ADDENDUM NUMBER 3
TO THE CONTRACT DOCUMENTS
FOR
REMEDIATION OF THE 34 FREEMAN'S BRIDGE ROAD SITE
SCHENECTADY COUNTY, NEW YORK
May 3, 2006

NYSDEC SITE NO. 4-47-028
CONTRACT NO. D005813

TO ALL HOLDERS OF THE CONTRACT DOCUMENTS:

Your attention is directed to the following changes and additions to the contract documents for the remediation of the 34 Freeman's Bridge Road Site. This addendum has been prepared in accordance with the provisions of the Contract Documents.

A. Section I, Advertisement and Notice to Bidders

First paragraph, first sentence, replace bid opening date with "May 16, 2006."

B. Section III, Bidding Information and Requirements

Article 5, Required Bid Submittals, b) insert the following as an additional bullet:

"Proposed thermal subcontractor (if any); the method of handling both TSCA and non-TSCA materials (i.e., number of thermal units, type of thermal unit, etc.); applicable Nationwide permit(s); along with the proposed methodology and anticipated time frame for complying with applicable Federal TSCA permitting requirements. The information shall be complete to the satisfaction of the Department and will be used in determining the apparent low bidder's responsiveness and responsibility."

C. Section V, Bid Forms and Attachments

Replace Bid Form with attached new Bid Form.

D. Section XI, Supplementary Specifications

1. Insert the following requirements to Section 01052, Project Coordination:

"Bid Breakdown

The bid breakdown shall be used as a basis for determining progress payments on

a lump sum contract or any designated lump sum bid item. The bid breakdown shall be cost loaded construction activities equal, in total, to the lump sum bid and shall be in such form and sufficient detail to correctly represent a reasonable apportionment of the lump sum. Prior to submitting an invoice for payment, the CONTRACTOR shall have submitted a detailed bid breakdown and obtained approval from the ENGINEER.

Each lump sum bid item on the schedule of Work and Prices, as set forth in the Bid

must be broken down separately. The breakdown of each lump sum bid item must cover the cost of construction required by the Contract Drawings and Contract Documents for that item. The sum of the values for the construction activities, within a bid item, must equal the total bid amount for that item. The breakdown shall include subcontract amounts which shall not deviate from the amounts submitted in the Bid Proposal. The CONTRACTOR shall provide certification from the Subcontractors certifying the subcontract amounts.

The bid breakdown will include all information required in the Measurement for Payment Section. A bid breakdown for unit price items will be submitted to the Engineer as requested or required by these Contract documents. The bid breakdown will include labor, equipment and material costs (regardless if subcontracted or not) with markups as appropriate."

2. As part of the Work Plan required in section 01300, 2.01, A, 1, the plan shall address storm water management and erosion control per the attached document entitled "**2.1.1 Stormwater Management for Erosion Control Plan (SMECP)**." and attached Contractor/SubContractor SPDES Permit Application.

3. Section 13560, Page 13560-12, Part 3.01, J. revise accordingly:

"Provide demonstration test report with (3) days of receipt of LTTD stack testing laboratory results. The Contractor shall provide a validated time of sample receipt (VTSR) of 24-hour from completion of the demonstration test for all air stack testing samples and specify turnaround time not to exceed15 days."

E. Section XII, Measurement for Payment

1. Revise Item UP-4. Paragraph 8.1, (A) accordingly:

"BID ITEM UP-4 - LTTD TREATMENT OF Non-TSCA CONTAMINATED SOIL

8.1 General

A. Provide all material, equipment, incidentals, and labor necessary to completely and properly perform on-site LTTD treatment of non-TSCA soils, defined as soils with total PCB concentrations less than 50 ppm total PCB."

2. Insert the following:

"BID ITEM UP-4A - LTTD TREATMENT OF TSCA CONTAMINATED SOIL

8.3 General

A. Provide all material, equipment, incidentals, and labor necessary to completely and properly perform on-site LTTD treatment of TSCA soils, defined as soils with total PCB concentrations greater than 50 ppm total PCB.

B. Bid Item UP-4A provides a unit price bid per cubic yard for the on-site LTTD treatment of contaminated soils as specified and directed herein and includes the following items:

1. Staging, processing (i.e., screening, dewatering), and handling of all soils and debris for treatment and/or decontamination.

2. On-site treatment of soils and debris, including any pretreatment and processing.

3. Decontamination of debris unsuitable for LTTD.

4. Decontamination of treatment unit and related systems, and disposal of all generated decontamination waters, sludge, and residues.

5. LTTD operation and maintenance and reporting.

6. Emission and process monitoring and reporting.

7. Pre and Post-treatment sampling, analysis and reporting including maintenance of QA/QC protocols.

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8. Administration and reporting of production rates, feed rates, emission levels, exit soil temperatures, and monitoring.

9. Staging, handling, processing and re-hydration of treated soils.

10. Characterization, transport and disposal of oversized materials and screened debris unacceptable for re-use as backfill or treatment shall be paid under item UP-5.

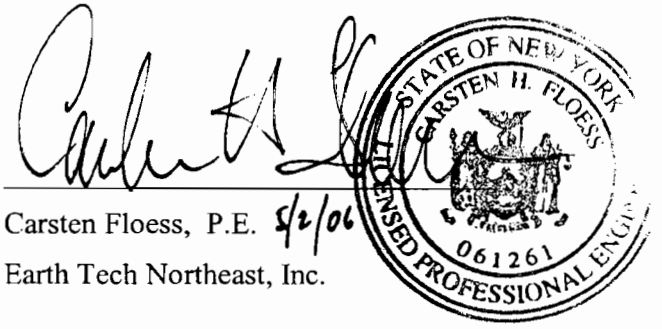
11. Address all community concerns and/or complaints presented related to site activities.

C. This item includes all costs to stage and characterize the soil as required for the LTTD treatment and pre and post treatment sampling.

8.4 Measurement for Payment

A. Measurement for payment of Bid Item UP-4A shall be for the amount of soil (cubic yards) acceptably treated, stockpiled, and sampled, based on in-place surveys (excavation and backfill) performed by a NYS licensed land survey and approved by the ENGINEER. The Contractor shall ensure that clean overburden soils bc scgregated from treated materials in the backfilled excavation to the extent that the actual quantity of treatment materials may be determined."

3. Bid Item UP-5, 9.1 B, insert as lest sentence, "Contractor shall collect one sample per every 1000 tons and analyzc for TCLP metals to confirm characterization as hazardous waste."



Carsten Floess, P.E. 5/2/06
Earth Tech Northeast, Inc.

Attachments:

1 - Pre-Bid Meeting Minutes, Question and Answers, Sign-in Sheet

2 - Revised Section V, Bid Form

3 - Section XI, Specification 01300 "2.1.1 Stormwater Mangement for Erosion Control Plan (SMECP) and SPDES Permit Certification"

ATTACHMENT 1
April 26, 2006
Pre-Bid Meeting Minutes
Sign-In Sheet
Contractor Question and Answers

MINUTES OF THE PRE-BID MEETING
HELD ON APRIL 26, 2006
FOR
REMEDIATION OF THE
34 FREEMAN'S BRIDGE ROAD SITE
GLENVILLE, NEW YORK

NYSDEC SITE NO. 4-47-028

1. Attendees were requested to sign in using the provided sign in sheets (see attached) prior to the beginning of the pre-bid meeting and the site walk. The Department stated that attendance was mandatory for bidding this project.

2 The site meeting was held at the 34 Freeman's Bridge Road Site. The meeting included a brief discussion, including an introduction and site history, bid instructions, award process and M/WBE &EEO goals. Past problems with bidding were noted, including late bids (returned unopened), no conditions on bid are allowed and forms provided in the contract must be used.

3. The site was toured and the overall general project work was described. Attendees had the opportunity to take photographs and ask more questions during the pre-bid tour. The scope of work was discussed during the site walk, including debris outside the building, on-site building, and the limits of work.

Attachments:
Attendee List
Question and Answers

34 FREEMANS BRIDGE SITE
SITE NO. 4-47-028
SCHENECTADY COUNTY
MANDATORY PRE-BID CONFERENCE
APRIL 26, 2006

NO.	NAME AND EMAIL ADDRESS	ORGANIZATION	ADDRESS	TELEPHONE # AND FAX #
1	Bill Welsch wwelsch@kleinfelder.com	GSC/Kleinfelder	7 Airport Park Blvd. Latham NY	518-786-8750
2	Glenn B. Kays gkays@kleinfelder.com	GSC/Kleinfelder	7 Airport Park Blvd. Latham, New York	518 786 8750 518 786 8755
3	John Padmore JPadmore@[illegible].com	Stabley Canada	69 [illegible] Rd. Holmes NY 12531	845-878-4046 P 845-878-4120 F
4	John Anthony janthony@maxymillian.com	Maxymillian Technologies	1801 East Street Pittsfield, MA 01201	413-499-3056 413-443-0511
5	Richard Trudeau RTrudeau@esmi[illegible].com	ESMI	304 Towpath RD Fort Edward NY	518-747-5500 518-747-1181
6	[illegible]	Geisel LLC WBE	[illegible]	[illegible] 518 [illegible] fax
7	Darren M Fuller	Tughill Const.	46 Pine Street Lockport N.Y.	716-433-6666 433-6667 FAX
8	Dean Devoe ddevoe@tullyenvironmental.com	Tully Environmental/Construction	127-50 Northern Blvd Flushing NY 11368	718 446 7000 x 298 718 426 8757
9	Pamela Y. Swanigan	NYS DEC-OMWBE	625 Broadway Albany	518 402 9311
10	Vicente Alfonso	//	//	//
11	Michael Wright	OP-TECH Environmental Services	10 Walker Way Albany, NY 12205	518 452 9641 Fax 869-1090
12	Phil Donato	WCE Corp	PO Box 83 12144 Rensselaer NY	518 272 6891 FAX 0108
13	Phil Salamacha	Warren & Panzer Engineers	228 E. 45th st. New York, NY 10017	212-922-0077 Fax 212-922-0630
14	Joanne Genovese GENOVESE@TRANSPORTOCOL.COM	GTC	32 Belvidere Ave Alb NY 12203	(518) 446-0782 (518) 858-5700
15	[illegible] danshauling.com C. Hallinan	Dan's Hauling & Demolition	33 Water St Troy, N.Y. 1218[illegible]	(518) 266-8947 Fax (518) 266-0316
16	Steve Valle svalle@adirondackenvironmental.com	Adirondack Env Services	314 N Pearl Albany NY 12207	518 434 4546

34 FREEMANS BRIDGE SITE
SITE NO. 4-47-028
SCHENECTADY COUNTY
MANDATORY PRE-BID CONFERENCE
APRIL 26, 2006

NO.	NAME AND EMAIL ADDRESS	ORGANIZATION	ADDRESS	TELEPHONE # AND FAX #
1	Kevin Corradino kcorradino@compassenvironmental.com	COMPASS ENVIRONMENTAL	92 N. Main St, Unit 20B Windsor, NJ 08561	609-371-7500 609-371-7508F
2	CURTIS SCHOTT CURTIS.SCHOTT@NSSC.BIZ	NATIONAL ENVIRONMENTAL	P.O. Box 300 CLEAR CREEK IN 47426	812-334-9000 331-8235
3	TODD FOX WTFOX@ABSCOPE.COM	ABSCOPE ENVIRONMENTAL	P.O. BOX 487 CANASTOTA, N.Y. 13032	(315)374-7595 (315) 697-9391
4	Wayne Hinton WAYNE.HINTON@ECGROUP.COM	ECG Northeast	195 Industrial Rd Windham, Me	508-384-6151 508-384-6028
5	Michael McCarley mmccarley@ECC.NET	ECC	50 D'Angelo Drive Marlboro, MA 01752	508-229-2270 508-229-7737
6	DAVE STAHL GARY DUKE DAN SCUOTAS	SHAW E:E	13 BRITISH AMERICAN BLVD LATHAM, NY 12110	(518) 783-7900
7	Brian Charest	ECI Northeast LLC	3 Howe Dr. Unit 1 Amherst, NH 03031	(603) 821-7050 (603) 821-7060
8	CHRIS GALLE	MUCH AMERICA'S INC	10 AIRLINE DR ALBANY NY 12205	(518) 640-6016 (518) 640-6006
9	Mike Krotow	Waste Management	8 Binghampton St Bldg #2 Albany, NY 12202	(518) 445-6747 (518)445-6730
10	JOE CASKO	BRANDENBURG	1905 E. 4th St BETHLEHEM PA	313-999-6994 610-691-4200
11	Doug McClure	ECC / Allegra Company	21 Fox St Poughkeepsie, NY 12601	845 454 3980 845 454 4026
12	Rob Wasserman	ECC	50 D'Angelo Drive Marlborough MA 01752	845-489-8826 508-229-7737
13	DAVE McDougall	D.A. COLLINS	101 Rt. 67 MECHANICVILLE, NY 12118	518-664-9855 518-664-[illegible] -0925
14	ERNIE BROOKS EBROOKS@MILLERENV.com	MILLER ENV. GROUP	105 SOUTH ALBANY RD SELKIRK NY 12158	518-767-0285 518-767-0289
15	CHAD GORMAN cgorman@wrsie.com	WRS	221 Hobbs St TAMPA, FL 33619	813-684-4400 267-540-0049
16	PAUL MISIASZEK	PSI	104 Fonda Blvd Schenectady NY	518-377-9841 FAX 377-9847

PRE-BID MEETING
APRIL 26, 2006
34 Freeman's Bridge Road site
Glenville, New York

NYSDEC Site No. 4-47-028

Questions and Answers

1. Q: Can you explain the relationship of lump sum bid items for mobilization/demobilization and wastewater treatment plant startup and testing with the unit price items for site services, health and safety and water treatment?

   A: Capital costs related to fixed items such as the water treatment plant, decontamination facility or other up front construction costs (i.e., costs simply to providc an individual item) should be placed in the appropriate lump sum bid item. Operating and maintenance costs, for example the day to day costs to operate the water treatment system, should be placed in the appropriate unit price bid item. This avoids the situation where a bidder requires any minimum quantity to recover the fixed costs of providing a certain item.

2. Q: Based on the timing of the bid and the contract duration, who is responsible for winter operation and any potential delays?

   A: The contractor is responsible for including all costs necessary to perform the work throughout the winter months based on contractor's own means and methods. Alleged weather related dclay will be evaluated in accordance with the contract, the standard of the industry and anticipated conditions for the location and timing of the work. The Contractor must assume weather conditions typical of the site location during winter months. Weather delay is a non-compensable delay and the contractor will be entitled to time only.

3. Q: Can you provide some clarification as to substantive requirements related to TSCA?

   A: 40 CFR 761.70 requires combustion efficiency of 99.9 percent. Processing rate and temperature must be monitored. An initial stack test must be performed with monitoring for oxygen, carbon dioxide, carbon monoxide, oxides of nitrogen, hydrochloric acid, PCBs, total chlorinated organic content, and total particulate matter. Continuous monitoring for oxygen, carbon monoxide and carbon dioxide during

treatment operations. Treatment system must have automatic feed cutoffs for failure of carbon monoxide or carbon dioxide monitoring, failure of process rate monitoring or low oxygen. Water scrubbers for hydrochloric acid control or an approved alternate method must be used. 99.9999% destruction removal efficiency is required. Dioxin/furan testing is required. Contractor remains responsible for meeting all substantive requirements of the applicable regulations and the technical specifications of the Contract Documents.

4. Q: How long will USEPA approval take?

   A: The Department envisions the contractor providing the LTTD Work Plan, including demonstration test procedures, along with any other shop drawings and submittals related to the thermal unit to USEPA concurrent with the Department's review. The Demonstration Test Report would likewise be submitted to the Department and USEPA concurrently. The Department will provide assistance in coordinating the submission of appropriate documents to the USEPA. All submissions shall be in conformance with article 5 (Shop drawings and Samples) of the General Conditions. The timing of USEPA approval will be dependent on the timeliness and quality of the contractor's submittals and, therefore, thermal vendors should rely on their experience and qualifications when estimating the length of time required to secure the appropriate approvals. The Contractor is responsible for obtaining federal TSCA approval within the Contract times identified in Section VI, Agreement of the Contract Document. The bidder is responsible for including all costs and down times related to obtaining USEPA approval for full scale operation.

5. Q: If a nation wide permit allows for operation within maximum tons per hour and maximum concentration limits without a demonstration test, will the Department still require one?

   A: Yes.

6. Q: Is a TSCA permit required or a permit equivalency document?

   A: TSCA permit.

7. Q: Is dioxin/furan sampling required during the demonstration test?

   A: Yes. Air emissions sampling for dioxin/furan per sw846 mcthod 23A is required on each test run during the demonstration test. Contractor is responsible for meeting all USEPA requirements.

8. Q: Is the Department identifying less than 50 ppm PCBs as TSCA remediation waste?

A: No. The disposal was pre April 18, 1978, so it is regulated as found and not by the original concentration. Therefore, the less than 50 ppm is not regulated by TSCA.

9. Q: Is there existing moisture content data for the soils to be treated?

A: The moisture content of the materials to be treated is dependent on the contractor's dewatering methods, seasonal fluctuations in ground water elevations and other related variables. The contractor is responsible for using experience, his own means and methods and site specific conditions in determining this. Moisture content is also dependent on the contractor's efforts at dewatering the soils. The contractor can at his own option blend like soils, such as soils above 50 ppm PCBs, to achieve an optimal moisture content prior to thermal treatment. Blending cannot be done to avoid treatment, but can be used to balance the moisture content for soils being treated to the same level.

In place density data is included in the RI report, but Contractor is cautioned it is only valid for the date and time it was collected in the field.

10. Q: Can soils greater than 50 ppm PCBs be sent for off-site thermal treatment and disposal?

A: No.

11. Q: Can a second direct fired unit be brought on-site to treat soils with less than 50 ppm PCBs?

A: Yes. However, the Contractor is responsible for performing a demonstration test on any additional unit. This unit would not require federal TSCA approval. Contractor is responsible for coordinating the work in a manner which prevents any cross contamination with materials which exceed 50 ppm PCBs.

The technical requirements of an additional treatment unit to treat materials below 50 ppm only are: combustion efficiency of 99.9 percent is not applicable. Processing rate and temperature must be monitored. An initial stack test must be performed with monitoring for oxygen, carbon dioxide, carbon monoxide, oxides of nitrogen, hydrochloric acid, PCBs, total chlorinated organic content, and total particulate matter. Continuous monitoring for oxygen, carbon monoxide and carbon dioxide during treatment operations. Treatment system must have automatic feed cutoffs for failure of carbon monoxide or carbon dioxide monitoring, failure of process rate monitoring or

low oxygen. HCL emissions shall not exceed 4 lb/hr. 99.99% destruction removal efficiency is required. Dioxin/furan testing is not required. Contractor is responsible for meeting the technical specifications of the Contract Documents.

12. Q: Can you provide the applicable USEPA contact information?

A: Contractor should contact the USEPA offices and coordinate with the USEPA regarding number of submittals, paper versus electronic and other requirements, along with confirming the following information:

Hiroshi Dodohara
Chemical Engineer
Fibers & Organic Branch
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-566-0507
202-566-0473 (fax)

Dan Kraft
Chief, Toxics Section
USEPA Region 2
DECA/PTBS
2890 Woodbridge Avenue
Edison, NJ 08837-3679
732-321-6669
732-321-6788 (fax)

13. Q: How are condensate and other thermal treatment system residuals to be paid for?

A: Contractor is responsible for including in the LTTD thermal treatment unit price all costs to properly characterize, transport and dispose any remaining residuals.

14. Q: The bid items for thermal treatment and backfill of treated soils have been split into separate items for thermal treatment for materials above 50 ppm PCBs and thermal treatment for materials below 50 ppm PCBs.

A: On-site thermal treatment by a TSCA thermal unit for materials above 50 ppm PCBs is required, item 4A was added to Section 5, Bid Form and Section XII, Measurement and payment to address this . For example, if the bidder determines that the thermal unit provided for materials over 50 ppm PCBs will be used to treat the entire volume, then he would include the same unit cost for items UP-4 and UP-4A. It should be noted that if only one thermal unit is to be used, then a demonstration test will only be required on worst case soils over 50 ppm PCBs, unless the contractor proposes to alter the unit for treating non TSCA soils (in which case, an additional demonstration test would be required). If the bidder determines that a second thermal unit will be provided for PCBs below 50 ppm PCBs, then he would put the unit cost for that in UP-4.

15. Q: Do metals containing soils with PCBs above 50 ppm have to be thermally treated on-site prior to off-site disposal?

A: Yes. Contractor is responsible for segregating metals containing soils with PCBs above 50 ppm, then thermally treating them prior to off-site disposal.

16. Q: It appears there are some additional junk items on the site surface beyond those inventoried in the limited site data document?

A: Contractor should include in his bid the costs to remove all surface debris which existed at the time of the pre-bid meeting. The Department does not have a complete inventory of these items or those within the on-site buildings. All items are to be removed and properly disposed.

17. Q: What happens if the TSCA LTTD unit is demobilized and greater than 50 ppm PCBs is encountered in the non-TSCA soils?

A: Contractor is responsible for coordinating and sequencing the work in a manner that prevents this from happening. If, at the contractor's own option, the TSCA thermal unit is demobilized first and additional greater than 50 ppm PCBs is encountered, then the contractor must either re-mobilize the TSCA thermal unit or take the material off-site at the unit price bid for on-site thermal treatment.

18. Q: Does TSCA 90 day treatment rule apply?

A: No.

19. Q: Following treatment in TSCA thermal unit, are materials classified as TSCA with metals contamination, still TSCA regulated?

A: No.

20. Q: Once treated will the TSCA soils stay onsite?

A: Yes. All on-site treated materials will be used as backfill for the site, except for the metals-containing soils. These will be shipped off-site for treatment.

21. Q: Can the metals-containing soils be stabilized or solidified to render non-hazardous?

A: No.

22. Q: Is the positioning of the LTTD unit is the Contractor's choice?

A: Yes. The drawings by the Engineer are example only. Contractor is responsible for his own means and methods, including sizing and location of all facilities and structures.

23. Q: What is Michael Cruden's email address?

A: mjcruden@gs.dec.state.ny.us

24. Q: When the EPA holds a public hearing to address the possible installation of a direct LTTD unit, the outcry may be too much and there may not be approval for a TSCA permit. How do we deal with this situation?

A: The contractor is responsible for obtaining federal TSCA approval, including any required public noticing, within the identified contract times. Failure to obtain federal TSCA approval will require contractor to supply an alternate treatment unit at the contractor's expense.

25. Q: How would materials be characterized for the line item for shipment off-site for metals containing soils?

A: The line item for metals-contaminated soils is UP-5. They must first be thermally treated to remove organic compounds on-site. We anticipate the metals containing soils failing TCLP. If characterization samples described in this addendum do not fail TCLP, then a change order will be processed for off-site disposal as non-hazardous waste. The metals excavation areas have been identified on the he drawings. Representative TCLP samples were taken..

26. Q: To what extent, if any, can the Contractors rely on the delineation on the drawings of the TSCA and non-TSCA level of contamination areas? Or will the Contractor have to resample?

A: Although there is always some uncertainty, the areas have been well delineated. Each grid classification is based on several data points. The contractor is not expected or required to re-sample the site to confirm the delineation on the drawings. Following excavation, stockpiled soils will be sampled prior to treatment per section 01400 of the specifications. Also, post excavation confirmatory sampling will be performed per section 01400 of the specifications.

27. Q: Is there a NAPL layer in the groundwater?

A: Refer to the RI report for an in depth description of NAPL onsite.

28. Q: How is oversized materials to be handled (i.e., decontamination, characterization, etc.)?

A: The contractor shall submit a materials handling plan as part of the Construction Work Plan to address decontamination and characterization of potentially contaminated oversized materials encountered during excavation. For the purpose of bid form preparation it was assumed that all oversized material would require off-site disposal. If practicable, large pieces of concrete could be decontaminated (i.e., via pressure washing) and crushed for disposal on-site. Other debris such as wood, and other deleterious materials shall be disposed of off-site under UP-5. Non-hazardous oversized surface debris shall be disposed of under LS-1.

29. Q: Does the 40% subcontracting limit include thermal treatment?

A: No. However, this qualified by the following. First, the thermal vendor is still considered a subcontract and must be reviewed and approved by the Department, including the submission of an acceptable NYS Uniform contracting Questionnaire. Also, the contractor shall provide sufficient bid breakdown information in order for M/WBE participation for items relating to thermal treatment to be evaluated. As an example, if the prime subcontracts thermal treatment to a thermal vendor, including pre and post analytical work, but a M/WBE laboratory is available to perform this analytical work, then this portion of the subcontracted work is still considered available to the prime in meeting the required M/WBE percentages.

30. Q: General Conditions Article 4.2.2.5 requires a pollution legal liability policy in the amount of $1M with the Department as an additional insured. This type of policy is normally purchased by owners of sites, not contractors. Can this requirement be met by coverage under the contractors practice pollution policy.

A: General Conditions Article 4.2.2.5, pollution legal liability policy is standard contract clause, consistent with all NYSDEC bid packages and should be bid as it reads. The specified policy has been purchased by contractors, with the Department as an additional insured.

31. Q: Page 13560-12 of the RFP states that the contractor must "Obtain all necessary State and Federal permits required to operate the treatment unit." Aside from the Region 2 TSCA permit, can NYSDEC provide a list of currently known required permits, especially state permits?

A: New York State will require SPDES general permit for construction activity certification in accordance with Section 01300 and Addendum No. 3 (attachments). No other state permits will be required. USEPA Washington, D.C. (see contact information, question #12) may also have applicable permit requiremcnts. Contractor is responsible for meeting the technical specifications of the Contract Documents.

32. Q: There appears to be a conflict regarding the PCB treatment standard. On page 01010-5 it states that soil FROM the surface must be treated to 1 ppm and soil FROM the subsurface treated to 10 ppm. However, the Table on page 13560-16 says 1 ppm if placement for backfill. Since it is intended that all treated soil is used for backfill (unless it fails the metals criteria), does this mean that all soil must be treated to 1 ppm regardless of the source?

A: All soil must be treated to total 1 ppm total PCBs. Page 01010-5 provides the site specific and contaminant specific cleanup goals, which are the levels which drive excavation of the soils. For example, at four feet below grade, a post excavation confirmatory soil sample with eight parts per million PCBs would not require further excavation.

33. Q: The Site Clean-up Goals on page 13560-16 show values for VOCs, SVOCs, PCBs, Lead, Mercury, and chromium. Will every treated soil sample have to be analyzed for all of these components? What is the minimum sampling frequency for these samples?

A: Every treated soil sample have to be analyzed for VOCs, SVOCs, PCBs, Lead, Mercury, and chromium. Minimum sampling requirements for treated soil during full-scale operations are provided in Section 01400, Table 01400-1 (i.e., 1 grab sample /1000 ton)

34. Q: If UP-4 (and 4A) quantity will be based on excavated volume, how will the fact that screened debris will be excavated but will not be treated (paid for under UP-5) be addressed, since UP-5 is measured in tons.

A: Payment for UP-4 (and UP-4A) will be made based on total volume (cy) excavated minus volume of oversized debris (cy) as agreed to by the Engineer in the field. Contractor will propose a method acceptable to the Engineer for staging oversized debris and measuring its volume.

35. Q: Section 02240, Attachment A, page 9 of 10 - Water treatment plant effluent limitations and monitoring requirements - with regard to the three line header, the measurement frequency, the sample type and footnote 1 - taken together, the intent is unclear, particularly as to what constitutes a 7 day "discharge event". This language differs from a similar permit under which we are now operating at another NYSDEC site. Is a "discharge event" the maximum period during which a "batch" of treated water can be accumulated prior to sampling? The maximum period over which a "batch" can be discharged after analytical results are received and reviewed? Can the grab sample be taken near the beginning of treatment of a 7 day "batch" so that results can be received as the last of the "batch" is treated, or must sampling wait until the entire "batch" has been treated so that the sample is more representative?

A: The contractor shall submit a dewatering plan as part of the Construction Work Plan and in accordance with h Section VIII, Articles 5.23 to 5.29. The minimum requirements for the dewatering plan are stated in Section 02240, paragraph 1.04 (D). The Contractor shall select a method of dewatering that complements the Contractor's plan for site containment and excavation and shall define minimum discharge event as part of the dewatering plan . The Contractor shall anticipate the need for dewatering systems and calculate the size of the dewatering system required and the volume of water to be treated throughout the duration of the project from Notice to Proceed until Substantial Completion. The calculations shall consider the control of run-on and runoff of the work areas, drainage of stockpiles, drainage from decontamination facilities, and groundwater. The assumptions and calculations used to size the dewatering system shall be stated in the CWP. The contractor will be responsible to demonstrate through a start-up test that the proposed method will meet the general requirements of the discharge effluent limitations provided in Attachment A, for site-specific contaminants only.

A batch system consisting of multiple storage vessels for treated water undergoing discharge, treated water pending analysis and untreated waters appropriately sized and designed by the contractor would be acceptable. The contractor may also propose a continuous discharge with appropriate discharge sampling and satisfactory safeguards to prevent "breakthrough" and subsequent discharge of waters above the specified criteria. No payment will be made for discharge of waters above the specified criteria and the contractor would be responsible for other penalties per State regulations.

36. Q: The current volatility of fuel prices presents an unusually high level of risk for a project where fuel represents such a large percentage of the price. In a recent project another state addressed this by setting a "benchmark" unit price per gallon for #2 fuel oil delivered to the site for the exclusive use of the thermal processing system (not for use in excavators, trucks, etc. although there is no reason that fuel could not be included as well). Contractor

documented actual use and cost from delivery tickets and vendor invoices. If actual fuel cost per gallon was above or below the "benchmark" price set in IFB the difference plus markup was invoiced to the state under a contract line item for that. Markup, whether additive or deductive, was determined by contract general conditions governing change orders, similar to section 10.7 of the NYSDEC general conditions. Will NYSDEC consider adopting such a system and if so what "benchmark" price should be used?

A: No. The Department has concerns that such a system compensates the contractor for inefficiencies in both securing a viable fuel source for the thermal unit and operating the thermal unit in an optimal manner.

ATTACHMENT 2
REVISIONS TO SECTION V, BID FORM AND ATTACHMENTS

New York State Department of Environmental Conservation

Project Number D005813, NYS Site Number 4-47-028

Payment Item Number	*Description*	*Estimated Quantity*	*Unit or Lump Sum Price*		*Total Amount ($)*
			Words	*Figures*	
LS-1	Mobilization/Demobilization	1			
LS-2	Building Demolition	1			
LS-3	WWTP Mobilization, Start-up, and Testing	1			
LS-4	LTTD Demonstration Pilot Test	1			
UP-1	Site Facilities and Utilities	285 Days			
UP-2	Health and Safety	210 Days			
UP-3	Excavation of Soil and Debris	69,000 CY			
UP-4	**LTTD treatment of Non-TSCA Soils**	**46,000 CY**			

12

Payment Item Number	*Description*	*Estimated Quantity*	*Unit or Lump Sum Price*		*Total Amount ($)*
			Words	*Figures*	
UP-4A	**LTTD treatment of TSCA Soils**	**12,500 CY**			
UP-5	Offsite disposal of metals containing soils and contaminated debris	13,200 Ton			
UP-6	Backfill with treated and potentially clean overburden	65,500 CY			
UP-7	Post Excavation Confirmatory Soil Sampling	150 Sampling Suites			
UP-8	Water Treatment	1,000,000 Gallons			
UP-9	NAPL - Offsite disposal	32,000 gallons			
UP-10	Monitoring Well Decommissioning	21 Wells			
UP-11	Site Restoration - Topsoil and Seeding	10 Acres			

TOTAL for Pages V-2 and V-3	

New York State Department of Environmental Conservation

Project Number D-5813, NYS Site Number 4-47-028

Item No.	*Item Description*	*Unit*	*Estimated Quantity*	*Unit or Lump Sum Price*		*Total Amount ($)*
				Words	*Figures*	
	Pollution Liability Insurance	LS	1			
	This item is not to be calculated in the base Bid for the project. **Contractor** is referred to Article 4 of the General Conditions in the Contract Documents. The limits for Pollution Liability Insurance will be the same as defined in Article 4 of the General Conditions. After opening of bids, **Department** will determine if it is in **Department's** best interest to have **Contractor** obtain an additional $4,000,000 Pollution Liability Insurance on a site specific basis, and if so, **Contractor** will be paid separately at the actual documented cost to obtain this additional insurance. The Bidder is required to fill in the above price if it can obtain site-specific Pollution Liability Insurance. This Bid amount will be the upper limit for payment of this item. The **Department** is to be listed on the Bidder's Company Policy as an additional insured at no additional cost to the **Department**. _____ _____ _____ **Contractor Authorized Representative** **Contractor Name** **Date**				

ATTACHMENT 3
REVISED PAGES TO SECTION XI SUPPLEMENTARY
SPECIFICATION,
SECTION 01300

2.1.1 Stormwater Management for Erosion Control Plan (SMECP)

Include a SMECP with the Work Plan.

a. Stormwater Management and Erosion Control

1. General

CONTRACTOR is responsible for utilizing a system of vegetation and structural measures which can be used to control the increased volume and rate of surface runoff during the project. Stormwater management on this project is to include measures to mitigate pollutants carried by surface runoff.

Stormwater management objectives for this project include:

a. Prevent increased runoff from new land development to reduce potential flooding and flood damage.

b. Minimize the erosion potential from the construction project.

c. Enhance the quality of stormwater runoff to prevent water quality degradation in receiving waterbodies; and

d. Reduce stream bank erosion to maintain stream channels for their biological functions as well as for drainage.

Mitigation of stormwater impacts shall:

a. Provide for erosion and sediment control during all stages of development from the land clearing stage to the final stage;

b. Provide for the attenuation of peak storm volume and discharge rate to prevent flooding.

c. Provide for reduce post development runoff volumes;

d. Provide for safe conveyance of stormwater on the project site;

e. Provide for the protection of stream corridors; and

f. Provide for the protection of water quality by treating the "first flush."

Stormwater management systems such as (a) infiltration, (b) retention, and (c) extended detention shall be used to capture and treat the "first flush". Supplemental stormwater management practices include water quality inlets, open vegetated swales, vegetated buffer zones and filter strips to provide watcr quality treatment by filtration, attenuation, buffering, sedimentation, biological removal and practical rctention.

Three basic approaches for controlling erosion and sedimentation shall bc employed: (a) soil stabilization - initially control sheet and rill erosion to prevent gully and channel erosion, (b) runoff control - then control gully, channel and stream erosion to prevent transport of sediment and (c) sediment control - then control sediment transport to protect off-site areas.

Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices shall not be removed until the disturbed land areas are stabilized.

The **CONTRACTOR's** bid price includes all costs necessary to provide for stormwater management and erosion and sedimentation control during construction. The **CONTRACTOR** is solely responsible for sizing and providing any and all stormwater management and erosion control measures necessary to meet Federal, State and local requirements and guidelines. The **CONTRACTOR** is responsible at **CONTRACTOR'S** own cost for any corrective measures required by **CONTRACTOR'S** failure to comply with these specifications or any Federal, State or local requirements and guidelines.

2. The SMECP shall follow guidelines for structure and content contained in SPDES GP-02-01.

The SMECP shall include:

a. Information regarding site background, description of work, analysis of site limitations for stormwater facilities, and potential impact to natural resources;

b. All calculations and assumptions used for the sizing and siting of proposed temporary erosion and sedimentation control facilities.

c. Information regarding maintenance needs and safety considerations of stormwater management and erosion and sediment control facilities;

d. Implementation schedule for staging of stormwater management facilities and conveyancc systems;

e. Description of the coordination of staging of erosion and sedimentation control facilities and construction activities; and

f. Description of winterization provisions.

2.1.1.1 Erosion and Sediment Control Guidelines

A. Existing vegetation on the project site shall be retained and protected to minimize soil loss on the project site and to minimize erosion control costs.

B. Sediment control practices and measures, where necessary, shall be designed to protect the natural character of rivers, streams, lakes, coastal waters or other waterbodies on-site and minimize erosion and sedimentation off-site from the start of land disturbance activities to establishment of permanent stabilization.

1. The off-site impacts of erosion and sedimentation related to land clearing, grading and construction activities shall not be any greater during and following land disturbance activities than under pre-development conditions.

2. Pursuant to 6 NYCRR Part 700:

a. Toxic and other deleterious substances shall not be discharged in amounts that will adversely affect the taste, color, or odor thereof, or impair the waters of the state or their classified usages.

b. Suspended, colloidal and settleable solids shall not be discharged in amounts that cause substantial visible contrast to natural conditions, or causes deposition or impairs the waters for their classified usages.

Stream reaches on site and downstream of construction areas shall not have substantial visible contrast relative to color, taste, odor, turbidity and sediment deposition from the reaches upstream of the construction area. Impacts such as these which result from construction or developmental activities are a violation of 6 NYCRR Part 700 water quality standards and may be subject to enforcement actions.

C. Erosion and sediment control measures shall be constructed in accordance with an erosion and sediment control plan. The plan shall:

1. Describe the temporary structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project from land clearing to the finished stage.

2. Provide a map showing the location of erosion and sediment control measures.

3. Provide dimensional details of proposed erosion and sediment control facilities as well as calculations used in the siting and sizing of sediment basins.

4. Identify temporary erosion and sediment control facilities which will be converted to permanent stormwater management facilities.

5. Provide an implementation schedule for staging temporary and permanent erosion and sediment control facilities.

6. Provide a maintenance schedule for soil erosion and sediment control facilities and describe maintenance activities to be performed.

D. Erosion and sediment control measures shall be constructed prior to beginning any other land disturbances. The devices shall not be removed until the disturbed land areas are stabilized.

E. Guidance.

1. Erosion Restrictions: No more than 5 acres of unprotected soil shall be exposed at any one time. Previous earthwork shall be stabilized in accordance with SWCS before additional area is exposed. Site factors including topograph, soil erosion potential, proximity to wetlands and water courses may require limiting the amount of raw earth that can be exposed at any one time to less than 5 acres.

2. Grading: Perimeter grading shall blend with adjoining properties.

3. Vegetative Protection: Where protection of trees or other vegetation is required, the location of the site to be protected shall be shown on the erosion control plan. The method of protecting vegetation during construction shall conform to the design criteria in SWCS.

4. Drainage control.

a. Surface runoff that is relatively clean and sediment free shall be diverted or otherwise prevented from flowing through areas of construction activity on the project site.

b. A fill associated with an approved temporary sediment control structure or permanent stormwater management structure shall not be created which causes water to pond off-site on adjacent property, without first having obtained ownership or permanent easement for such use from the owner of the off-site or adjacent property.

c. Natural drainage channels shall not be altered or relocated without the proper approvals. Pursuant to ECL, Article 15, a protected stream and the bed and banks thereof shall not be altered or relocated without the approval of the **DEPARTMENT**.

d. Runoff from any land disturbing activity shall not be discharged for have the potential to be discharged off site or into storm drains or into watercourses unless such discharge is directed through a properly designed, installed and maintained structure such as a sediment trap, to retain sediment on site. Accumulated sediment shall be removed when 60% of the storage capacity of the sediment retention structure is filled with sediment.

e. For finished grading, adequate gradients shall be provided so as to prevent water from standing on the surface of lawns for more than 24 hours after the end of a rainfall, except in a swale flow area which may drain as long as 48 hours after the end of rainfall.

f. Permanent swales or other points of concentrated water flow shall be stabilized with sod, riprap, paving, or covered with an approved erosion-control matting as provided for in the design criteria in SWCS.

g. Surface flows over cut and fill slopes shall be controlled as provided for in the design criteria for vegetating waterways in SWCS.

5. Timing.

a. Except as noted below, all sites shall be seeded and stabilized with erosion control materials such as straw mulch, jute mesh, or excelsior within 15 days of final grading. If construction has been suspended, or sections completed, areas shall be seeded immediately and stabilized

with erosion control materials. Maintenance shall be performed as necessary to ensure continued stabilization.

i. For active construction areas such as borrow or stockpile areas, roadway improvements, and areas within 50 feet of a building under construction, a perimeter sediment control system consisting of silt fencing or hay bales shall be installed and maintained to contain soil.

ii. On cut side of roads, ditches shall be stabilized immediately with rock riprap or other non-erodible liners, or where appropriate, vegetative measures such as sod. When seeding is approved, an anchor mulch shall be used and soil shall be limed and fertilized in accordance with SWCS.

iii. Permanent seeding shall optimally be undertaken in the spring from March 21 through May 20, and in later summer and early fall from August 25 to October 15. During the peak summer months and in the fall after October 15 when seeding is found to be impracticable, an appropriate mulch shall be applied. Permanent seeding shall be undertaken during summer if plans provide for adequate watering of the seedbed.

iv. All slopes steeper than 3:1 (h:v), as well as basin or trap embankments and perimeter dikes shall, upon completion, be immediately stabilized with sod, seed and anchored straw mulch or other approved stabilization measures. Areas outside of the perimeter sediment control system shall not be disturbed. Maintain as necessary to ensure continued stabilization.

b. Temporary sediment trapping devices shall be removed within 30 calendar days following establishment of permanent stabilization in all contributory drainage areas. Stormwater management structures used temporarily for sediment control shall be converted to the permanent configuration within this time period as well.

6. Stream Protection.

a. The bed and banks of all on- and off-site streams that may be impacted by land clearing, grading, and construction activities shall be protected to prevent stream, river, lake or coastal sedimentation, streambank

erosion, stream enlargement and degradation or loss of fisheries habitat. Measures for protecting the bed and banks of a stream include: riprap, log cribbing, and vegetative measures.

b. Where temporary work roads or haul roads cross stream channels, adequate waterway openings shall be constructed using spans, culverts, washed rock backfill or other acceptable, clean methods that will ensure that road construction and use do not result in turbidity and sediment downstream. All stream crossing activities and appurtenances shall be in compliance with a permit issucd pursuant to ECL, Article 15, and shall be carried out in conformance with guidelines in DEC-SCM.

7. Maintenance.

a. An erosion control plan for the project site shall identify maintenance requirements for erosion and sediment control practices utilized, and it shall provide a maintenance schedule. All

erosion and sediment control measures shall be inspected periodically and maintained in conformance with the schedule so as to ensure they remain in effective operating condition until such times as they are removed.

b. All points of construction ingress and egress shall be protected to prevent the deposition of materials onto traversed public thoroughfare, either by installing and maintaining a stabilized construction entrance, or by washing all vehicle wheels in a safe disposal area. All materials deposited onto public thoroughfares shall be removed immediately. Proper precautions shall be taken to ensure that materials deposited onto public thoroughfares are removed so that they do not enter catch basins, storm sewers, or combined sewers.

c. Accumulated sediment shall be removed when 60 percent of the storage capacity of the retention structure is filled with sediment.

PART 3 EXECUTION

A. The **CONTRACTOR** shall adhere strictly to the provisions of the Work Plan as approved and shall control and manage surface water in every area where his/her activities take place. The actual methods shall be chosen by the **CONTRACTOR**; however, the **ENGINEER** must approve any method before construction begins.

B. Surface water from areas of the excavation which have not been disturbed shall be prevented from entering areas where construction or work is in progress or contaminated areas.

C. Surface water from known areas of contamination shall be collected prior to leaving those areas and transported or pumped through watertight pipes to a temporary storage tank for later treatment through the water treatment system. Disposal shall be in accordance with all Federal and State regulations at **CONTRACTOR's** cost.

D. In the event surface runoff is the cause of existing clean areas, or subsequently cleaned areas, becoming contaminated, the affected areas shall be cleaned in accordance with instructions given by the **ENGINEER.** The **CONTRACTOR** shall be responsible for all costs associated with mitigating the affects of contaminated runoff migrating to clean areas or off site during the duration of the contract.

E. Groundwater which is visibly flowing from the excavation shall be collected at each exit point and piped or transported into a temporary storage facility for on-site treatment in accordance with Federal and State regulations.

F. The attached "CONTRACTOR/SUBCONTRACTOR SPDES PERMIT CERTIFICATION" will be completed properly.

CONR 5
(5/03)

CONTRACTOR/SUBCONTRACTOR SPDES PERMIT CERTIFICATION

Contract Number D__ Description _____

County _____

In accordance with the requirements of the SPDES General Permit for Construction Activity, GP-02-01, each Contractor and Subcontractor identified in the Storm Water Pollution Prevention Plan (SWPPP) must certify that they understand the permit conditions and their responsibilities. Every Contractor and Subcontractor performing an activity that involves soil disturbance shall sign this certification and provide it to the Engineer prior to performing any contract work. This certification shall be signed by an Owner, Principal, President, Secretary or Treasurer of the firm in accordance with the signature requirements of the Specifications.

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Firm _____

Address _____

_____

City _____ State _____ Zip _____

Telephone (____)_____

_____ _____ _____

Name Signature Date

_____

Title