the purge water for biological growth and turbidity levels. Procedures for redevelopment are discussed in the SAP and in the *Environmental Monitoring Operations Procedures Manual* procedure.

#### 3.13.2 Well Inspection

Monitoring wells will be inspected during each sampling event for signs of silting-in, damage, corrosion, or infiltration. Surface aspects of the monitoring wells will be inspected, and personnel will note any signs of damage, provide photographs of each well, and indicate whether vegetation impedes access. The next inspection will be performed during the July 2027 sampling event.

#### 3.13.3 Well Decommissioning

Monitoring wells may be decommissioned when they are no longer needed, pending agreement with NYSDEC. LM will review the efficacy of the well system when preparing each long-term monitoring report. Monitoring wells will be decommissioned in accordance with NYSDEC guidance CP-43 (NYSDEC 2009).

## 4.0 References

10 CFR 835. U.S. Department of Energy, “Occupational Radiation Protection,” *Code of Federal Regulations*.

10 CFR 851. U.S. Department of Energy, “Worker Safety and Health Program,” *Code of Federal Regulations*.

10 CFR 1021. U.S. Department of Energy, “National Environmental Policy Act Implementing Procedures,” *Code of Federal Regulations*.

36 CFR 1220–1239. National Archives and Records Administration, “Records Management,” *Code of Federal Regulations*, <https://www.govinfo.gov/app/details/CFR-2024-title36-vol13/CFR-2024-title36-vol13-chapXII-subchapB>, accessed January 9, 2026.

40 CFR 300. U.S. Environmental Protection Agency, “National Oil and Hazardous Substances Pollution Contingency Plan,” *Code of Federal Regulations*.

40 CFR 1500–1508. Council on Environmental Quality, “National Environmental Policy Act Implementing Regulations,” *Code of Federal Regulations*.

6 NYCRR 375. “Environmental Remediation Programs,” as amended, *New York Codes, Rules and Regulations*.

6 NYCRR 703. “Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations,” as amended, *New York Codes, Rules and Regulations*.

42 USC 2011 et seq. “Atomic Energy Act of 1954,” *United States Code*.

42 USC 9601 et seq. “Comprehensive Environmental Response, Compensation, and Liability Act,” *United States Code*.

42 USC 9621. “Cleanup Standards,” *United States Code*.

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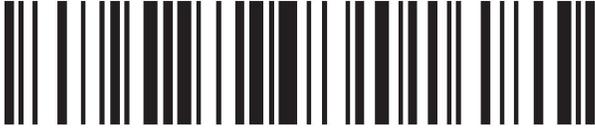
**Appendix A**  
**Property Deed**



ALBANY COUNTY – STATE OF NEW YORK  
 BRUCE A. HIDLEY COUNTY CLERK  
 16 EAGLE STREET, ALBANY, NEW YORK 12207

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: R2023-1073

Receipt#: 20230589555  
 Clerk: JG  
 Rec Date: 01/17/2023 02:30:41 PM  
 Doc Grp: D  
 Descrip: DEED  
 Num Pgs: 30  
 Rec'd Frm: Stewart Title Insurance  
 Company - Upstate

Party1: UNITED STATES OF AMERICA  
 Party2: ASIAN CENTER MALL

Recording:

Cover Page	5.00
Recording Fee	165.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 445.00

Transfer Tax	
Transfer Tax - State	8600.00

Sub Total: 8600.00

Total: 9045.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 3885  
 Commercial Transfer Tax

Transfer Tax - State	8600.00
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Total: 8600.00

THIS PAGE CONSTITUTES THE CLERK'S  
 ENDORSEMENT, REQUIRED BY SECTION 316-a (5)  
 & 319 OF THE REAL PROPERTY LAW OF THE  
 STATE OF NEW YORK.

Record and Return To:



STEWART TITLE INSURANCE COMPANY - UPSTATE  
 47 WEST MAIN STREET  
 ROCHESTER, NY 14614

Bruce A. Hidley  
 Albany County Clerk

## DEED

KNOW ALL BY THESE PRESENTS, that the UNITED STATES OF AMERICA, acting by and through the Administrator of the General Services Administration (the "Grantor"), under and pursuant to the powers and authority contained in the provisions of the Property Act (116 Stat. 1062, 40 USC 543), and the regulations and orders promulgated there under, having an address of General Services Administration, New England Region, Thomas P. O'Neill Federal Building, 10 Causeway Street, Boston, Massachusetts 02222, for and in consideration of TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS 00/100 (\$2,150,000.00) does hereby GRANT, GIVE, REMISE, AND RELEASE, without warranty or representation of any kind or nature, express or implied, unto Asian Center Mall LLC a New York State limited liability company, having a mailing address at 2055 Niagara Falls Boulevard, Amherst, NY 14228 (the "Grantee") all such right, title and interest as Grantor has in and to that certain real property located at 1130 Central Avenue Colonie, New York 12205, commonly known as the former National Lead Site, and as more particularly described in "Exhibit A" attached hereto and incorporated herein ("the Property").

The Property is conveyed subject to any and all existing reservations, easements, restrictions, covenants, and rights, recorded or unrecorded, including those for roads, highways, streets, railroads, power lines, telephone lines and equipment, pipelines, drainage, sewer and water mains and lines, public utilities, and rights-of-way, and including but not limited to, any easements, reservations, rights, and covenants described herein; any state of facts that would be disclosed by a physical examination of the Property; and any and all other matters of record.

**CONDITION OF PROPERTY.** The Grantee, in accepting this Deed, acknowledges and attests that it has inspected, is aware of, and accepts the condition and state of repair of the Property. It is understood and agreed that the Property is conveyed 'as is' and 'where is' without any representation, warranty or guarantee of any kind or nature, express or implied, including, without limitation, any representation, warranty or guarantee as to quantity, quality, character, condition, size, or kind, or that the same is in any particular condition or fit to be used for any particular purpose. The Grantee, in accepting this Deed, acknowledges that the Grantor has

made no representation or warranty concerning the condition or state of repair of the Property that has not been fully set forth in this Deed.

**The Property is being sold subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law. The Environmental Easement is attached hereto and incorporated herein as Exhibit B.**

NOTICE OF GROUNDWATER MONITORING WELLS. The Grantee is hereby informed that groundwater wells are on the Property. The locations of these monitoring wells is shown on the Plan attached hereto as "Exhibit A". The Grantee shall not disturb or permit others to disturb the monitoring wells located on the Property without prior written approval from the USDOE and the New York State Department of Environmental Conservation ("NYSDEC"). Upon the determination that a well is no longer necessary, the Grantee will close such well at the Grantee's sole cost and expense in accordance with applicable laws, regulations, and ordinances.

**NOTICES PURSUANT TO SECTION 120(h)(3)(A)(i)(I) and (II) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980 (42 U.S.C. §9620(h)(3)(A)(i) (I) and (II)):** Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 U.S.C. §9620(h)(3)(A)(i) (I) and (II)) and based upon a complete search of agency files, the Grantor gives notice that the Exhibit C, attached hereto and incorporated herein, provides the following information; 1) the type and quantity of hazardous substances that were known to have been released or disposed of or stored for one year or more on the Property; 2) the time such storage, release or disposal took place.

CERCLA Covenant. Grantor warrants that all remedial action necessary to protect human health and the environment has been taken before the date of this conveyance. Grantor warrants that it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the Property on the date of this

conveyance.

- (1) This covenant shall not apply: (a) in any case in which Grantee, its successors or assigns, or any successor in interest to the Property or part thereof is a Potentially Responsible Party (PRP) with respect to the Property immediately prior to the date of this conveyance; or (b) to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the Grantee, its successors or assigns, or any party in possession after the date of this conveyance that either: (i) results in a release or threatened release of a hazardous substance that was not located on the Property on the date of this conveyance; or (ii) causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the applicable regulatory authority as of the date of this conveyance.
  
- (2) In the event Grantee, its successors or assigns, seeks to have Grantor conduct any additional response action, and, as a condition precedent to Grantor incurring any additional cleanup obligation or related expenses, the Grantee, its successors or assigns, shall provide Grantor at least 45 days written notice of such a claim. In order for the 45-day period to commence, such notice must include credible evidence that: (a) the associated contamination existed prior to the date of this conveyance; and (b) the need to conduct any additional response action or part thereof was not the result of any act or failure to act by the Grantee, its successors or assigns, or any party in possession.

**Reservation of Right of Access.** Grantor reserves a right of access to all portions of the Property for environmental investigation, remediation or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to Grantor. These rights shall be exercisable in any case in which a remedial action, response action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, response action, or corrective action on adjoining property. Pursuant to this reservation, the Grantor, and its respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the Property and conduct

investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities, responses or remedial actions, shall be coordinated with record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

Meaning and intending to convey all right, title and interest conveyed to the Grantor as evidenced by the following documents recorded in the Clerk's Office of Albany County, State of New York:

1. Indentured Deed from Niagara Mohawk Power Corporation dated August 28, 1984 and recorded August 30, 1984, in Deed Book 2268 Page 141; and a
2. Indentured Deed from NL Industries Incorporated (formerly known as National Lead Company) dated February 28, 1984 and recorded on February 29, 1984 in Deed Book 2256 Page 590.

TO HAVE AND TO HOLD the Property with all privileges and appurtenances thereunto belonging to said Grantee.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA, acting by and through the Administrator of General Services has caused these presents to be duly executed for and in its name and behalf by John E. Kelly, Director Real Property Utilization & Disposal, General Services Administration New England Region who has this 21<sup>st</sup> day of December 2022 hereunto set his hand and seal.

UNITED STATES OF AMERICA  
By and through the Administrator of the  
General Services Administration

  
John E. Kelly, Director

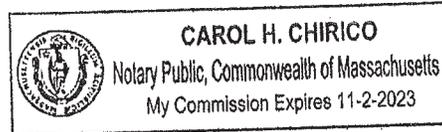
**ACKNOWLEDGEMENT**

Commonwealth of Massachusetts )  
County of Suffolk ) ss.

In Boston, in said County and State, on this 21<sup>st</sup> day of December 2022, before me personally appeared John E. Kelly, Director, Real Property Utilization and Disposal, General Services Administration, Boston, Massachusetts, proved to me through satisfactory evidence of identification, which was a U.S. General Services Administration ID card, to be the person whose name is signed on the preceding instrument and by him duly executed, to be his free act and deed in his capacity as Regional Commissioner, Public Buildings Service, General Services Administration, Boston, Massachusetts.



Carol H. Chirico, Notary Public  
My commission expires November 2, 2023



Record and Return to:  
Hancock Estabrook LLP – DMSS  
1800 Tower I, 100 Madison Street  
Syracuse, New York 13202

**THIS PORTION INTENTIONALLY LEFT BLANK**

## EXHIBIT A

### Parcel No. One

BEGINNING at a point in the common line of Lots 10 and 11 as shown on a map entitled "Map of Building Lots in the Town of Colonia, Albany County, New York, belonging to Sarah J. and Julia C. McHutt" made by Henry C. Parsons, C.E. dated September 19, 1914 and filed in the Office of the Clerk of the County of Albany on August 11, 1921 and situate southwesterly along said common line a distance of 198 feet from the southwest line of Gardner Lane, said point of beginning also situate the following two courses from Station 16 + 36.7 of the surveyed traverse line for the right of way for the electric transmission line of the Grantor extending from its Rotterdam-Monanda Electric Transmission Line to the Campus Substation; South 15 degrees 10 minutes 40 seconds East 51 feet and South 50 degrees 11 minutes 20 seconds West 14 feet more or less; thence from said point of beginning, along the rear of Lots 10 and 9, South 27 degrees 24 minutes 20 seconds East a distance of 51.20 feet to a point and south 12 degrees 58 minutes 10 seconds East a distance of 50.36 feet to a point in the common line of Lots 8 and 9; thence along said common line, North 20 degrees 11 minutes 20 seconds East a distance of 24 feet to a point situate southwesterly a distance of 190 feet from the southwest line of Gardner Lane; thence through Lot 8, South 19 degrees 48 minutes 40 seconds East a distance of 50 feet to a point in the common line of Lots 8 and 7; thence along said common line, North 50 degrees 11 minutes 20 seconds East a distance of 4 feet to a point situate southwesterly a distance of 186 feet along said common line from the southwest line of Gardner Lane; then through Lot 7, South 16 degrees 07 minutes 50 seconds East a distance of 48.41 feet to a point in the southeast line of Lot 7 situate southwesterly a distance of 204.42 feet along said southeast line from the southwesterly corner of Gardner Lane; thence along the northwesterly bounds of the parcel secondly described herein, South 49 degrees 25 minutes 10 seconds West a distance of 55.41 feet to a point; thence along the southwesterly line of lands conveyed to the grantor herein described in Book 1499 of Deeds at page 303, North 56 degrees 26 minutes 20 seconds West a distance of 261.72 feet to a point; thence through lands of the Grantor herein described parallel to and 50 feet southwesterly of the traverse for the right of way for the Rotterdam-Monanda tap to Campus Transmission Line of the Grantor, North 50 degrees 11 minutes 20 seconds East a distance of 131.14 feet to the point of beginning containing 0.445 of an acre to be the same more or less.

BEING a portion of lands conveyed by Charles W. Hoffman to Niagara Mohawk Power Corporation by deed dated May 21, 1956 and recorded in the Albany County Clerk's Office June 7, 1956 in Book 1495 of Deeds at page 303 and known as Rotterdam-Menanda Tap to Campus Parcel 23.

Parcel No. Two

BEGINNING at a point in the northerly line of the lands of the Grantor (Niagara Mohawk Power Corporation) situate southwest along said northerly line a distance of 170 feet from the southwestly bounds of Central Avenue; thence through lands of the Grantor herein described parallel to Central Avenue, South 39 degrees 52 minutes West a distance

of 74.72 feet to an iron rod found; thence South 50 degrees 09 minutes West, parallel to the traverse for the existing right of way for the existing transmission line of the Grantor (hereinafter) from its Central Avenue Substation to its Kankhill Substation a distance of 710.55 feet to an iron rod found; in the northerly line of the lands now or formerly of the New York Central Railroad; thence along said bounds, North 76 degrees 25 minutes 20 seconds West a distance of 1021.96 feet to a point, thence along the north-westerly line of the lands of the Grantor (Niagara Mohawk Power Corporation) herein described, North 40 degrees 26 minutes 10 seconds East and passing through the southerly corner of Parcel No. One above described at a distance of 503.7 feet and continuing along the easterly bounds thereof 65.41 feet a total distance of 586.73 feet to a point; thence along the westerly bounds of said Grantor South 24 degrees 08 minutes 40 seconds East a distance of 74.26 feet to a point, thence continuing along said northerly bound of the Grantor North 50 degrees 03 minutes East a distance of 207.60 feet to this point of beginning containing 2.540 acres be the same more or less.

BEING a portion of lands conveyed by National Lead Company to New York Power and Light Corporation (the Grantor's predecessor corporation) by deed dated January 15, 1940 and recorded in the Albany County Clerk's Office February 6, 1940 in Book 915 of Deeds at page 251.

ALL that certain tract, piece or parcel of land situate lying and being in the Town of Colonie, Albany County, New York lying along the Southwesterly margin of Central Avenue, Northerly of lands now or formerly of New York Central Railroad Company and being more particularly bounded and described as follows:

BEGINNING at a point on the Southwesterly margin of Central Avenue, NYS Route No. 5, said point being situate at the point of intersection of the common line of lands of H. L. Industries, Inc., a portion of the premises as described in Liber 783 of Deeds at Page 444 on the Northwest, lands now or formerly of Ford as described in Liber 1606 of Deeds at Page 59 on the Southeast with the Southwesterly margin of Central Avenue; and runs thence from said point of beginning along the above described common line, the following two (2) courses: 1) South 50 deg. 17 min. 00 sec. West, a distance of 154.71 feet to a point, and 2) South 39 deg. 43 min. 00 sec. East, a distance of 282.62 feet to a point; thence along the northwesterly line of Criss Building Materials, South 47 deg. 42 min. 00 sec. West, a distance of 125.43 feet to a point on the Northerly line of lands now or formerly of the New York Central Railroad Company; thence along said Northerly line, North 76 deg. 25 min. 20 sec. West, a distance of 1,005.63 feet to a point; thence along the Southeasterly line of lands now or formerly of the Niagara Mohawk Power Corporation as described in Liber 915 of Deeds at Page 252, North 50 deg. 08 min. 00 sec. East, a distance of 710.80 feet to a point; thence along the Southwesterly line of said lands now or formerly of Niagara Mohawk Power Corporation, South 39 deg. 52 min. 00 sec. East, a distance of 139.00 feet to a point; thence along the Southeasterly line of lands now or formerly of Niagara Mohawk Power Corporation, North 50 deg. 08 min. 00 sec. East, a distance of 169.59 feet to a point on the Southwesterly margin of Central Avenue, NYS Route No. 5; thence along said Southwesterly margin, South 39 deg. 46 min. 10 sec. East a distance of 385.26 feet to the point or place of beginning and containing 9.212 acres of land.

The above property is more modernly described as follows:

All that certain tract, piece or parcel of land situate, lying and being in the Town of Colonie, County of Albany, State of New York, lying Southwest of Central Avenue, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Southwesterly boundary of Central Avenue 99 foot-wide right-of-way with the division line between the lands of The United States of America as described in Book 2256 of Deeds at Page 590 on the Northwest and the lands now or formerly of Edge of Woods Holding Group, Ltd. as described in Book 2648 of Deeds at Page 826 on the Southeast and runs thence from said point of beginning South 49 deg. 50 min. 56 sec. West along the above mentioned division line 154.71 feet to the point of intersection of the common division line between the lands of The United States of America on the Southwest and the lands now or formerly of Edge of Woods Holding Group, Ltd. as described in Book 2648 of Deeds at Page 826 and the lands now or formerly of MBF Management Corporation as described in Book 2865 of Deeds at Page 977 on the Northeast; thence South 40 deg 09 min. 04 sec. East along the above last mentioned common division line 282.62 feet to the point of intersection of the division line between the lands of The United States of America on the Northwest and the lands now or formerly of Donald Grimm as described in Book 2673 of Deeds at Page 237 on the Southeast; thence South 47 deg. 15 min. 51 sec. West along the above last mentioned division line 125.43 feet to the point of intersection of the division line between the lands of The United States of America on the North and the lands formerly of the New York Central Railroad lands now or formerly of Consolidated Rail Corporation on the South said division line being the municipal division line between the Town of Colonie on the North and the City of Albany on the South; thence North 76 deg. 51 min. 24 sec. West along the above last mentioned division line 1,130.65 feet to the point of intersection of the common division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 on the Southeast and the lands now or formerly of Hadi Ipek and Havzi Ipek as described in Book 2835 of Deeds at Page 760 and lands now or formerly of the Town of Colonie on the Northwest; thence North 49 deg. 00 min. 32 sec. East along the above last mentioned common division line 507.01 feet to its intersection with the common division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 on the

Northeast and the lands now or formerly of the Town of Colonie and lands now or formerly of Hadi Ipek and Havzi Ipek on the Southwest, thence North 56 deg. 44 min. 01 sec. West along the above last mentioned common division line 203.50 feet to its intersection with the division line between the lands of The United States of America on the Southeast and the lands now or formerly of Niagara Mohawk Power Corporation as described in Book 1494 of Deeds at Page 305 on the Northwest; thence North 49 deg. 46 min. 29 sec. East along the above last mentioned division line 127.37 feet to the point of intersection of the division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 on the Southwest and the lands now or formerly of TJM Enterprises of Albany, LLC on the Northeast; thence along the above last mentioned division line the following seven (7) courses: 1) South 30 deg. 34 min. 41 sec. East 101.44 feet to a point; 2) thence North 49 deg. 46 min. 29 sec. East 25.00 feet to a point; 3) thence South 40 deg. 13 min. 31 sec. East 50.00 feet to a point; 4) thence North 49 deg. 46 min. 29 sec. East 4.00 feet to a point; 5) thence South 16 deg. 32 min. 41 sec. East 45.58 feet to a point; 6) thence North 49 deg. 48 min. 29 sec. East 17.33 feet to a point; and 7) thence South 24 deg. 18 min. 21 sec. East 36.35 feet to its intersection with the division line between the lands of The United States of America on the Southeast and the lands now or formerly of TJM Enterprises of Albany, LLC on the Northwest; thence North 49 deg. 46 min. 29 sec. East along the last mentioned division line 207.73 feet to a point at the intersection of the division line between then lands of The United States of America as described in Book 2268 of Deeds at Page 141 and Book 2256 of Deeds at Page 590 on the Southwest and the lands now or formerly of Niagara Mohawk Power Corporation as described in Book 915 of Deeds at Page 251 on the Northeast; thence South 40 deg. 18 min. 04 sec. East along the above last mentioned division line 209.56 feet to the point of intersection of the division line between the lands of The United States of America on the Southeast and the lands now or formerly of Niagara Mohawk Power Corporation on the Northwest; thence North 49 deg. 41 min. 56 sec. East along the above last mentioned division line 169.59 feet to the intersection with the above mentioned Southwesterly boundary of Central Avenue; thence South 40 deg. 12 min. 14 sec. East along the Southwesterly boundary of Central Avenue 385.26 to the point or place of beginning and containing 11.29 acres of land, more or less.



EXHIBIT B



ALBANY COUNTY - STATE OF NEW YORK  
BRUCE A. HIDLEY COUNTY CLERK  
16 EAGLE STREET, ALBANY, NEW YORK 12207

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



INSTRUMENT #: R2020-10607  
Receipt#: 20200389736  
Clerk: JH  
Rec Date: 06/12/2020 02:25:17 PM  
Doc Grp: D  
Descrip: DEED, EASEMENT  
Num Pgs: 14  
Rec'd Frm: DEPT OF ENERGY

Recording:  
Cover Page 5.00  
Recording Fee 85.00  
Cultural Ed 14.25  
Records Management - Coun 1.00  
Records Management - Stat 4.75  
TP584 5.00

Sub Total: 115.00

Transfer Tax  
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 115.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\* Transfer Tax \*\*\*\*  
Transfer Tax #: 6155  
Transfer Tax

Total: 0.00

THIS PAGE CONSTITUTES THE CLERK'S  
ENDORSEMENT, REQUIRED BY SECTION 316-a (5)  
& 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK.



Record and Return To:

Bruce A. Hidley  
Albany County Clerk

FEDEX/VAIL MAZZARO

13

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

**THIS INDENTURE** made this 17 day of April, 2020, between The United States of America, acting by and through the Department of Energy (DOE) Office of Legacy Management, having an office at 2597 Legacy Way, Grand Junction, Colorado (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233; and

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

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

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

**WHEREAS**, Grantor, is the Owner of real property located at the address of 1130 Central Avenue (New York State Route 5) in the City of Albany, County of Albany and State of New York, known and designated on the tax map of the County Clerk of Albany as tax map parcel numbers: 53.11-1-13.2 and 53.11-1-14, being the same as that property conveyed to Grantor by the two deeds (1) an Indenture dated February 28, 1984 and recorded in the Albany County Clerk's Office in Liber 2256 and Page 590; and, (2) an Indenture dated August 28, 1984 recorded in the Albany County Clerk's Office in Liber 2268 and Page 141.

**WHEREAS**, the property subject to this Environmental Easement comprises of (1) three geographically separated soils areas which total approximately 9387 square feet +/- of the real property (the "Soil Easement Areas"); and (2) a sitewide easement for use of groundwater. These areas are more fully described in the Environmental Easement Survey dated September 2, 2016 prepared by CT Male Associates, which will be attached to the Site Management Plan. The Soil Easement Area legal descriptions are attached hereto as Schedule A, and the boundary description

for the site which contains a groundwater restriction is attached hereto as Schedule B; and

**WHEREAS**, the Easement Areas are part of the Colonie Formerly Utilized Sites Remedial Action Program (FUSRAP) Site (Site) pursuant to the Energy and Water Development Appropriations Act of 1984. In 1997, the authority for executing FUSRAP response actions was transferred to the U.S. Army Corps of Engineers (USACE), and required response actions are performed in accordance with the provisions of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (42 USC 9601 et seq.), the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") (40 CFR 300 et seq.); and the Atomic Energy Act (42 USC 2011 et seq.);

**WHEREAS**, with respect to groundwater use, in the Colonie FUSRAP Site Record of Decision, Colonie Site Groundwater, dated April 2010, and the Department concurred with, the response actions for the Site ("CERCLA response actions"), which provided for monitored natural attenuation with land use controls as the Selected Remedy for the Site, which would be implemented under an Environmental Easement;

**WHEREAS**, in the Final Colonie FUSRAP Site, Colonie Main Site Soils, Record of Decision, dated March 2015, the USACE selected, and the Department concurred with, the response actions for the Site ("CERCLA response actions"), which provided for land use controls as the Selected Remedy for the Site, which would be implemented under an Environmental Easement;

**WHEREAS**, the Department accepts this Environmental Easement to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Easement Area until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, Grantor conveys to Grantee an Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Easement Area as more fully described herein ("Environmental Easement"):

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

2. Institutional Controls. The following controls apply to the use of the Easement Areas, run with the land, are binding on the Grantor and its assigns and are enforceable in law or in equity against the Owner of the Easement Areas, any lessees or any person using the Easement Areas. These controls and requirements are also listed in the Department approved Site Management Plan (SMP) and made part of this Environmental Easement.

- A. 1. The Soil Easement Areas, as further identified in Schedule A, may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv).
  2. No digging or excavation shall be permitted in the Soil Easement Areas without prior written approval of DOE and NYSDEC.
  3. Vegetable gardens and farming are prohibited in the Soil Easement Areas.
  4. The use of groundwater underlying the Site, as described in Schedule B, is prohibited without necessary water quality treatment as determined by the NYSDOH or the Albany County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from NYSDEC.
  5. The potential for vapor intrusion must be evaluated for any buildings designed for occupancy on the Site, as described in Schedule B, and appropriate actions to address exposures must be implemented.
  6. Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in this SMP.
  7. All future activities that will disturb remaining contaminated material must be conducted in accordance with this SMP.
  8. Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in this SMP.
  9. Maintenance, monitoring, inspection, and reporting of any physical component of the remedy shall be performed as defined in this SMP.
- B. The Soil Easement Areas shall not be used for residential use as defined by 6 NYCRR 375-1.8(g)(2)(i) which means that these areas cannot be used for single-family homes; the raising of livestock; or producing animal products for human consumption. The above-stated institutional controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.
- C. Grantor or its assigns must provide all persons who acquire any interest in the Easement Areas a true and complete copy of the SMP that the Department approves for the Easement Areas and all Department-approved amendments to that SMP.
- D. Grantor and its assigns covenant and agree that until the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Easement Area shall state in at least fifteen-point bold-faced type:

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

- E. Grantor and its assigns covenant and agree that this Environmental Easement shall be

incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Easement Area.

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

4. Reserved Grantor's Rights. Grantor reserves for itself and its assigns all rights as fee Owner of the Easement Area not granted herein including:

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

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Easement Areas, by operation of law, by deed or by indenture, subject and subordinate to this Environmental Easement.

5. Enforcement

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

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

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

6. Federal Authority. Nothing in this document shall limit or otherwise affect Grantor's rights of entry or access or Grantor's authority to take response actions under CERCLA, the NCP or other federal law.

County: Albany

NYSDEC Site Number: 4-0126-00200/00005

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

Albany County, NYSDEC Site Number 4-0126-00200/00005, [Cooperative Agreement], and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: 4-0126-00200/00005  
Office of General Counsel NYSDEC  
625 Broadway  
Albany New York 12233-5500

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

And if to Grantor:                                 DOE Office of Legacy Management  
2597 Legacy Way  
Grand Junction, CO 81503  
ATTN: Realty Officer

And if to USACE:                                 U.S. Army Corps of Engineers  
Program and Project Management Division  
26 Federal Plaza New York, NY 10278-0090

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

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

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

County: Albany

NYSDEC Site Number: 4-0126-00200/00005

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

11. Grantor's Opportunity to Review and Comment. The Grantee shall provide Grantor and USACE with a notice of, and a reasonable opportunity to review and comment upon, requested approvals or actions under this Environmental Easement including, without limitation, request for Amendment pursuant to Paragraph 8 hereof and Extinguishment pursuant to Paragraph 9 hereof.

12. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

**Remainder of Page Intentionally Left Blank**



County: Albany

NYSDEC Site Number: 4-0126-00200/00005

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

By:

  
Michael J. Ryan, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

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

On the 17<sup>th</sup> day of April, in the year 2020 before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public, State of New York

JENNIFER ANDALORO  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2021

**SCHEDULE "A" SOIL EASEMENT AREA DESCRIPTION**

**Survey Unit 124  
Lands of the United States of America  
Town of Colonie, County of Albany, State of New York  
Area: 1,716 ± Square Feet of Land**

All that certain tract, piece or parcel of land situate in the Town of Colonie, County of Albany, State of New York lying generally Southwest of Central Avenue and Northerly of lands formerly of New York Central Railroad lands now or formerly of Consolidated Rail Corporation and generally Southeast of Railroad Avenue, and being more particularly bounded and described as follows:

Commencing at the point of intersection of the division line between the lands of the United States of America as described in Book 2268 of Deeds at Page 141 and Book 2256 of Deeds at Page 590 on the Southeast and the lands now or formerly of Hadi Ipek and Havzi Ipek as described in Book 2835 of Deeds at Page 760 on the Northwest with the division line between the lands of the United States of America on the north and the lands formerly of the New York Central Railroad lands now or formerly of Consolidated Rail Corporation on the South; thence from said point of commencement along the first mentioned division line North 76 degrees 51 minutes 24 seconds West 134.91 feet to the point or place of beginning and runs thence from said point of beginning through the said lands of the United States of America as described in Book 2268 of Deeds at Page 141 and Book 2256 of Deeds at Page 590 the following (3) courses: 1) North 13 degrees 08 minutes 36 seconds, East 33.00 feet to a point; 2) South 76 degrees 51 minutes 24 seconds East 52.00 feet to a point; and 3) South 13 degrees 08 minutes 36 seconds West 33.00 feet to a point on the division line between said lands of the United States of America on the North and the said lands now or formerly of Consolidated Rail Corporation on the South; thence North 76 degrees 51 minutes 24 seconds West along the last mentioned division line 52.00 feet to the point or place of beginning and containing 1,716± square feet of land. Subject to any covenants, easements or restrictions of records.

**SCHEDULE "A" SOIL EASEMENT AREA DESCRIPTION, continued**

**North Lawn Easement Area  
Lands of the United States of America  
Town of Colonic, County of Albany, State of New York  
Area: 2,500 ± Square Feet of Land**

All that certain tract, piece or parcel of land situate in the Town of Colonic, County of Albany, State of New York lying Southwest of Central Avenue and generally Southeast of McNutt Road, and being more particularly bounded and described as follows:

Beginning at a point on the Southwesterly road boundary of Central Avenue (99-foot-wide right of way), said point being situate South 40 degrees 12 minutes 14 seconds East as measured along said Southwesterly road boundary of Central Avenue, a distance of 18.51 feet from its point of intersection with the division line between the lands of the United States of America as described in Book 2256 of Deeds at Page 590 on the Southeast and the lands now or formerly of the Niagara Mohawk Power Corporation as described in Book 915 of Deeds at Page 251 on the Northwest and runs thence from said point of beginning along said southwesterly road boundary of Central Avenue South 40 degrees 12 minutes 14 seconds East 50.00 feet to a point; thence through the said lands of the United States of America as described in Book 2256 of Deeds Page 590 the following three (3) courses: 1) South 49 degrees 47 minutes 46 seconds West 50.00 feet to a point; 2) North 40 degrees 12 minutes 14 seconds West 50.00 feet to a point; and 3) North 49 degrees 47 minutes 46 seconds East 50.00 feet to the point or place of beginning and containing 2,500± square feet of land. Subject to any covenants, easements, or restrictions of records.

**SCHEDULE "A" SOIL EASEMENT AREA DESCRIPTION, continued**

**Survey Unit 104**

**Lands of the United States of America  
Town of Colonie, County of Albany, State of New York  
Area: 5,171 ± Square Feet of Land**

All that certain tract, piece or parcel of land situate in the Town of Colonie, County of Albany, State of New York lying generally Southwest of Central Avenue and generally Southeast of McNutt Road, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the division line between the lands of the United States of America as described in Book 2268 of Deeds at Page 141 and Book 2256 of Deeds at Page 590 on the Southwest and the lands now or formerly of the Niagara Mohawk Power Corporation as described in Book 915 of Deeds at Page 251 on the Northeast with the division line between the said lands of the United States of America on the Southeast and the lands now or formerly of TJM Enterprises of Albany, LLC as described in Book 2943 of Deeds at Page 543 on the Northwest and runs thence from said point of beginning along the above first mentioned division line South 40 degrees 18 minutes 04 seconds East 74.56 feet to a point; thence through the said lands of the United States of America the following two (2) courses; 1) South 49 degrees 41 minutes 56 seconds West 47.00 feet to a point; and 2) North 40 degrees 18 minutes 04 seconds West 110.06 feet to a point on the division line between the said lands of the United States of America on the Southeast and the said lands now or formerly of TJM Enterprises of Albany, LLC on the Northwest; thence North 49 degrees 46 minutes 29 seconds East along the last mentioned division line 47.00 feet to the point or place of beginning and containing 5,171± square feet of land. Subject to any covenants, easements or restrictions of records.

**SCHEDULE "B" PROPERTY DESCRIPTION**  
**Lands of the United States of America**  
**1130 Central Avenue**  
**Town of Colonie, County of Albany, State of New York**  
**Area: 11.29 ± Acres of Land**

All that certain tract, piece or parcel of land situated, lying and being in the Town of Colonie, County of Albany, State of New York, lying Southwest of Central Avenue, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Southwesterly boundary of Central Avenue 99 foot-wide right-of-way with the division line between the lands of The United States of America as described in Book 2256 of Deeds at Page 590 on the Northwest and the lands now or formerly of Edge of Woods Holding Group, Ltd. as described in Book 2648 of Deeds at Page 826 on the Southeast and runs thence from said point of beginning South 49 deg. 50 min. 56 sec. West along the above mentioned division line 154.71 feet to the point of intersection of the common division line between the lands of The United States of America on the Southwest and the lands now or formerly of Edge of Woods Holding Group, Ltd. as described in Book 2648 of Deeds at Page 826 and lands now or formerly of MBF Management Corporation as described in Book 2865 of Deeds at Page 977 on the Northeast; thence South 40 deg. 09 min. 04 sec. East along the above last mentioned common division line 282.62 feet to the point of intersection of the division line between the lands of The United States of America on the Northwest and the lands now or formerly of Donald Grimm as described in Book 2673 of Deeds at Page 237 on the Southeast; thence South 47 deg. 15 min. 51 sec. West along the above last mentioned division line 125.43 feet to the point of intersection of the division line between the lands of The United States of America on the North and the lands formerly of New York Central Railroad lands now or formerly of Consolidated Rail Corporation on the South said division line being the municipal division line between the Town of Colonie on the North and the City of Albany on the South; thence North 76 deg. 51 min. 24 sec. West along the above last mentioned division line 1,130.65 feet to the point of intersection of the common division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 on the Southeast and the lands now or formerly of Hadi Ipek and Hayzi Ipek as described in Book 2835 of Deeds at Page 760 and lands now or formerly of the Town of Colonie on the Northwest; thence North 49 deg. 00 min. 32 sec. East along the above last mentioned common division line 507.01 feet to its intersection with the common division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 on the Northeast and the lands now or formerly of the Town of Colonie and lands now or formerly of Hadi Ipek and Hayzi Ipek on the Southwest; thence North 56 deg. 44 min. 01 sec. West along the above last mentioned common division line 203.50 feet to its intersection with the division line between the lands of The United States of America on the Southeast and the lands now or formerly of Niagara Mohawk Power Corporation as described in Book 1494 of Deeds at Page 305 on the Northwest; thence North 49 deg. 46 min. 29 sec. East along the above last mentioned division line 127.37 feet to the point of intersection of the division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 on the Southwest and the lands now or formerly of Central Ventures 46 Inc. on the Northeast; thence along the above last mentioned division line the following seven (7) courses: 1) South 30 deg. 34 min. 41 sec. East 101.44 feet to a point; 2) thence North 49 deg. 46 min. 29 sec. East 25.00 feet to a point; 3) thence South 40 deg. 13 min. 31 sec. East 50.00 feet to a point; 4) thence North 49 deg. 46 min. 29 sec. East 4.00 feet to a point; 5) thence South 16 deg. 32 min. 41 sec. East 45.58 feet to a point; 6) thence North 49 deg. 48 min. 29 sec. East 17.33 feet to a point; and 7) thence South 24 deg. 18 min. 21 sec. East 36.35 feet to its intersection with the division line between the lands

of The United States of America on the Southeast and the lands now or formerly of Central Ventures 46 Inc. on the Northwest; thence North 49 deg. 42 min. 29 sec. East along the above last mentioned division line 207.73 feet to a point at the intersection of the division line between the lands of The United States of America as described in Book 2268 of Deeds at Page 141 and Book 2256 of Deeds at Page 590 on the Southwest and the lands now or formerly of Niagara Mohawk Power Corporation as described in Book 915 of Deeds at Page 251 on the Northeast; thence South 40 deg. 18 min. 04 sec. East along the above last mentioned division line 209.56 feet to the point of intersection of the division line between the lands of The United States of America on the Southeast and the lands now or formerly of Niagara Mohawk Power Corporation on the Northwest; thence North 49 deg. 41 min. 56 sec. East along the above last mentioned division line 169.59 feet to the intersection with the above mentioned Southwesterly boundary of Central Avenue; thence South 40 deg. 12 min. 14 sec. East along the Southwesterly boundary of Central Avenue 385.26 to the point or place of beginning and containing 11.29 acres of land, more or less.

## Exhibit C

**NOTICES PURSUANT TO SECTION 120(h)(3)(A)(i)(I) and (II) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980 (42 U.S.C. §9620(h)(3)(A)(i) (I) and (II)):** Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 U.S.C. §9620(h)(3)(A)(i) (I) and (II)) and based upon a complete search of agency files, the Grantor provides the following information; 1) the type and quantity of hazardous substances that were known to have been released or disposed of or stored for one year or more on the Property; 2) the time such storage, release or disposal took place.

### Site History

Industrial operations at the Site began in 1923, when a facility was built for manufacturing wood products and toys. In 1927, the facility was converted to a brass foundry for manufacturing railroad components. In 1937, National Lead purchased the facility for conducting electroplating operations. Chemicals used in the plating operations included various acids, bases, metals, and degreasing solvents. National Lead also bought an adjacent lot that contained a portion of Patroon Lake. In 1958, National Lead began producing items manufactured from uranium and. The plant handled enriched uranium from 1960 to 1972. During that time, National Lead held several contracts to manufacture fuel from enriched uranium for use in nuclear reactors. Uranium-bearing dust released from the plant exhaust stacks spread to Site buildings, portions of the grounds, and 56 commercial and residential Vicinity Properties. National Lead also placed contaminated casting sand into the former Patroon Lake. The historical industrial operations at the Colonie Main Site resulted in impacts to soil, groundwater, other media (i.e., dust), and structures at the Site and its vicinity. (USACE, 2018)

Other processes at the plant included an electro polishing operation for plating uranium with nickel and cadmium. Chemicals used in the plating operation included tetrachloroethene, nickel sulfamate, sodium cyanide, ferric chloride, nitric acid, silicate phosphate, iridite (chromium brightener), cadmium metal, nickel metal, and boric acid. The location and method of disposal for most of these materials are unknown because very few disposal records could be located. However, historic National Lead correspondence indicates that under an AEC license, approximately 42 cubic meters of graphite, slag, refractory uranium oxide, oil, metal scrap, and burnable trash had been buried in the Patroon Lake area by 1961. Chemical wastes and packaged chemicals used at the Site included: acids, bases, degreasing agents, carbon tetrachloride, benzene, polychlorinated biphenyls, cyanide, heavy metals, and asbestos. The chemicals present on the Resource Conservation and Recovery Act (RCRA) Part A permit application were removed from the Site as part of its closure as an interim RCRA storage facility. (USACE, 2018) Various industrial operations utilizing acids, bases, and chlorinated solvents were conducted at the Site. One of the processes conducted between 1958 and 1984 included an operation for electroplating uranium with nickel and cadmium. Historic drawings of the former main building within the Site showed one of the former rooms labeled as "Plating." Chemicals used in the plating operation included various acids, bases, metals, and tetrachloroethene. A degreasing bath containing tetrachloroethene was reportedly used in the plating operation. Chemical wastes and packaged chemicals used also included carbon tetrachloride, benzene, polychlorinated biphenyls, and asbestos. (USACE, 2018)

Based on a review of historical surveys, aerial photographs, and results of the investigation conducted during 1988-1989, one burial area (Patroon Lake area) and chemical contamination of

surfaces within the processing building were identified as likely sources of organic contamination at the Site. (USACE, 2018)

The AEC contract was terminated in 1968, and work at the plant afterwards was devoted to fabricating shielding components, aircraft counterweights, and artillery projectiles from depleted uranium. The New York State Supreme Court shut down the National Lead plant in 1984 due to environmental concerns (i.e., emitting uranium compounds in airborne releases). National Lead sold the site to the US government in 1984 for the purpose of cleanup. Management of this federally-owned property was transferred to the Department of Energy (DOE) by Congress through the Energy and Water Development Appropriations Act of 1984. From 1984 to the fall of 1997, the Site was managed by the DOE. (USACE, 2018)

In 1987, 147 containers of nonradioactive, hazardous waste were shipped off site to a RCRA-permitted disposal facility. Articles containing polychlorinated biphenyls (i.e., transformers and capacitors) were shipped off-site in 1990 and 1991. In April 1992, 191 containers of mixed waste were transported off site to a permitted mixed waste disposal facility. The mixed waste originated from an electroplating process for plating uranium with nickel and cadmium and from use of chemicals in various plant processes and laboratory procedures. (Heritage, 1995)

The wastes stored at the site contained low-level radioactivity, halogenated hydrocarbons, and metals. Several of the wastes contained heavy metals, cresols, trichloroethene, and tetrachloroethene at concentrations exceeding toxicity characteristic leaching procedure regulatory levels. Some wastes exhibited other RCRA-hazardous waste characteristics such as ignitability. As a result, the wastes were classified as RCRA-listed, RCRA-characteristic, and radioactive-hazardous mixed wastes. (Heritage, 1995)

In 1997, responsibility for the investigation/remediation execution of the Formerly Utilized Sites Remedial Action Program (FUSRAP) was transferred by Congress to the US Army Corps of Engineers (USACE). (USACE, 2018)

### **Regulatory Designations**

The RCRA-hazardous waste codes assigned to the various waste streams were based on knowledge of the process generating the waste and results of off-site laboratory analysis of representative samples of the wastes. The following hazardous waste codes were assigned to wastes at the site:

- D001, D002, D003, D006, D007, D008, D009, D010, D011, D018, D019, D022, D023, D024, D025, D028, D039, D040;
- F001, F002, F007, F008, F009; and
- U151, U211, U226.

The RCRA-hazardous waste codes assigned to the various wastes are included in the RCRA-waste inventory summary provided in Table 1. (Heritage, 1995)

### **Volume of RCRA Waste Removed From Site**

The revised Part A waste inventory (Table 1) lists of 68 containers of mixed radioactive-hazardous waste and 19 containers of hazardous waste. The majority of these wastes were used oils.

The estimated initial volumes of wastes in the revised Part A inventory are:

- 900 gallons of liquid hazardous waste;
- 2,000 gallons of liquid mixed waste; and
- 7 cubic yards of solid mixed waste. (Heritage, 1995)

### **Wastes in Soil and Groundwater**

In 2007 USACE completed the large-scale soil removal action at the Main Site involving excavation and off-site disposal of over 135,000 cubic yards of soil contaminated with radionuclides, metals, and volatile organic compounds. Once USACE determined and NYSDEC concurred that a final status survey unit met the cleanup criteria, the area was backfilled with certified clean fill material and restored (i.e., graded and seeded). A minimum of six inches and average of two feet of clean backfill soil was placed over the Site. Approximately 160,581 cubic yards of backfill materials, including gravel for operational haul roads, general backfill, bedding sand for utilities, and topsoil were placed. (USACE, 2018)

A total of 8,739 intermodal containers containing 193,381 tons of soil and debris were sent via rail for off-site disposal. Most of the waste was sent to one of two disposal facilities, US Ecology in Idaho and EnergySolutions (formerly Envirocare) in Utah. USACE executed waste profiles with each of these facilities and annually recertified these waste profiles. All materials shipped offsite were subject to periodic off-site laboratory analysis to document compliance with waste acceptance criteria and profiles. Waste profile compliance quality assurance (QA) sampling was conducted at the Site; samples were analyzed onsite and sent to off-site certified laboratories. (USACE, 2018)

In 2010, USACE initiated a groundwater monitoring program to measure the progress of the monitored natural attenuation remedy by assessing the attenuation of four specific volatile organic compounds identified as contaminants of concern that had concentrations above protective levels: tetrachloroethene, cis-1,2-dichloroethene, trichloroethene, and vinyl chloride. Currently the site is undergoing long term groundwater monitoring program by DOE. (USACE, 2018)

Table 1: 1992 Revised Part A RCRA Permit Inventory

323	SUMP #6	D006	SOLID	RMW DISPOSAL	55-GAL DRUM
324	SUMP #6	F001,D006,D023,D024,D025	SOLID	RMW DISPOSAL	55-GAL DRUM
330	PENETRANT DYE	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
333	PENETRANT DYE	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
335	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
336	WASTE OILS	PCB,D039	LIQUID	RAD,TSCA,RCRA DISPOSAL	55-GAL DRUM
338	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
339	WASTE OILS	F002,D011,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
340	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
341	WASTE OILS	F002,D006,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
342	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
343	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
344	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
345	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
346	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
347	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
348	WASTE OILS	F002,D001	LIQUID	RMW DISPOSAL	55-GAL DRUM
349	WASTE OILS	F002,D039,D040	LIQUID	RMW DISPOSAL	55-GAL DRUM
350	WASTE OILS	F002,D001,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
351	WASTE OILS	F002,D001,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
352	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
353	WASTE OILS	F002,D001,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
354	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
355	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
356	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
358	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
360	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
361	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
362	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
364	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
366	WASTE OILS	F002,D001,D006,D008,D009,D028,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
367	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
369	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
371	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
372	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
373	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
375	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
377	WASTE OILS	F002,D039,D040	LIQUID	RMW DISPOSAL	55-GAL DRUM
378	WASTE OILS	F002,D006,D039,D040	LIQUID	RMW DISPOSAL	55-GAL DRUM
379	WASTE OILS	F002,D001,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
380	WASTE OILS	F002,D001,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
383	WASTE OILS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
385	PRESS SUNIP	F001,D001	LIQUID & SOLID	RMW DISPOSAL	55-GAL DRUM
386	PRESS SUNIP	F001,D001	LIQUID & SOLID	RMW DISPOSAL	55-GAL DRUM
388	PRESS SUNIP	F001,D001	LIQUID & SOLID	RMW DISPOSAL	55-GAL DRUM
389	BAY #1 SUNIP	F001,F007,F008,F009,D001	SLUDGES	RMW DISPOSAL	55-GAL DRUM
390	BAY #1 SUMP	F001,F007,F008,F009,D001	SLUDGES	RMW DISPOSAL	55-GAL DRUM
399	WASTE OILS	F002,D001	LIQUID	RMW DISPOSAL	55-GAL DRUM
403	PENETRANT DYE	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
404	WASTE LIQUIDS	F002,D010	LIQUID	RMW DISPOSAL	55-GAL DRUM
405	WASTE LIQUIDS	F002,D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
424	CORROSIVE ACIDS	F002,D002,D006,D007,D009	LIQUID	RMW DISPOSAL	55-GAL DRUM
426	PHENOLS/BENZENES	F002,D001,D018,D023,D024,D025	LIQUID	RMW DISPOSAL	55-GAL DRUM
427	CL HYDROCARBONS	F002,D001,D006,D008,D019,D022	LIQUID	RMW DISPOSAL	55-GAL DRUM
428	ALCOHOLS	F002,D001,D009	LIQUID	RMW DISPOSAL	55-GAL DRUM
431	MERCURY	U151	ELEMENTAL	RMW DISPOSAL	0.5-LITER BOTTLE
440	DYLON GRAPHITE CEMENT	D001,D023	SOLID	RMW DISPOSAL	1-GAL CAN
447	1,1,1-TRICHLOROETHANE	U226	LIQUID	RMW DISPOSAL	1-GAL BOTTLE
455	GUNK HYDROSEAL	D039	LIQUID	RMW DISPOSAL	55-GAL DRUM
457	TRACER OIL	F002,D023,D024,D025	LIQUID	RMW DISPOSAL	55-GAL DRUM
460	CCL4	U211	LIQUID	RMW DISPOSAL	5-GAL BUCKET
461	"MIGHTY STRIP"	F002,D018	LIQUID	RMW DISPOSAL	55-GAL DRUM
471	UNKNOWN	D003	LIQUID	RMW DISPOSAL	55-GAL DRUM
476	UNKNOWN	D009	LIQUID	RMW DISPOSAL	5-GAL CAN
477	UNKNOWN	D006	LIQUID	RMW DISPOSAL	3-GAL BUCKET
479	SERPLEX	D009	LIQUID	RMW DISPOSAL	5-GAL BUCKET
507	UNKNOWN	D011	LIQUID	RMW DISPOSAL	200 ml

Table 1, Continued: 1992 Revised Part A RCRA Permit Inventory

510	OIL	F002,D001,D023	LIQUID	RMW DISPOSAL	40-GAL DRUM
519	OIL	PCB	LIQUID	RMW DISPOSAL	200-ml BOTTLES
571	FROM OIL SPILL OF 352	D039	SOLID	RMW DISPOSAL	55-GAL DRUM
572	FROM OIL SPILL OF 352	D039	SOLID	RMW DISPOSAL	55-GAL DRUM
577	BRULIN CEMENT SEAL	D001	SOLID	RMW DISPOSAL	5-GAL BUCKET
578	KLEAN-STRIP	F002,D001	LIQUID	RMW DISPOSAL	10-GAL OVERPACK
582	SETTLING BASIN WASTE	F001	SOLID	RMW DISPOSAL	55-GAL DRUM
583	SETTLING BASIN WASTE	F001	SOLID	RMW DISPOSAL	55-GAL DRUM
584	SETTLING BASIN WASTE	F001	SOLID	RMW DISPOSAL	55-GAL DRUM
621	FROM 323	D006	SOLID	RMW DISPOSAL	55-GAL DRUM
622	FROM 324	F001,D006,D023,D024,D025	SOLID	RMW DISPOSAL	55-GAL DRUM
623	FROM 324	F001,D006,D023,D024,D025	SOLID	RMW DISPOSAL	55-GAL DRUM
624	FROM 324	F001,D006,D023,D024,D025	SOLID	RMW DISPOSAL	55-GAL DRUM
625	FROM 389	F001,F007,F008,F009,D001	SOLID	RMW DISPOSAL	55-GAL DRUM
626	FROM 389	F001,F007,F008,F009,D001	SLUDGES	RMW DISPOSAL	55-GAL DRUM
627	FROM 390	F001,F007,F008,F009,D001	SLUDGES	RMW DISPOSAL	55-GAL DRUM
628	FROM 390	F001,F007,F008,F009,D001	SLUDGES	RMW DISPOSAL	55-GAL DRUM
629	FROM 383	F001	SOLID	RMW DISPOSAL	55-GAL DRUM
630	FROM 383	F001	SOLID	RMW DISPOSAL	55-GAL DRUM
631	FROM 385	F001,D001	SOLID	RMW DISPOSAL	55-GAL DRUM

(Source for table: Heritage, 1995)

#### References

Heritage (Heritage Environmental Services), 1995. RCRA Closure Certification Report, Colonie Interim Storage Site, Colonie, New York, September.

USACE (U.S. Army Corps of Engineers), 2018. *Final Site Closeout Report for the Colonie FUSRAP Site*, New York District, June.

## **Appendix B**

### **Entry Procedure for Offsite Properties**

## **B1.0 Entry Procedure for Offsite Properties**

LMS personnel cannot perform work on offsite properties without prior written agreement with the offsite property owners.

To gain access to the two offsite wells, a right-of-entry agreement is needed. LM and the LMS contractor maintain such an agreement with Amtrak, and a complete copy of the right-of-entry and contact information is stored in the project and Asset Management support files. Key details related to the right-of-entry are summarized in Table B-1. The agreement contains additional details and should be carefully reviewed while planning site work.

Access by NYSDEC representatives is not addressed in the right-of-entry granted to LM and the LMS contractor. NYSDEC and Amtrak have a Cooperative Agreement that allows NYSDEC representatives to make unannounced inspections on Amtrak property.

The SMP requires that NYSDEC receive notification at least 7 days before any remedial program-related field activity, which includes both the annual site inspection and periodic groundwater sampling. The LM site manager and LMS site lead coordinate site access requirements with NYSDEC at least 7 days in advance and provide plans about activities for each day of fieldwork. The NYSDEC project manager may make periodic unannounced visits to the site to observe the work.

Table B-1. Key Details Related to Each Right-of-Entry

Grantor/ Grantee	Purpose	Terms and Requirements	Notifications	Notes
<p>Amtrak and RSI EnTech, LLC, expiring November 30, 2025. <i>Agreement will be renewed for 2027.</i></p>	<p>Access by the LMS contractor (and LM as sponsor) to sample offsite monitoring wells MW-34S and MW-37S, which are on Amtrak property</p>	<ul style="list-style-type: none"> <li>• 1-year term.</li> <li>• Annual fee and insurance coverage.</li> <li>• Prior safety training on the Amtrak website and issuance of worker ID cards.</li> <li>• A copy of agreement required while onsite.</li> <li>• High-visibility vests, hearing protection, safety glasses with side shields, hardhats, and steel-toed safety shoes.</li> <li>• Coordination with Amtrak district engineer at least 2 weeks before fieldwork.</li> <li>• Onsite entry meeting with Amtrak district engineer or track foreman.</li> <li>• Oversight by Amtrak engineer or foreman.</li> <li>• After sampling, Amtrak will receive analysis results.</li> </ul>	<ul style="list-style-type: none"> <li>• 10 working days written prior notification to Amtrak</li> <li>• Coordinate with district engineer 2 weeks in advance</li> <li>• Document notifications on the <i>Landowner/ Stakeholder Notification Form</i> (LMS 1013)</li> </ul>	<ul style="list-style-type: none"> <li>• Amtrak foreman requests reminder 1 week before fieldwork begins</li> <li>• Requires that a track foreman be present for the sampling work</li> </ul>
<p>Property owner</p>	<p>Access by the LMS contractor, and LM as sponsor, to sample, develop, or perform maintenance or repairs to onsite wells</p>	<ul style="list-style-type: none"> <li>• LM has a permanent right of access to all portions of the property for environmental investigation, remediation, or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to grantor.</li> <li>• LM and its respective officers, agents, employees, contractors, and subcontractors shall have the right to enter upon the Property and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation, and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities, responses, or remedial actions, shall be coordinated with the record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.</li> <li>• The deed requires reasonable advance written notice to the record title owner prior to performing work but does not define 'reasonable.'</li> </ul>	<ul style="list-style-type: none"> <li>• LM will provide reasonable advance notice to the property owner prior to any activities</li> </ul>	<ul style="list-style-type: none"> <li>• Access right stems from the deed (see Appendix A)</li> </ul>

## **Appendix C**

### **Supplemental Emergency Response Information**

# Supplemental Emergency Response Information (SERI)

## Colonie, New York, Site

**Date Issued:** 2/24/2025

This document shall be implemented in accordance with the *LM/LMS Worker Emergency Response Procedure* (LM-Procedure-3-20-21.0-2.0, LMS/POL/S37549-2.0) to provide emergency response information specific to the Office of Legacy Management (LM) center, facility, project, or site.

The Legacy Management Support (LMS) site lead, facility lead, subtask manager, or site emergency coordinator is responsible for submitting updates to Emergency Management annually or as needed. All sections must be completed. Updates can be emailed to [EmergencyManagement@lm.doe.gov](mailto:EmergencyManagement@lm.doe.gov).

1. Address or GPS information: GPS information should be included for projects and sites that do not have a street address to help emergency responders locate workers. If the site has a street address, GPS information is not required.
2. First responder contact information includes direct telephone numbers for responders (e.g. 24-hour dispatch center, direct number to emergency room) nearest to the center, facility, project, or site.
3. Center and facility maps display locations for assembly areas, shelter-in-place locations, fire alarm pulls, fire extinguishers, first aid supplies, automated external defibrillators, and emergency resource kits.

**OR**

Site or project maps display access roads, evacuation routes, and shelter-in-place locations, where appropriate, for buildings.

4. Accountability area zones or designations for centers, facilities, projects, or sites that have more than one assembly area.
5. Identify **Site-Specific Hazards**: Provide a short description and mitigation strategies, as required.

**Site Emergency Notification Communication Capabilities**: Describe methods used at the site, project, or facility to notify occupants/workers of protective actions.

**Emergency Considerations**: Include information unique to the center, facility, project, or site that may impact emergency response (e.g., locked gate access, after-hours access, directions to hospitals/clinics, special emergency response instructions). This information cannot supersede any Emergency Management program procedure.

**DIAL 911 IN AN EMERGENCY.  
AFTER CALLING 911, CALL THE WATCH OFFICE AT 1-303-404-6100.**

**1. ADDRESS OR GPS COORDINATES**

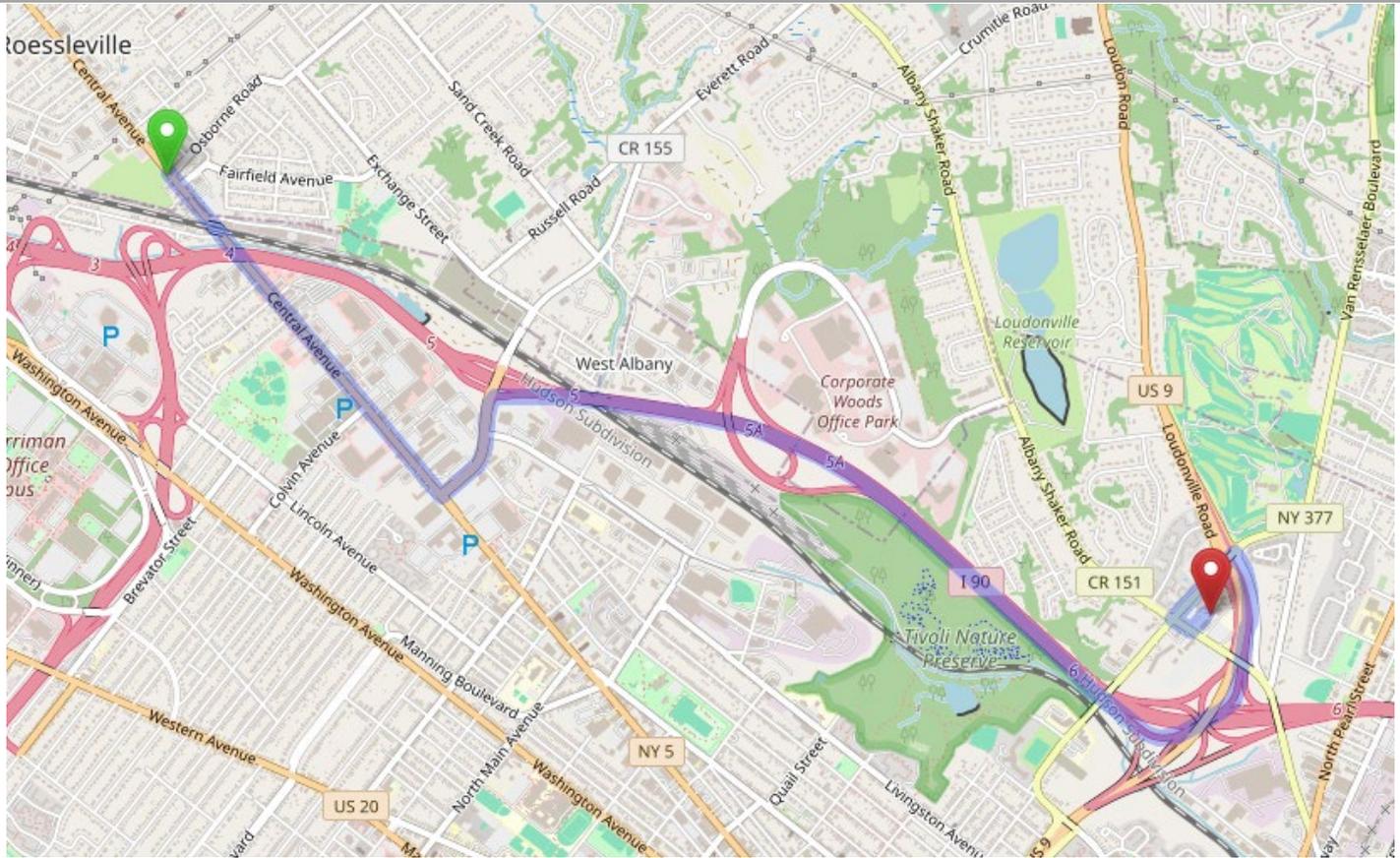
1130 Central Avenue  
Colonie, NY 12205

**2. FIRST RESPONDER CONTACT INFORMATION**

Type	Name	First Call	Direct Number
Fire	West Albany Fire Department	911	518-549-6311
Wildland fire	West Albany Fire Department	911	518-549-6311
Police or Sheriff	Albany Police Department	911	518-458-9148
Medical facility	Albany Med EmUrgent Care 98 Wolf Road, Suite 16 Albany, NY 12205	911	518-264-9000
Emergency room	Samaritan Hospital 600 Northern Boulevard Albany, NY 12204	911	548-471-3221

# Supplemental Emergency Response Information (SERI) Colonie, New York, Site

## 3. MAPS



## 4. ACCOUNTABILITY AREAS

All areas will muster to front gate if needed.

BUILDING	ZONE OR DESIGNATION	ASSEMBLY AREA
Not applicable	All areas	Front gate

## 5. ADDITIONAL CONDITIONS

Hazards (if applicable)	Description (if applicable)	Mitigation Strategy (if applicable)
<input type="checkbox"/> No cellular service/unreliable reception		
<input checked="" type="checkbox"/> Rough terrain	Overgrown vegetation, railroad trackbed	
<input type="checkbox"/> Public access to site		

## Supplemental Emergency Response Information (SERI)

### Colonie, New York, Site

<input type="checkbox"/>	Radiological hazards		
<input type="checkbox"/>	Chemical hazards		
<input checked="" type="checkbox"/>	Natural hazards	Ticks	
<input type="checkbox"/>	Other		

#### Site Emergency Notification Communication Capabilities

The Colonie site is unoccupied. Each person that is on the Site must notify the site lead about visiting in advance. During site visits, the Operations Lead, lead inspector, sampler, or maintenance site safety supervisor is responsible for contacting emergency response entities.

Workers who are not located nearby shall rely on telephones. In the event of an emergency, three horn blasts shall be used to notify workers that an emergency exists and to assemble. The preferred assembly area is the front gate.

#### Emergency Considerations

**Safety and Health Reference:** 1 Source at 1-866-622-7348