

**Greenpoint Petroleum Remediation Project (ExxonMobil)
Corrective Action Plan (“CAP”)**

I.	General Principles	1
II.	Conceptual Site Plan	1
III.	Recovery System Operation, Expansion, Evaluation and Optimization.....	1
IV.	Reporting.....	3
V.	Groundwater Evaluation and Remediation	4
VI.	Soil Evaluation and Remediation.....	6
VII.	Soil and Residual Contamination Management Plan.....	6
VIII.	Soil Vapor Evaluation and Mitigation and Ambient Air Monitoring	7
IX.	Remedy Selection.....	9
X.	Meetings	22
XI.	Interim Remedial Measures	23
XII.	Notifications	23
XIII.	Applicable Policy and Procedures	24
XIV.	Milestone Schedule	25
XV.	Major Oil Storage Facility Termination.....	25
XVI.	Project Oversight.....	25
XVII.	Permitting/Permitting Exemptions.....	25
XVIII.	Citizen Participation Plan.....	25
XIX.	Hazardous Substances & Hazardous Waste.....	25
XX.	Contamination Not Attributable to ExxonMobil’s Operations.....	26

I. General Principles

For the purposes of this Corrective Action Plan (“CAP”), the Site shall be defined in the Consent Decree between the State of New York and ExxonMobil stipulated to by the Parties on October 27, 2010 and November 16, 2010 (the “Consent Decree”). The boundaries of the Site are indicated on the Site Map attached as Exhibit 1 to the Consent Decree. Where the Site borders Newtown Creek, the Site boundary includes any bulkheads that border the defined Site, but the Site does not extend into Newtown Creek.

This CAP shall be subject to, and interpreted consistently with the terms of the Consent Decree, including but not limited to the General Principles contained in Article II of the Consent Decree. ExxonMobil shall investigate and/or remediate contamination caused by ExxonMobil’s Operations, as defined in Consent Decree Article I, Paragraph 3, within the Site or any contamination that emanated from the Historical Footprint, as defined in Consent Decree Article II, Paragraph 4 (collectively, the “Contamination”).

II. Conceptual Site Plan

A Conceptual Site Plan (“CSP”) addressing all media impacted or potentially impacted by the Contamination will be provided to New York State Department of Environmental Conservation (“NYSDEC”). The intent of the CSP is to provide a preliminary summary of Site status and develop a schedule for completing evaluations on the Site. The CSP will be submitted as required in Attachment A: CAP Milestone Schedule. The CSP will define operable units (considering geographic areas and media) for the Site and will set forth a schedule for investigations by media, alternative analysis by media and, where applicable, remedy selection by media, remedy implementation by media, and operation & maintenance activities. The parties recognize that, among other things, the presence of historical fill, existing structures and/or infrastructure, as well as the nature and extent of the Contamination, may prevent a return of the Site to pre-release conditions, and the parties agree that these factors shall be considered as factors in remedy selection. The alternative analysis and remedy selection process will detail these factors if applicable.

The CSP will also include a Site Conceptual Model (“SCM”) developed based on the results of previous investigations and remediation activities. The SCM shall provide a summary of: ExxonMobil’s Operations and sources of Contamination, area-wide geological and hydrogeological conditions, the nature and extent of Contamination, fate and transport characteristics, and potential exposure pathways and receptors.

III. Recovery System Operation, Expansion, Evaluation and Optimization

A. Subject to the terms of the Consent Decree, including but not limited to Paragraph 20 of the Consent Decree, ExxonMobil will continue to operate the existing product recovery systems to remove liquid-phase free product and groundwater from beneath the Site.

- B. ExxonMobil will complete the installation and startup of the additional dual-pump extraction well RW-26 and necessary treatment system and infrastructure upgrades to accommodate the additional extraction wells.
- C. ExxonMobil will complete an evaluation of the effectiveness of the expanded recovery system (11 additional dual-pump wells). A Recovery System Evaluation Report (“RSER”) will be submitted as required in Attachment A: CAP Milestone Schedule, and will include:
1. Evaluation of historical extent of the plume and comprehensive evaluation of current area and vertical extent of plume, using existing and additional data, as necessary;
 2. Status and progress of the ongoing remedial efforts, including amount of free product recovered to date, effect of groundwater extraction, results of sampling and monitoring activities, and effectiveness of ongoing remedial effort;
 3. Description, data and results from previous numerical groundwater modeling and separate-phase product (multi-phase) modeling efforts;
 4. Selection and discussion of appropriate additional modeling tasks to be performed as part of the ongoing evaluations of free product and groundwater recovery. Due to the Site complexity and the inherent uncertainties and limitations of the multi-phase numerical models, all future multi-phase modeling efforts will be focused on specific areas and remediation objectives rather than on developing a Site-wide predictive model. Should multiple models be necessary to achieve the modeling objectives, separate models will be used. Detailed statements of the reasons for selection of a particular model will be included;
 5. Identification of data gaps requiring additional investigation work, if any;
 6. Identification of areas of recoverable free product, if any, that appear to be outside of the influence of the ongoing and expanded product recovery efforts.
- D. ExxonMobil will complete a feasibility study of potential additional measures, including alternative technologies and additional extraction points, to optimize the recovery rate of the petroleum Contamination at the Site. A Product Recovery Optimization Feasibility Study Report (“PROFSR”) will be submitted as required in the CAP Milestone Schedule and in accordance with NYSDEC policy and guidance contained in Article IX and referenced in Article XIII of this CAP. Evaluation of remedial alternatives, remedy selection and remedial action will be conducted, where applicable, according to the schedule provided in the CSP. The remedy selection process for liquid-phase free product will be as outlined in CAP Article IX.

- E. Every five years following the approval of the PROF SR, as described in Paragraph III.D, ExxonMobil will complete a comprehensive evaluation of the effectiveness of the product recovery system, review system performance with respect to meeting objectives and evaluate alternative technologies to determine whether there are any significant improvements that could be made to the recovery system. If the PROF SR includes the implementation of large scale alternative technologies modifying the existing product recovery method, the five-year period shall begin following completion approval for implementing alternative technologies. The comprehensive evaluation shall be consistent with the requirements of the RSER and PROF SR, and the Annual Report requirements in IV.B. The results of the evaluation with recommendations to allow for NYSDEC approval regarding incorporation of alternative technologies, pilot tests of new technologies or other significant upgrades into the remedial system will be submitted to NYSDEC as a stand-alone report.

IV. Reporting

- A. ExxonMobil shall submit quarterly Operation and Maintenance Reports to the NYSDEC summarizing current and historical data regarding the operation and maintenance ("O&M") of remediation systems including but not limited to:
1. The amount of free product recovered from each of the extraction wells;
 2. The amount of groundwater extracted at each recovery well and treated at ExxonMobil's groundwater treatment system;
 3. The results of monitoring-well gauging activities;
 4. The results of any sampling and monitoring activities;
 5. System operation status, such as on-stream efficiency; significant shutdown of groundwater or product pumping by well and for overall system; and summary of treatment component performance;
 6. A summary of any repairs/modifications;
 7. A summary of progress on upgrades or enhancements to the system during the quarterly period;
 8. An update on other or on-going Site remedial or investigation activities; and
 9. Other operational information requested by the NYSDEC.

The Quarterly Operation and Maintenance Reports for the first three quarters of the year will be submitted to the NYSDEC within 45 days of the end of each calendar quarter.

- B. The 4th Quarter Operation and Maintenance Report will be included in the Annual Report which will include but not be limited to:
1. The status and progress of the remedial effort during the calendar year;
 2. The goals for the remediation program during the next calendar year;
 3. A detailed evaluation of alternative technologies or system upgrades that were implemented to enhance and optimize the recovery of free product, and the overall remedial effort;
 4. A detailed evaluation of alternative technologies, system upgrades and/or IRMs that were implemented to enhance and optimize the achievement of cleanup objectives in groundwater, soil and air;
 5. The SCM, including any updates, based upon results of the completed investigations and remediation activities, and discussion of the impact of the updates on the remedial program (including identifying the need for any additional investigations or remedial actions);
 6. Evaluation of the status of commercial area soil vapor mitigation steps, including recommendations for additional monitoring points or additional actions;
 7. An evaluation of soil vapor status in the residential neighborhood, including recommendations for further monitoring, as appropriate;
 8. A discussion of any alternative technologies, upgrades, and IRMs that are planned for the coming year;
 9. Recommendations on pilot projects to further examine modifications to system operation or use of alternative remedial measures; and
 10. Identification of areas where free product has been recovered to the extent feasible and a discussion of further remedial efforts in these areas to address other contaminated media, if any. This should be done consistent with the updated SCM.

The 4th Quarter Operation and Maintenance Report and Annual Report will be provided as required by Attachment A: CAP Milestone Schedule.

V. **Groundwater Evaluation and Remediation**

- A. ExxonMobil will prepare and submit a summary report on available data regarding groundwater conditions on the Site. The summary report will include but is not limited to:

1. Data from past or preliminary investigations and identification of data gaps to be filled in order to develop a more complete understanding of Site groundwater conditions.
2. A work plan to collect further information on the vertical and horizontal extent of dissolved phase groundwater Contamination to determine the nature and extent of Contamination related to the Site.

The work plan will include, at a minimum, the use of monitoring wells, screened as necessary to assess the vertical distribution of Contamination in the groundwater, and means to assess the mass flow of contaminants across the downgradient Site boundary. For areas included in the groundwater assessment, the work plan will include logging and screening of soil conditions, and where warranted by screening, appropriate soil sampling to assess impact of soils on groundwater conditions.

- B. The Groundwater Evaluation Summary Report and Supplemental Work Plan (“GW-SRSWP”) will be provided as required by Attachment A: CAP Milestone Schedule. The GW-SRSWP will be implemented according to a schedule provided therein. An evaluation of need for subsequent or supplemental investigations and remediation will be included in the report to be prepared following completion of the work.
- C. After completing any necessary investigations and a feasibility study concerning groundwater remediation, ExxonMobil shall prepare an Alternative Analysis Report (“AAR”) that includes a description of ExxonMobil’s recommended remedial action. The AAR shall be prepared following the process outlined in CAP Paragraphs IX.A through IX.F. If the State accepts ExxonMobil’s recommended remedial action, the NYSDEC shall proceed in accordance with CAP Paragraph IX.G to obtain public input. ExxonMobil will assist in the presentation of the proposed remedy as deemed necessary by the Department. Following the public comment period, the Department will issue the final remedial plan that included the selected remedy and a responsiveness summary addressing public input and acceptance. If the NYSDEC does not accept ExxonMobil’s recommended remedial action, the decision shall be subject to dispute resolution pursuant to Article XXI of the Consent Decree.
- D. After a remedial action is determined (either through the process set forth in Paragraph V.C. or through dispute resolution), ExxonMobil shall then prepare a Remedial Action Work Plan (“RAWP”) including an implementation schedule for the selected remedy, subject to NYSDEC review and approval, and implement the selected remedy in accordance with the terms of the RAWP.

VI. Soil Evaluation and Remediation

- A. ExxonMobil will prepare and submit a summary report on available data regarding soil conditions on the Site. The summary report will include but is not limited to:
1. Data from past or preliminary investigations and identification of data gaps to be filled in order to develop a more complete understanding of Site soil conditions.
 2. A work plan to collect further information on the vertical and horizontal extent of soil Contamination to determine the nature and extent of Contamination related to the Site.
 3. An implementation schedule for any proposed workplan.
- B. The Soil Evaluation Summary Report and Supplemental Work Plan (“S-SRSWP”) will be provided as required by Attachment A: CAP Milestone Schedule. The S-SRSWP will be implemented according to a schedule provided therein. An evaluation of need for subsequent or supplemental investigations and remediation will be included in the report to be prepared following completion of the work.
- C. After completing any necessary investigations and a feasibility study concerning soil remediation, ExxonMobil shall prepare an AAR that includes a description of ExxonMobil’s recommended remedial action. The AAR shall be prepared following the process outlined in CAP Paragraphs IX.A through IX.F. If the State accepts ExxonMobil’s recommended remedial action, the NYSDEC shall proceed in accordance with CAP IX.G to obtain public input. ExxonMobil will assist in the presentation of the remedy as deemed necessary by the NYSDEC. Following the public comment period, the NYSDEC will issue the final remedial plan that included the selected remedy and a responsiveness summary addressing public input and acceptance. If the NYSDEC does not accept ExxonMobil’s recommended remedial action the decision shall be subject to dispute resolution clauses in Consent Decree Article XXI.
- D. After a remedial action is determined (either through the process set forth in Paragraph VI.C. or through dispute resolution), ExxonMobil shall then prepare a Remedial Action Work Plan for the selected remedy, subject to NYSDEC review and approval, and implement the selected remedy in accordance with the terms of the RAWP.

VII. Soil and Residual Contamination Management Plan

Subject to Article VI above, and as specified in Article II, the presence of historical fill, existing structures and/or infrastructure, as well as the nature and extent of the Contamination, among other things, may prevent a return of the Site to pre-release

conditions. Thus, following the issuance of any remedial plan for some media and/or operable units that result in soil Contamination and residual product remaining, it may necessitate implementation of institutional controls and a long-term environmental management commitment. In such instances, ExxonMobil will satisfy this requirement by preparation and implementation of a Site Management Plan (“SMP”) for the Site. The SMP will be submitted as specified in Attachment A: CAP Milestone Schedule, and will provide the following:

- A. Discussion of the distribution of Contamination at the Site and the circumstances under which implementation of the SMP is anticipated;
- B. Description of the institutional controls, including both engineering and land-use restrictions, that may be used to reduce potential exposure to contaminated soil and residuals, and reduce the potential for environmental impacts; and
- C. Anticipated procedures for the management and disposal of contaminated soils and residuals that may be generated during future use activities or other foreseeable use activities that might disturb contaminated soil or residuals.

ExxonMobil anticipates that the SMP will specify that Environmental Easements be established for its currently owned property. Since ExxonMobil cannot establish Environmental Easements on third-party property, the SMP will affirm ExxonMobil’s commitment to addressing any contaminated soil and/or residual product attributable to ExxonMobil on any third-party properties within the Site should construction activities or other land-use changes dictate that such actions are necessary.

The anticipated need for and scope of the SMP activities for each remedial action will be further identified during the remedy selection process as outlined in Article IX, as well as provisions in Articles V and VI, and discussed in the AAR. Addenda or necessary revisions to the SMP will be prepared to provide specific details following remedy selection for a particular medium and/or operable unit and submitted to the Department for approval as a component of the RAWP. The addenda or necessary revisions will be incorporated into the SMP.

In the event that any work is required on third-party property, NYSDEC assistance for Site access would be required.

VIII. Soil Vapor Evaluation and Mitigation and Ambient Air Monitoring

A. Commercial/Industrial Area

ExxonMobil will continue to provide bi-annual sampling in January and July, unless otherwise approved by NYSDEC, at existing permanent soil vapor points indicated on Attachment B, or as subsequently modified. A report on soil vapor sampling will be provided within 60 days of the receipt of the final laboratory results, unless otherwise approved by NYSDEC, for each sampling event, including a summary of results, recommendation for additional sampling and/or

sampling points, and recommended actions based on data collected. The NYSDEC may modify the sampling months or period based on evaluation of the data.

If determined necessary by the NYSDEC, ExxonMobil will complete further vapor intrusion investigations in the Commercial/Industrial Area and provide recommendations on further vapor intrusion sampling and/or indoor air sampling, monitoring, and evaluation for possible mitigation for properties associated with potential vapor intrusion resulting from the free product or other petroleum Contamination.

Work shall be performed consistent with the NYSDEC's policies and procedures and New York State Department of Health ("NYSDOH") Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York (Current Edition October 2006) to address potential vapor issues in the Commercial/Industrial Area as they relate to subsurface impacts, indoor air impacts, and given existing and potential Site usage. If the NYSDEC determines mitigation measures are necessary based on indoor and nearby shallow soil vapor contaminant concentrations on or emanating from the Site, ExxonMobil shall implement appropriate mitigation measures within the Site. In the event that any work is required on third-party property, NYSDEC assistance for Site access would be required as set forth in Paragraph 56 of the Consent Decree. In areas where shallow soil vapor samples collected adjacent to buildings indicate the presence of elevated contaminant concentrations, ExxonMobil shall be permitted to use the data from these sampling locations in lieu of collecting sub-slab samples. The use of soil vapor sample results shall not preclude NYSDEC from obtaining sub-slab samples if necessary to evaluate soil vapor intrusion.

B. Residential Area

ExxonMobil will continue to provide bi-annual sampling in January and July, unless otherwise approved by NYSDEC, at existing permanent soil vapor points in the Residential Area as indicated in Attachment B, or as subsequently modified by NYSDEC. A report on soil vapor sampling will be provided within 60 days of the receipt of the final laboratory results for each sampling event, or as otherwise approved by NYSDEC, including a summary of results, recommendation for additional sampling and/or sampling points, and recommended actions based on data collected. The NYSDEC may modify the sampling months or period based on evaluation of the data.

Work shall be performed consistent with the NYSDEC's policies and procedures and NYSDOH's Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York to address potential vapor issues associated with any vapor intrusion resulting from Contamination in the Residential Area as they relate to subsurface impacts or indoor air impacts, given existing and potential Site usage. If the NYSDEC determines mitigation measures are necessary based on indoor and sub-slab contaminant concentrations on or emanating from the Site, ExxonMobil shall

implement appropriate mitigation measures within the Site. In the event that any work is required on third-party property, NYSDEC assistance for Site access would be required as set forth in Paragraph 56 of the Consent Decree.

C. Ambient Outdoor Air

ExxonMobil will continue to provide ambient outdoor air sampling results as consistent with the NYSDEC's policies and procedures and NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York (Current Edition October 2006) .

D. Former Refinery Properties

ExxonMobil will continue soil vapor assessment on its former refinery properties within the Site and provide recommendations on further soil vapor sampling and/or indoor air sampling, monitoring, and evaluation for possible mitigations for such properties associated with former refining operations or petroleum storage within the Site. The recommendations will include a work plan to perform a complete vapor intrusion investigation for the former refinery properties within the Site in accordance with appropriate requirements per CAP Article XIII. The properties to be addressed by the provisions of this paragraph are within the Historical Footprint as shown on Exhibit 1. In the event that ExxonMobil is not granted access to perform any of the work required on third-party property, NYSDEC assistance for Site access would be required as set forth in Paragraph 56 of the Consent Decree.

E. Evaluation of remedial alternatives, remedy selection and remedial action for soil vapor will be conducted according to the schedule provided in the CSP. Remedy selection process will be as outlined in CAP Article IX or as an Interim Remedial Measure under CAP Article XI Paragraph B.

IX. Remedy Selection

A. Remedial action goals, objectives and criteria

1. The purpose of remedy selection is to identify and evaluate an alternative or alternatives, to determine the most appropriate action for a particular contaminated site, area of concern, or operable unit.
2. In general, for any site subject to this CAP, the remedy selected should:
 - (a) At a minimum, eliminate or mitigate all significant threats to public health and the environment presented by the contaminants at the site through the proper application of scientific and engineering principles;

- (b) Where an identifiable source of Contamination exists at a site, it should be removed or eliminated, regardless of presumed risk or intended use of the site, to the extent feasible based upon consideration of the factors in Paragraph IX.D. The following is the hierarchy of source removal and control measures, in order of preference:
- (i) Removal and/or treatment: all free product, concentrated solid or semi-solid hazardous substances, dense non-aqueous phase liquid, light non-aqueous phase liquid and/or grossly contaminated media should be removed and/or treated; however, if the removal and/or treatment of all such Contamination is determined not to be feasible, such Contamination shall be removed or treated to the extent feasible;
 - (ii) Containment: any source remaining following removal and/or treatment pursuant to (i) above should be contained; if full containment is determined not to be reasonably feasible, containment should be to the extent feasible;
 - (iii) Elimination of exposure: exposure to any source remaining following removal, treatment and/or containment should be eliminated through additional measures, including but not limited to, provision of alternative water supplies and the elimination of volatilization into buildings; if such elimination is not feasible such exposure shall be eliminated to the extent feasible; or
 - (iv) Treatment of source at the point of exposure: treatment of sources at the point of exposure, including but not limited to, wellhead treatment or the management of volatile Contamination within buildings, may be considered as a measure of last resort.
- (c) Where a groundwater plume has been identified as leaving the site, plume stabilization will be evaluated for all remedies, to include:
- (i) Prevention of the further migration of Contamination from the Site, to the extent feasible;
 - (ii) Necessary actions to maintain and monitor such stabilization; and
 - (iii) In addition, the further migration of the plume will be prevented to the extent practicable.

3. Remedial Action Objectives (“RAOs”): are medium-specific or operable-unit specific objectives for the protection of public health and the environment and are developed based on contaminant-specific standards, criteria, and guidance (“SCGs”). Notwithstanding the RAOs described below, it is recognized that the presence of historical fill and the nature and extent of the Contamination may prevent a return of the Site to pre-release conditions and these factors shall be considered as factors in remedy selection. The RAOs for this Site are to eliminate or reduce to the extent practicable:
 - (a) exposures of persons at or around the Site to Site contaminants in groundwater, soil, soil vapor and surface water;
 - (b) environmental exposures of flora or fauna to Site contaminants in groundwater, soil, and surface water;
 - (c) the release of contaminants from soil into groundwater that may create exceedances of groundwater quality standards;
 - (d) the release of contaminants from free-product petroleum and subsurface soil into surface water, indoor air, and ambient air through storm water erosion, soil vapor, and groundwater transport; and
 - (e) To the extent practicable, meet applicable groundwater quality standards.

4. Generic remedial action objectives shall be evaluated for their applicability to this Site and include:
 - (a) RAOs for Groundwater
 - (i) Prevent contact with, or inhalation of, volatiles from contaminated groundwater.
 - (ii) Restore the groundwater aquifer to attain applicable groundwater standards, to the extent practicable.
 - (iii) Prevent the discharge of contaminants to surface water.
 - (iv) Eliminate, through removal or treatment, the source of groundwater Contamination, to the extent practicable.
 - (b) RAOs for Soil
 - (i) Prevent ingestion/direct contact with contaminated soil.

- (ii) Prevent inhalation of, or exposure to, contaminants volatilizing from contaminants in soil.
 - (iii) Prevent migration of contaminants that would result in groundwater or surface water Contamination.
 - (iv) Remove residual petroleum Contamination to the extent practicable.
 - (c) RAOs for Free Product
 - (i) Removal of free product to the extent practicable.
 - (ii) Prevention and/or elimination of any product seeps from the Site that result in visual petroleum product sheens on surface water.
 - (iii) Eliminate through removal, treatment and/or containment the source of surface water Contamination to the extent practicable.
- B. Before proposing a remedy, the RAOs for the site or area of concern must first be established by:
 - 1. Identifying applicable SCGs taking into consideration the current and, where applicable, future land use for the site;
 - 2. Identifying all contaminants exceeding applicable SCGs and the environmental media impacted by the contaminants;
 - 3. Identifying all actual or potential public health and/or environmental exposures resulting from contaminants in environmental media at, or impacted by, the Site; and
 - 4. Identifying any site-specific cleanup levels developed pursuant to Fish and Wildlife Impact Analysis or quantitative risk assessments, if any.
- C. Where applicable, the remedial party should identify an alternative(s) and identify a remedy that removes the Contamination and/or reduces or eliminates exposure to the contaminants above the SCGs. At a minimum, this should include removal of the source of the Contamination, to the extent technically and practically feasible, as determined by the NYSDEC's Division of Environmental Remediation ("DER").
- D. When proposing an appropriate remedy, the remedial party should identify, then evaluate this remedy, and document this evaluation in the appropriate remedy selection document identified per applicable Paragraphs of this CAP, utilizing the following criteria:

1. Overall protectiveness of the public health and the environment: this criterion is an evaluation of the ability of the remedy or alternative to protect public health and the environment, assessing how risks posed through each existing or potential pathway of exposure are eliminated, reduced or controlled through removal, treatment, engineering controls or institutional controls. The remedy's ability to achieve each of the RAOs is evaluated.
2. Standards, criteria and guidance: conformity to standards and criteria that are generally applicable, consistently applied, and officially promulgated, that are either directly applicable, or that are not directly applicable but are relevant and appropriate, unless good cause exists why conformity should be dispensed with.
 - (a) Such good cause exists if any of the following is present:
 - (i) The proposed action is only part of a complete program or project that will conform to such standard or criterion upon completion;
 - (ii) Conformity to such standard or criterion will result in greater risk to the public health or to the environment than alternatives;
 - (iii) Conformity to such standard or criterion is technically impracticable from an engineering perspective; or
 - (iv) The program or project will attain a level of performance that is equivalent to that required by the standard or criterion through the use of another method or approach.
 - (b) Consideration shall also be given to guidance determined, after the exercise of engineering judgment, to be applicable;
 - (c) All SCGs for the site should be listed along with a discussion of whether or not the remedy will achieve compliance. For those SCGs that will not be met, a discussion and evaluation of the impacts of each, including whether waivers are necessary, should be included.
3. Long-term effectiveness and permanence: this criterion evaluates the long-term effectiveness of the remedy after implementation. If Contamination or treated residuals would remain on-site after the selected remedy has been implemented, the following items are evaluated:
 - (a) The magnitude of the remaining risks (*i.e.*, will there be any significant threats, exposure pathways, or risks to the community and environment from the remaining Contamination?);

- (b) The adequacy of the engineering and institutional controls intended to limit the risk;
 - (c) The reliability of these controls, and;
 - (d) The ability of the remedy to continue to meet RAOs in the future.
4. Reduction of toxicity, mobility or volume of Contamination through treatment: the ability of the remedy or alternative to reduce the toxicity, mobility or volume of Contamination is evaluated. Preference should be given to remedies that permanently and significantly reduce the toxicity, mobility, or volume of the Contamination at the site.
5. Short-term impact and effectiveness: the potential short-term adverse impacts and risks of the remedy or alternative upon the community, the workers, and the environment during the construction and/or implementation are evaluated. A discussion of how the identified adverse impacts and health risks to the community or workers at the site will be controlled, and the effectiveness of the controls, should be presented. Provide a discussion of engineering controls that will be used to mitigate short-term impacts (*i.e.*, dust control measures). The length of time needed to achieve the remedial objectives is also estimated.
6. Implementability: the technical and administrative feasibility of implementing the remedy or alternative is evaluated.
- (a) Technical feasibility includes the difficulties associated with the construction and the ability to monitor the effectiveness of the remedy.
 - (b) For administrative feasibility, the availability of the necessary personnel and material is evaluated along with potential difficulties in obtaining specific operating approvals, access for construction, etc.
 - (c) The evaluation of the reliability and viability of implementation of the institutional or engineering controls necessary for a remedy.
7. Cost: capital as well as those costs associated with site maintenance, including operation, maintenance and monitoring costs are estimated for the remedy or alternative. Site maintenance costs are calculated and presented on a present-worth basis. The overall cost-effectiveness of the remedy is also considered.
8. Community acceptance: provide a summary of the public participation program that was followed for the project. The public comments, concerns and overall perception of the remedy are evaluated in a format that responds to all questions that are raised (e.g., a responsiveness summary).

9. Land use: this criterion is used to evaluate the reasonably anticipated future use of the site and its surroundings when unrestricted levels would not be achieved, and should consider the following factors:
- (a) Current use and historical and/or recent development patterns;
 - (b) Applicable zoning laws and maps;
 - (c) Brownfield opportunity areas;
 - (d) Applicable comprehensive community master plans, local waterfront revitalization plans as provided for in article forty-two of the executive law, or any other applicable land use plan formally adopted by a municipality;
 - (e) Proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas;
 - (f) Any written and oral comments submitted by members of the public on the proposed use as part of citizen participation activities;
 - (g) Environmental justice concerns, which for purposes of this evaluation, include the extent to which the proposed use may reasonably be expected to cause or increase a disproportionate burden on the community in which the site is located, including low-income minority communities, or to result in a disproportionate concentration of commercial or industrial uses in what has historically been a mixed use or residential community;
 - (h) Federal or State land use designations;
 - (i) Population growth patterns and projections;
 - (j) Accessibility to existing infrastructure;
 - (k) Proximity of the site to important cultural resources, including federal or state historic or heritage sites or Native American religious sites;
 - (l) Natural resources, including proximity of the site to important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species;
 - (m) Potential vulnerability of groundwater to Contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas and other areas identified by the

State comprehensive groundwater remediation and protection program;

- (n) Proximity to floodplains;
- (o) Geography and geology; and
- (p) Current institutional controls applicable to the site.

E. Development and evaluation of alternatives

1. The following are the main steps in the decision matrix for remedy selection:

- (a) Establish the remedial goals for the applicable program pursuant to conditions above;
- (b) Establish RAOs pursuant to above;
- (c) Identify general response actions including an estimate of the volumes/areas of contaminated media. General response actions include non-technology specific categories such as treatment, containment, excavation, extraction, disposal, institutional controls or a combination of these:
 - (i) Where presumptive remedies are available to address the Contamination identified, they should be strongly considered, but should not preclude the use of innovative technologies;
 - (ii) All applicable general response actions should be developed on a medium-specific basis, similar to the development of RAOs. The volumes or areas to be remediated, for each medium addressed, should be identified and characterized with respect to the requirements for protectiveness, taking into account the chemical and geologic characterization of the site or operable unit; and
 - (iii) Technologies which are not appropriate for the site due to site-specific factors or constraints should be eliminated from further consideration, during this step, with a discussion of the site-specific reasons as appropriate.
- (d) Identify and Screen Technologies: in this step of the process, technology types (*i.e.*, general categories such as chemical treatment, enhanced biodegradation, thermal destruction, immobilization, capping, dewatering, etc.) appropriate to the site-

specific conditions and contamination are identified for each of the general response actions identified above. The technology process options that correspond with the technology types (*i.e.*, chemical treatment would have precipitation, ion exchange, oxidation/reduction and others as technology process options) are also identified at this time. These technologies are then screened, on a medium-specific basis, to identify those that are technically implementable for the site and can, either alone or in combination with other technologies, meet the site RAOs. Additional information (*i.e.*, site characterization data, pilot tests) may be required to adequately evaluate alternatives and technologies being considered. Those that are not technically implementable are dropped from further consideration. Those that remain are used in the next step to assemble alternatives;

- (e) Assemble technologies into operable unit and/or site-wide alternative(s): in this step, the potential technologies are assembled into media-specific or site-wide remedial alternatives. The identified alternatives should be developed and defined to a level of detail that will allow for the estimation of the alternative's cost and for the subsequent detailed analysis of alternatives:
 - (i) Each alternative should be defined with respect to:
 - (1) Size and configuration of process options;
 - (2) Time for remediation;
 - (3) Spatial requirements;
 - (4) Options for disposal;
 - (5) Substantive technical permit requirements (*see* definition in the DER-10 Technical Guidance for Site Investigation and Remediation ("DER-10"), Section 1.3;
 - (6) Limitations or other factors necessary to evaluate the alternatives; and
 - (7) Beneficial and/or adverse impacts on fish and wildlife resources.
- (f) Develop estimates of the remedial action costs, which includes all costs associated with the development and implementation of a remedial action, including all direct and indirect capital costs, engineering costs, and annual site management costs:

- (i) Such costs, when applicable, should include, without limitation:
 - (1) Costs for construction of all facilities and process equipment, labor, materials, construction equipment and services, land purchase and land preparation/development, relocation expenses;
 - (2) Costs associated with the institutional controls required for a remedy. While the initial or capital cost of an institutional control may be minimal, the long-term costs need to be estimated. Costs for securing the institutional control need to be included in the estimate, such as payment for the easement; however, effects on the value of the property are not;
 - (3) Systems start up and testing, facility operation, maintenance and repair, continuous performance and effectiveness monitoring, periodic site condition reviews; and
 - (4) Legal, administrative and capital costs associated with the placement of institutional controls on a property and other site management activities and/or certifications;
- (ii) Remedial action costs should be expressed as net present worth of all such costs over time by discounting all future costs to the current calendar year. The discount rate to be used for all present worth analyses should be the current rate as specified by DER at the time of remedial action selection and should be applied before taxes and after inflation; and
- (iii) The period of performance for present-worth costing analyses should not exceed 30 years. The 30-year period is intended to allow consistent evaluation of costs only, and does not imply that the site management of a remedy will end after 30 years.
- (g) Analyze the alternative(s) pursuant to the criteria in Paragraph IX.D in this step:
 - (i) Each of the identified alternatives is evaluated against the first seven (7) evaluation criteria noted in Paragraph IX.D, and;

- (ii) Where more than one alternative is developed, a comparative analysis of each alternative to the other alternatives using the same criteria used in Paragraph IX.E.1(g)(i) above is conducted;
 - (iii) The evaluation of institutional and engineering controls detailed in Paragraph IX.E.2, is considered; and
 - (iv) The eighth criteria from Paragraph IX.D, Community Acceptance of the remedy, is evaluated after the public comment period; and
 - (h) Recommend a remedy for the site: this final step in the process will identify the recommended remedy and summarize the reasons why, with reference to the criteria in Paragraphs IX.A.3 and IX.A.4, it is the most appropriate alternative for the remediation of the site, area of concern or operable unit.
2. Evaluation of Institutional and/or Engineering Controls: the DER may approve a remedy that includes institutional controls and/or engineering controls as components of a proposed remedial program, provided the remedy selection report detailed in Paragraph IX.F, includes the following:
- (a) The institutional control will be in the form of an environmental easement or otherwise specified in the Site Management Plan prepared in accordance with Article VII. In the event that any work is required on third-party property, NYSDEC assistance for site access would be required;
 - (b) A complete description of any proposed use restrictions and/or institutional controls and the mechanisms that will be used to implement, maintain, monitor and enforce such restrictions and controls, both by the applicant and by State and local government;
 - (c) A complete description of any proposed engineering controls and any site management requirements, including the mechanisms that will be used to continually implement, maintain, monitor, and enforce such controls and requirements, both by the applicant and by any state and local government;
 - (d) An evaluation of the reliability and viability of the long-term implementation, site management and enforcement of any proposed institutional or engineering controls and an analysis of the long-term costs of implementing, maintaining, monitoring and enforcing such controls, including costs that may be borne by state or local government;

- (e) Sufficient analysis to support a conclusion that effective implementation, maintenance, monitoring and enforcement of institutional and/or engineering controls can be reasonably expected. Understanding the current and reasonably likely future land use is a critical element in this determination. The current use of the site, if there is an active one, is the best guide for future use;
- (f) Where required by the DER, financial assurance to ensure the long-term site management, and enforcement of any such controls; and
- (g) Any engineering control must be used in conjunction with an institutional control, in the form of an environmental easement or otherwise specified in the Site Management Plan prepared in accordance with Article VII, to ensure the continued integrity of the engineering control. In the event that any work is required on third-party property, NYSDEC assistance for site access would be required;

F. Remedy selection reporting requirements

1. The procedures and requirements that follow are the remedial selection reporting requirements for the applicable elements identified in Paragraphs III.D, V.C, VI.C and VIII.E of the CAP. The purposes of the reports outlined below are to develop alternative remedies for the Site, evaluate the alternatives based on the criteria presented in IX.A.3 and IX.A.4 and to make a recommendation for an appropriate final remedy. The minimum remedy selection reporting requirements for each program are:

An AAR presenting the alternatives analysis, in accordance with IX.F.3 below.

2. The AAR develops and evaluates options for remedial action. The AAR emphasizes data analysis and is generally performed concurrently and in an interactive fashion with the remedial investigation, using data gathered during the remedial investigation. The remedial investigation data are used to define the objectives of the program, to develop remedial action alternatives, and to undertake an initial screening and detailed analysis of the alternatives. The AAR should be an engineering report, which:

- (a) Identifies the goal of the remedial program and develops the RAOs for the site as detailed above in Paragraph IX.A.2 through IX.A.4;
- (b) Documents, with sufficient detail, the decision-making process for the selection of a remedy, addressing each of the steps outlined in Paragraph IX.E; and
- (c) Includes the following sections:

- (i) Introduction;
 - (ii) Site description and history;
 - (iii) Summary of remedial investigation and exposure assessment;
 - (iv) Remedial goals and remedial action objectives;
 - (v) General response actions;
 - (vi) Identification and screening of technologies;
 - (vii) Development and analysis of alternatives:
 - (1) Assembles technologies into alternatives;
 - (2) Evaluates alternatives with respect to the criteria in Paragraph IX.E.1; and
 - (3) Evaluates the institutional/engineering controls for the selected remedy, in accordance with Paragraph IX.E.2; and
 - (viii) Recommended remedy with a discussion supporting why it was recommended.
3. The AAR identifies one or more alternatives, as identified below, and evaluates the effectiveness of each with respect to the criteria in Paragraph IX.E.1. The AAR will be an engineering report, or section of the remedial work plan for the site as a component of the report described in Paragraph IV.B or approved separate submission, which:
- (a) Identifies the goals of the remedial program and develops the RAOs for the site as detailed in Paragraphs IX.A.2 through IX.A.4;
 - (b) Considers the remedy decision matrix outlined in Paragraph IX.E.1 to develop and evaluate one or more alternative(s) for the program under which the remediation is being performed.
 - (c) Documents the following:
 - (i) The remedial action objectives for the site;
 - (ii) The alternative(s) evaluated;
 - (iii) The proposed remedy's compliance with the criteria identified in Paragraph IX.D;

- (iv) The evaluation of institutional/engineering controls detailed in Paragraph IX.E.2;
- (v) A detailed description (engineered conceptual model) of the recommended remedy along with a demonstration that the remedy can achieve the cleanup goals for the site or area of concern; and
- (vi) The AAR must be signed and stamped by a professional engineer licensed to practice in NYS, in accordance with DER-10 Section 1.5(a).

G. Remedy selection decision documentation

Upon NYSDEC review and acceptance of the AAR containing the proposed remedy for the site or area of concern investigated pursuant to DER-10 Section 3, the NYSDEC will issue the following agency decision documents:

1. A remedial plan, which includes the AAR, describing the proposed remedy will be publicly noticed and subject to public comment before being selected by the NYSDEC.
2. Following the public comment period, the NYSDEC will issue the final remedial plan that includes the selected remedy and a responsiveness summary addressing public input and acceptance.
3. Following the NYSDEC's issuance of the final remedial plan, ExxonMobil shall prepare a RAWP for the selected remedy, subject to NYSDEC review and approval, and implement the selected remedy in accordance with the terms of the RAWP. The submittal of the RAWP shall be in accordance with CAP Milestone Item #12.

X. Meetings

- A. **Technical Coordination:** As deemed necessary by the NYSDEC, ExxonMobil will upon 30 days notice participate in a quarterly technical progress meeting with the NYSDEC, and other potentially responsible parties invited by the NYSDEC involved in remedial activities around the Site. The meeting will address coordination of remedial activities and associated schedules to enhance and optimize remedial systems, discuss on-going or planned investigations or remedial activities, and ensure remedial efforts are not adversely impacting efforts of other parties.
- B. **Public Outreach:** As required by the NYSDEC, ExxonMobil will provide support for the NYSDEC's public outreach meetings. Support may include assistance with reserving locations, audiovisuals for meeting(s), and assistance with meeting handouts or displays.

XI. Interim Remedial Measures

A. Oil Seeps/Discharges

1. Upon notification by the NYSDEC that it believes that any additional seep outbreaks or discharges emanating from the Site are attributable to ExxonMobil's Operations and the responsibility of ExxonMobil, ExxonMobil shall respond with emergency measures to collect and control the seepage, and provide a work plan to investigate and remediate seepage.
2. If ExxonMobil disputes responsibility for the seep or discharge, ExxonMobil shall undertake necessary emergency containment and control measures, and request a meeting to discuss potential responsible parties. The NYSDEC will timely evaluate any information provided by ExxonMobil and make a determination as to whether another party has responsibility relating to the seepage/discharge.

B. Other IRMs

1. Upon determination by the NYSDEC or ExxonMobil that additional IRMs may be a necessary response to protect public health or the environment from a significant threat, ExxonMobil shall prepare a preliminary work plan to implement the IRM, including a milestone schedule, immediate response actions, design plans, and procurement and construction plans.
2. ExxonMobil may propose additional IRM work plans to address both emergency and non-emergency Site conditions, which can be undertaken without extensive investigation and evaluation, to prevent, mitigate or remedy environmental damage or the consequences of environmental damage, including, but not limited to, the following activities: construction of diversion ditches; collection systems; drum removal; leachate collection systems; construction of fences or other barriers; installation of water filters; provision of alternative water systems; the removal of source areas; or plume control. Where an interim remedial measure is proposed at the Site, such measure will be conducted pursuant to a NYSDEC-approved work plan. Such work plan shall require the submission of a final report upon conclusion of the measure.

XII. Notifications

- A. Potential Hazards: ExxonMobil will provide a plan for hazard notification. This plan will provide for prompt notification of local agencies and affected parties should ExxonMobil become aware of a hazard due to vapor, free product, or combustible gas migration. The plan will also provide for annual certification of hazard notification via letter to the applicable party with a copy to the NYSDEC

by certified mail. The Plan for Hazard Notification will be submitted to the NYSDEC as required in the CAP Milestone Schedule.

- B. Information Database: ExxonMobil will develop a work plan and an address database of locations on former refinery property or determined to be above free product Contamination or residual soil Contamination. The work plan and address database will be submitted to the NYSDEC as required in the CAP Milestone Schedule. In the event the NYSDEC determines specific notification to property owners is required, the database will be used to provide notification of potential conditions below identified properties.
- C. Shutdowns: In the event that either of the ExxonMobil groundwater extraction and treatment systems or the SVE system are not operational and shutdown for more than 72 hours, ExxonMobil shall provide email notification to the NYSDEC's technical representative. Notice to the NYSDEC must occur within 48 hours after the periods specified above. Email notification of restoration of operation shall be provided within 72 hours of system re-start.

In addition, specific well operational status summaries will be provided for each recovery well in quarterly reports, including specific explanations for any extractions wells that were inactive for more than a 7 consecutive day period.

XIII. Applicable Policy and Procedures

The NYSDEC's decisions shall be in conformance with the NYSDEC's policies and procedures for petroleum spill investigations and remediation, including the Guidance document known as DER-10, the NYSDEC's Spill Guidance Manual and NYSDOH Guidance for Evaluating Vapor Intrusion in the State of New York.

The parties recognize and acknowledge that the Department has existing policies and procedures governing investigation and remediation activities. The parties further acknowledge that these policies and procedures may be subject to revision from time to time during the implementation of investigation and remediation activities under the Decree and the CAP.

DER-10 as it presently exists shall be utilized as part of this investigation and remediation decision-making. All references in this CAP to NYSDEC guidance, policies, or procedures, including references to the document entitled DER-10, and to NYSDOH's Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York are intended to refer to such documents as they exist as of the Effective Date of the Decree; to any later guidance, policies or procedures that have been finalized after having gone through the public notice and comment process, and, in the case of such NYSDOH Guidance, any later guidance, policies or procedures that have been finalized through an approved agency process; and to non-substantive revisions to any such guidance, policies, or procedures even when the non-substantive revisions were not subject to the public notice and comment process.

XIV. Milestone Schedule

Attachment A to the CAP will set forth milestones and definitions which will be held as enforceable dates and timeframes.

XV. Major Oil Storage Facility Termination

The Site includes parcels that were part of the Major Oil Storage Facility operated by ExxonMobil (“MOSF”). Termination of the MOSF facility license will not be complete until remediation of those parcels is complete. The schedule for assessment and remediation will be provided in the CSP. NYSDEC will not use the existence of the MOSF facility license to prevent redevelopment/reuse of the Site while the remediation of the Site proceeds. ExxonMobil will place an Environmental Easement on the property prior to transfer of ownership and such reuse will not prevent the foreseeable implementation of remedial efforts at this site. A “Comprehensive Site Investigation Summary Report” was submitted to the NYSDEC on March 25, 2009.

XVI. Project Oversight

ExxonMobil will provide private field office space including phone, computer, copying, facsimile, internet access, and a meeting area for NYSDEC staff and representatives. NYSDEC will provide a schedule 30 days in advance for routine Site visits, but reserves the right to conduct unannounced visits as well. Oversight consultant personnel must be in compliance with ExxonMobil Site Health and Safety Plan requirements.

XVII. Permitting/Permitting Exemptions

DER-10 Subsections and Appendices (currently 7.3 and 7B) allow for Permit Exemptions. NYSDEC will authorize exemptions at NYSDEC’s discretion when substantial compliance with appropriate regulations and standards can be demonstrated.

ExxonMobil will promptly submit documentation as required by NYSDEC to allow for an assessment of substantial compliance, establishment of appropriate interim conditions, and to initiate the appropriate approval phase.

XVIII. Citizen Participation Plan

ExxonMobil must prepare a Citizen Participation Plan (“CPP”) meeting applicable requirements of DER-10, the remedy selection guidelines, and, where required by law, Environmental Justice designation. The CPP will be submitted to the NYSDEC as required by Attachment A: CAP Milestone Schedule. Updates to the CPP, as necessary, will be included as a component of the annual reporting requirements.

XIX. Hazardous Substances & Hazardous Waste

The primary contaminants at and near the Site are petroleum and its breakdown products. However, to a more limited extent, hazardous substances and hazardous waste are also

present at the Site. Subject to the limitations established in the Consent Decree, including but not limited to those in Paragraph 6 of the Consent Decree, these also need to be investigated and remediated in accordance with NYSDEC standards, criteria, guidance and procedures, including DER-10.

Any such hazardous waste and hazardous substances on the Site that are commingled with petroleum will be addressed per the provisions in this CAP simultaneously with the petroleum remediation at the Site and in accordance with the General Principles contained in the Consent Decree Article II, as well as NYSDEC standards, criteria, guidance and procedures, including DER-10. Additionally, if the commingled waste is not attributable to ExxonMobil's Operations then Remedial Process Closure Requirements would be based on the requirements in section 6.6 of DER-10 and the Remedial Action Objectives in Paragraph IX.A of this CAP.

Any such hazardous substances and hazardous waste not commingled with petroleum that are identified during the course of investigations will also be investigated and remediated in accordance with Consent Decree Article II and NYSDEC standards, criteria, guidance and procedures, including DER-10, and Paragraphs IX.A-E of this CAP.

It is the responsibility of ExxonMobil to prevent any delay or suspension of petroleum remediation at the Site due to hazardous waste or hazardous substances. If prevention of any such delay or suspension is not feasible despite ExxonMobil's good faith efforts, ExxonMobil shall provide notice to NYSDEC. Such notice shall specify the reasons for the delay or suspension, and the actions that ExxonMobil will take to limit the duration of the delay or suspension. Any suspension of the system operation must be in compliance with the Consent Decree Article III, Paragraph 20.

XX. Contamination Not Attributable to ExxonMobil's Operations

In and around the Site there are sources of contamination that are unrelated to ExxonMobil's Operations, including, but not limited to, street utilities (*i.e.*, pipelines, sewers), dry cleaning establishments, former and current underground storage tanks, waste storage and transfer facilities, and various industrial facilities. If ExxonMobil identifies potential sources of contamination that are unrelated to ExxonMobil's Operations, but contributing to the contamination being addressed by ExxonMobil, NYSDEC will undertake actions to investigate and remediate such sources of contamination in accordance with its applicable policies and procedures.

Attachment A

Preliminary CAP Milestone Schedule

1. Conceptual Site Plan: Submit report as described in Article II. To be provided within 90 days of the Effective Date of the Decree.
2. The Recovery System Evaluation Report (“RSER”) required by Paragraph III.C. was submitted July 19, 2010, with the exception that it did not address the requirement of Paragraph III.C.4 or the eleventh recovery well (RW-26). A supplemental RSER report addressing Paragraph III.C.4 and RW-26 will be submitted within 90 days following the effective date of the decree and the activation of RW-26. ExxonMobil shall provide a response to comments by NYSDEC on the RSER and Supplemental RSER within 60 days of receipt of comments until final approval of the report meeting the requirements of Paragraph III.C is received.
3. Product Recovery Optimization Feasibility Study Report (“PROFSR”): Submit report as described in Paragraph III.D. To be submitted within 300 days following NYSDEC approval of RSER and Supplemental RSER.
4. Quarterly Operations & Maintenance Reporting: Provide quarterly reporting required under CAP Article IV.

Due 45 days following end of each calendar quarter starting with the first quarter following Effective Date of Decree.
5. Annual Report: Provide quarterly reporting required under CAP Paragraph IV.B.

Due 75 days following end of calendar year starting with first year following Effective Date of Decree.
6. Groundwater Evaluation Summary Report and Supplemental Work Plan (“GW-SRSWP”): Submit summary report on available groundwater data and supplemental work plan for further investigations as required under CAP Article V.

Due 120 days following Effective Date of the Decree.
7. Soil Evaluation Summary Report and Supplemental Work Plan (“S-SRSWP”): Submit summary report on available soil data and supplemental work plan for further investigations as required under CAP Article VI.

Due 180 days following Effective Date of the Decree.
8. Former Refinery Property Vapor Intrusion Work Plan: Submit summary reports or work plans as required under CAP Paragraph VIII A. and D.

Due 90 days following Effective Date of the Decree.

9. Hazard Notification Plan:
Due 150 days following Effective Date of Decree.
10. Site Management Plan (“SMP”): Submit a proposed SMP as required under CAP Article VII.
Due 360 days following Effective Date of the Decree.
11. Information Database of Addresses: Due 360 days following Effective Date of Decree.
12. Remedial Action Work Plan (“RAWP”): Submit RAWP when required under CAP provisions.
Due 90 days following NYSDEC issuance of final remedial plan.
13. Citizens Participation Plan: Due 90 days following Effective Date of Decree.
14. Comprehensive Evaluation: Submit comprehensive evaluation of the effectiveness of the product recovery system and review of system performance as required by CAP Paragraph III.E.
Due every 5 years following the approval of the PROFSR, subject to modification provisions of Paragraph III.E.
15. Evaluation Report for Complete Soil Vapor Extraction (SVE) System: This report providing an evaluation of the complete SVE system including performance data, success in meeting screening criteria, and destruction removal efficiencies (DREs) of final SVE equipment; and recommendations for improvement was submitted September 6, 2010. ExxonMobil shall provide a response to comments by NYSDEC within 60 days of receipt of comments until final approval of the report is received.

ATTACHMENT B

