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FINAL
Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York

Prepared by
Seneca Army Depot Activity

(December 2006)

**Land Use Control Remedial Design
For
SEAD 27, 66, and 64A, also known as the
Planned Industrial/Office Development or Warehousing Areas
Seneca Army Depot Activity
Romulus, New York
(June 2006)**

1. PURPOSE

The Record of Decision (“ROD”) for the Sites Requiring Institutional Controls in the Planned Industrial/Office Development and Warehousing Areas (“PID/Warehouse Area”), signed September 2004 requires the establishment of institutional controls (“ICs”) at SEAD 27, 66, and 64A (“Controlled Property”). This Remedial Design (“RD”) contains the land use controls (“LUCs”) that are required by the aforementioned ROD. These ICs were chosen in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan.

2. LUC OBJECTIVES AND LAND USE RESTRICTIONS

The PID/Warehouse Area ROD LUC Objectives at the Controlled Property are as follows:

- Prevent residential housing, elementary and secondary schools, childcare facilities and playground activities.
- Prevent access to or use of the groundwater until NYS Class GA Groundwater Standards are met.
- Prevent unauthorized excavation at the SEAD 64A Controlled Property (See Section 5, below, for SEAD 64A excavation approval procedures).

Specifically, the residual contamination at the Controlled Property will not pose an unacceptable threat to human health and the environment provided the following Land Use Restrictions are employed:

(1) Commercial/Industrial Use Restriction.

The Controlled Property shall be used solely for commercial and industrial purposes and not for residential purposes, such real property having been remediated only for commercial and industrial uses. Commercial and industrial uses include, but are not limited to, administrative/office space, manufacturing, warehousing, restaurants, hotels/motels, and retail activities. Residential use includes, but is not limited to, housing; day childcare facilities; schools (excluding education and training programs for persons over 18 years of age); assisted living facilities; and outdoor recreational activities (excluding recreational activities by employees and their families incidental to authorized commercial and industrial uses on the Controlled Property).

(2) Groundwater Restriction.

Other than for the installation of and obtaining samples from groundwater monitoring wells, there shall be no access to or use of the groundwater on the Controlled Property for any purpose without the prior written approval of the U.S. Department of the Army (the "Army"), the U.S. Environmental Protection Agency Region II ("USEPA Region II"), and the New York State Department of Environmental Conservation ("NYSDEC").

(3) Excavation Restriction.

No digging or excavation shall be permitted on the SEAD 64A Controlled Property without prior written approval of the Army, USEPA Region II, and NYSDEC

A map showing the location of the PID/Warehouse Area and the boundaries of the land use restrictions is attached hereto as the Land Use Restriction Map (Figure I).

Note - The PID/Warehouse Area ROD also proposed establishment of an area-wide set of land use restrictions for the PID/Warehouse Area. The area-wide land use restrictions will simplify IC implementation by having a single set of land use restrictions for the PID/Warehouse Area, which are consistent with its anticipated industrial land use. The PID/Warehouse Area also includes No Action/No Further Action ("NA/NFA") sites. These sites may be suitable for uses other than industrial. Upon request by a future property owner, the Army, USEPA Region II, and NYSDEC will evaluate any requested variances to the land use restrictions regarding in a NA/NFA site on a site-by-site basis.

3. IMPLEMENTATION ACTIONS

The following LUC Implementation Actions will be achieved and implemented to prevent future violation of the LUC Objectives and Land Use Restrictions:

A. Lease restrictions – Prior to the Army transferring the PID/Warehouse Area, the Army will include lease restrictions that are no less restrictive than the land use restrictions described above to implement the LUC Objectives and Land Use Restrictions. These lease restrictions shall remain in place until the PID/Warehouse Area is transferred by deed, at which time they will be superseded by the deed restrictions.

B. Environmental Easement - The Army will prepare an environmental easement consistent with N.Y. Code Env. Section 27-1318(b) that provides for NYSDEC monitoring of the LUCs set forth in this RD, which will be recorded immediately prior to the transfer of the PID/Warehouse Area from the federal government. The environmental easement will ensure the ability of NYSDEC to enforce the LUCs in the future. A notification about the existence of the environmental easement will be identified in the deed associated with the parcel transfer. The Easement does not negate or transfer the Army's ultimate responsibility under CERCLA Section 120(h)(3) and the Seneca Army Depot Federal Facilities Agreement ("FFA").

C. Deed restrictions –

(1) The PID/Warehouse Area property will be transferred with the land use restrictions, consistent with the above LUC Objectives as defined in Section 2, above. These deed or deeds for the PID/Warehouse Area will incorporate by reference the land use restrictions set forth in the Environmental Easement. The deed(s) will be recorded in the Seneca County Clerk's Office. The Army shall provide a copy of the executed PID/Warehouse Area deed(s) to USEPA Region II and NYSDEC.

(2) CERCLA Notice and Covenant. Each deed will include a CERCLA Section 120(h)(3) notice and covenant. The CERCLA Section 120(h)(3) notice which will have a description of the residual contamination on the subject property. The CERCLA Section 120(h)(3) will warrant that the Army has taken all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property and any additional remedial action found to be necessary after the date of transfer shall be conducted by the Army.

(3) Reservation of Access. Each deed will also contain a reservation of access to the property for the Army, USEPA Region II, and NYSDEC, and their respective officials, agents, employees, contractors, and subcontractors for purposes consistent with the FFA. The deed shall contain any appropriate provisions to ensure that the restrictions continue to run with the land and are enforceable.

D. Zoning - The PID/Warehouse Area is subject to the Town of Romulus zoning code. The Town of Romulus zoning code establishes land uses for conservation/ recreation, residential, and commercial/industrial activity in the Town. The PID/Warehouse Area is currently zoned by the Town of Romulus as commercial/industrial. See Romulus Zoning Map (figure 2).

Note – The Paragraph D “Zoning” is provided for information purposes only since the Town of Romulus is responsible for local zoning.

E. Annual Certification – The Army and/or future property owner shall annually, or within such time as NYSDEC may allow (with the consent of USEPA Region II and the Army), submit to NYSDEC, with a copy to USEPA Region II (and to the Army, if the certification is submitted by a future property owner), a written statement in accordance with N.Y. Code Env. Section 27-1318(c). The statement will be prepared by an expert NYSDEC may find acceptable certifying under penalty of perjury that the controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls employed at the Controlled Property were approved by NYSDEC, and that nothing has occurred that would impair the ability of such control to protect the public health and environment or constitute a violation or failure to comply with this Remedial Design for such controls and giving access to such Controlled Property to evaluate continued maintenance of such controls.

F. Five -Year Review - The Army will review the LUC remedy as part of the five-year review and report. The report will address the effectiveness of the LUC remedy and whether any LUC Objective, Land Use Restriction, or Implementation Actions should be modified.

4. ENFORCEMENT

A. Army LUC Enforcement. If the Army becomes aware of an action that interferes with or violates a LUC Objective or Land Use Restriction, it will attempt to resolve the matter informally with the responsible party (i.e., the property owner or occupant). The Army will notify USEPA Region II and NYSDEC regarding the matter within three (3) days of becoming aware of the violation. If the matter is not resolved, the Army will notify USEPA Region II and NYSDEC regarding the result of its informal resolution efforts (e.g., any corrective action) within ten (10) days of discovery of the violation.

B. NYSDEC LUC Enforcement. If the NYSDEC becomes aware of an action that interferes with or violates a LUC Objective or Land Use Restriction, it will take action to resolve the matter in accordance with the enforcement procedures set forth in the Environmental Easement. The NYSDEC will notify the Army and USEPA Region II regarding matter within three (3) days of becoming aware of the violation. If the matter is not resolved, the NYSDEC will notify the Army and USEPA Region II regarding the results of its resolution efforts (e.g., any corrective action) within ten (10) days of discovery of the violation.

C. If a LUC Objective or Land Use Restriction violation is not resolved within ten (10) days of the Army and/or the State becoming aware of it, the Army, USEPA Region II, and NYSDEC will consult on appropriate actions to reestablish protectiveness. These actions may range from continued informal resolution efforts with the property owner or the violator, to the initiation for judicial action under state property law or CERCLA. It should be noted that the U.S. Department of Justice (DOJ) has the ultimate authority for bringing legal actions on behalf of federal agencies to enforce deed restrictions or other institutional controls. Under this LUC RD, the Army is responsible for requesting that DOJ seek judicial enforcement of the LUC Objectives and Land Use Restrictions. Nothing in this provision shall be construed to limit the ability of the USEPA Region II, and NYSDEC to take appropriate enforcement measures against the party or parties responsible for LUC Objective or Land Use Restriction violations.

5. MODIFICATION

Future property owners may seek modifications of the LUC Objectives or Land Use Restrictions (e.g., approval to excavate at the SEAD 64A Controlled Property) or Implementation Actions (e.g., changing the frequency of the annual certification) in writing to the Army, USEPA Region II, and NYSDEC. If the Army, USEPA Region II, and NYSDEC determine that it is appropriate to modify the LUC Objectives or Implementation Actions, the Army, USEPA Region II, and NYSDEC will provide written approval of the modification request and the Army will revise the RD accordingly.

Note –To the extent that modification of this RD requires a concurrent amendment to the Environmental Easement, the Environmental Easement may be amended only by a written amendment executed by the NYSDEC Commissioner and filed with the Seneca County Clerk’s Office.

6. SUPPLEMENTATION

The PID/Warehouse Area includes 14 sites that have been retained by the Army pending completion of ongoing and scheduled investigations and remedial actions by the Army at such sites (“Army Retained Sites”). The Army Retained Sites are not part of this ROD and are not addressed by these LUCs. However, the Army Retained Sites include appropriate fencing and/or warning signs to control unauthorized access. Upon completion of the Army investigation and remedial actions for the Army Retained Sites, they will be transferred to the Seneca County Industrial Development Authority. The Army Retained Sites will be addressed by future RODS and this LUC RD will be amended as necessary. The Army Retained Sites are identified on the Land Use Restriction Map.

7. TERMINATION

This LUC RD and its Objectives, Specific Restrictions, and Implementation Actions shall remain in effect until such time as the Army, USEPA Region II, and NYSDEC agree that concentrations of hazardous substances or hazardous constituents have been reduced to levels that

allow for unrestricted use of and unrestricted exposure at the Controlled Property (e.g., the groundwater contamination levels are below the New York State groundwater quality standards and the soil contamination levels are below levels that equate to an excess lifetime cancer risk between 1×10^{-4} and 1×10^{-6} and a Hazard Index of 1.0 or less). If any LUC Objectives, Land Use Restrictions, and/or Implementation Actions may no longer be needed, the Army will request a meeting with USEPA Region II and NYSDEC to determine whether any such provision of this LUC-RD may be terminated.

The Environmental Easement referred to above may be extinguished by the NYSDEC Commissioner, but only after termination of the LUCs pursuant to this Section 7 of this RD. The extinguishment of the Environmental Easement shall be filed with the Seneca County Clerk's Office in the manner prescribed by Article 9 of the Real Property Law.

Addendum 1 - SEAD 25 and SEAD 26

**Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York**

by: Seneca Army Depot Activity
Addendum date: May 2007

(i.e., SEAD-1, 2, 5, 16, 17, 59, 71, 121C, and 121I) to the LUC RD pursuant to this LUC RD Addendum #4.

7. TERMINATION

The SEAD Termination provisions shall apply to SEAD1, 2, 5, 16, 17, 59, 71, 121C, and 121I.

Table 1
Land Use Control Remedial Design
Site Description / Title

| SITE | DESCRIPTION | DOCUMENT |
|-------------|--|------------------------------|
| SEAD 27- | STEAM JENNY PIT | REMEDIAL DESIGN ¹ |
| SEAD 64A- | GARBAGE DISPOSAL AREA | REMEDIAL DESIGN |
| SEAD 66- | PESTICIDE STORAGE AREA | REMEDIAL DESIGN |
| SEAD 25- | FIRE DEMONSTRATION PAD | ADDENDUM 1 ² |
| SEAD 26- | FIRE TRAINING AREA | ADDENDUM 1 |
| SEAD 39 - | BUILDING 121 BOILER BLOW DOWN PIT | ADDENDUM 2 ³ |
| SEAD 40 - | BUILDING 319 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 41- | BUILDING 718 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 67 - | DUMPSITE EAST OF STP 4 | ADDENDUM 2 |
| SEAD 13 - | INHIBITED RED FUMING NITRIC ACID (IRFNA) | ADDENDUM 2 |
| SEAD 64B- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64C- | RUMORED GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64D- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 122B- | AIRFIELD SMALL ARMS RANGE | ADDENDUM 2 |
| SEAD 122E- | DEICING LOCATIONS | ADDENDUM 2 |
| SEAD 44A- | QUALITY ASSURANCE TEST LAB WEST | ADDENDUM 2 |
| SEAD 44B- | QUALITY ASSURANCE TEST LAB | ADDENDUM 2 |
| SEAD 43- | OLD MISSILE PROPELLANT TEST LAB | ADDENDUM 2 |
| SEAD 56- | HERBICIDE AND PESTICIDE STORAGE | ADDENDUM 2 |

¹ Remedial Design See "Sites Requiring Institutional Controls in the Planned Industrial/Office Development and Warehousing Areas ("PID/Warehouse Area")" ROD, 9/28/04 , Section 2 "Site Name Location, and Description"

² Addendum 1 see The Fire Training and Demonstration Pad (SEAD 25) and the Fire Training Pit and Area (SEAD 26)ROD, 9/29/04, Section 2 "Site Name, Location, and Description"

³ Addendum 2 see Seventeen SWMU Requiring Land Use Controls (SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and122E) ROD, 07/03/07, Section 2 "Site Name, Location, and Description"

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|---|-------------------------|
| SEAD 69- BUILDING 606 DISPOSAL AREA | ADDENDUM 2 |
| SEAD 62- NICOTINE SULFATE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 52- AMMUNITION BREAKDOWN AREA | ADDENDUM 2 |
| ASH LANDFILL OPERABLE Unit (SEAD 3, 6, ,8, 14, and 15) | ADDENDUM 3 ⁴ |
| SEAD 16- ABANDONDED DEACTIVATION FURNACE | ADDENDUM 4 ⁵ |
| SEAD 17- ACTIVE DEACTIVATION FURNACE | ADDENDUM 4 |
| SEAD 121C- REUTILIZATION AND MARKETING YARD (SEAD 121C) | ADDENDUM 4 ⁶ |
| SEAD 121I- RUMORED COSMOLINE OIL DISPOSAL AREA | ADDENDUM 4 |
| SEAD 59- FILL AREA WEST OF BLDG 135 | ADDENDUM 4 ⁷ |
| SEAD 71- ALLEGED PAINT DISPOSAL AREA | ADDENDUM 4 |
| SEAD 1- Hazardous Waste Container Storage Facility | ADDENDUM 4 ⁸ |
| SEAD 2- PCB Transformer Storage Facility | ADDENDUM 4 |
| SEAD 5- Sewage Sludge Waste Piles | ADDENDUM 4 |

⁴ Addendum 3 see Ash Landfill Operable Unit, ROD dated January 21, 2005, Section 2 “Site Name, Location, and Description”

⁵ Addendum 4 see the Abandoned Deactivation Furnace SEAD 16 and the Active Deactivation Furnace SEAD 17 ROD dated March 2006, Section 2 “Site Name, Location, and Description”

⁶ Addendum 4 see the Defense Reutilization and Marketing Office Yard (SEAD 121C) and the Rumored Cosmoline Oil Disposal Area (SEAD 121I)dated June 2008, Section 2 “Site Name, Location, and Description”

⁷ Addendum 4 see the Defense Fill area West of Building 135 (SEAD 59) and the Alleged Paint Disposal Area (SEAD 71)dated Jan 2009, Section 2 “Site Name, Location, and Description”

⁸ Addendum 4 see the “Five Former Solid Waste Management Units (SWMUs), SEAD 1 (Hazardous Waste Container Storage Facility), SEAD 2 (PCB Transformer Storage Facility), SEAD 5 (Sewage Sludge Waste Piles), SEAD 24 (Abandoned Powder Burn Pit) and SEAD 48 (Row E0800 Pitchblende Storage Igloos)”dated XXXXX, Section 2 “Site Name, Location, and Description”

Addendum 5

**Addressing
SEAD 12**

Land Use Control Remedial Design

**Seneca Army Depot Activity
Romulus, New York**

Seneca Army Depot Activity
Addendum date: October 26, 2015

**Addendum 5
Addressing
SEAD 12**

**Land Use Control Remedial Design
Seneca Army Depot Activity
Romulus, New York**

1. Purpose: The Purpose of Addendum 5 to the “Land Use Control Remedial Design” (“LUC RD”) is to: 1. Revise the title, deleting “SEAD 27, 66. 64A” from the title to accurately reflect that the initial document and addendums 1-4 applies to all areas at Seneca Army Depot and that addendum 5 supplements the LUC RD in order to address the land use controls required for areas of concern at Seneca Army Depot which are designated and known as follows: SEAD 12 (Radioactive Waste Burial Sites)

Pursuant to the Record of Decision (“ROD”) for the aforementioned Area of Concern (AOC), land use controls were selected for all or part of the remedy for AOC SEAD 12. The LUC RD Figure 1 has been amended to include this AOC. The AOCs that are subject to LUC RD, as amended, are identified in Table 1.

The initial LUC RD dated December 2006 was issued by the Army to address areas of concern SEAD 27, 66 and 64A, the SEAD Planned Industrial/Office Development and Warehousing Area.

Addendum # 1 to the LUC RD dated May 2007 was issued by the Army to supplement the LUC RD and to address areas of concern SEAD 25 (Fire Demonstration Pad) and SEAD 26 (Fire Training Area) as shown on Table 1 attached hereto.

Addendum #2 to the LUC RD dated September 2007 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E identified and shown on Table 1 attached hereto.

Addendum #3 to the LUC RD dated January 27, 2009 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 3, 6, 8, 14 and 15 identified and shown on Table 1 attached hereto.

Addendum #4 to the LUC RD dated January 27, 2009 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I identified and shown on Table 1 attached hereto.

The AOCs that are the subject of this LUC RD, as amended, are identified in Table 1.

2. LUC Objectives and Land Use Restrictions:

The ROD titled “Radioactive Waste Burial Sites (SEAD-12) and the Mixed Waste Storage Facility (SEAD 72)” signed on March 30, 2015 requires the establishment of institutional controls (“ICs”) for SEAD 12. The ROD’s LUC Objectives are as follows:

- Prohibit the use of existing Buildings 813 and 814 and/or the construction of new inhabitable structures (temporary or permanent) above the area and within a fifty-foot perimeter of Buildings 813/814 and fifty foot radius from monitoring well MW12-37 (“LUC-zone”) where there is the potential for TCE contaminated groundwater and/or soil, until a vapor intrusion study is conducted in the building(s) or in the restricted area and shows that potential risks from VOC intrusion does not pose unacceptable risk or hazard levels to future users or occupants of the structures or the land;
- Prohibit access to and use of the groundwater in the LUC-zone until groundwater standards are achieved; and
- Prohibit the development and use of the property for residential housing, elementary and secondary schools, child care facilities and playgrounds until soil and groundwater standards for unrestricted use and unlimited exposure are achieved.

Figure 1 has been modified to show that SEAD 12 is no longer identified as Army Retained Site and that these parcels will be managed under this LUC RD.

Note – SEAD 12 is located within an area of the Seneca Army Depot where the proposed future use was designated by the Local Redevelopment Authority as future institutional /training/commercial activity. Upon request by a future property owner, the Army, USEPA Region II, and NYSDEC will evaluate any requested variances to the Land Use Control Objectives for SEAD 12.

3. IMPLEMENTATION ACTIONS.

The LUC RD Implementation Actions shall be implemented on SEAD 12 to prevent violations of the above LUC Objectives and Land Use Restrictions. The Army’s Caretaker staff will monitor compliance of the LUCs prior to transfer and before recordation of the Environmental Easement.

4. ENFORCEMENT

The LUC RD Enforcement provisions shall apply to SEAD 12

5. MODIFICATION

The LUC RD Modification provisions shall apply to SEAD 12

6. SUPPLEMENTATION

Paragraph 6 of the original LUC RD dated December 2006 permits the supplementation of the LUC RD to include all areas of concern at Seneca Army Depot Activity. As so amended, the LUC RD is hereby amended and supplemented to add this AOC (i.e., SEAD-12) to the LUC RD pursuant to this LUC RD Addendum #5.

7. TERMINATION

The SEAD Termination provisions shall apply to SEAD 12

Table 1
Land Use Control Remedial Design
Site Description / Title

| SITE | DESCRIPTION | DOCUMENT |
|-------------|--|------------------------------|
| SEAD 27- | STEAM JENNY PIT | REMEDIAL DESIGN ¹ |
| SEAD 64A- | GARBAGE DISPOSAL AREA | REMEDIAL DESIGN |
| SEAD 66- | PESTICIDE STORAGE AREA | REMEDIAL DESIGN |
| SEAD 25- | FIRE DEMONSTRATION PAD | ADDENDUM 1 ² |
| SEAD 26- | FIRE TRAINING AREA | ADDENDUM 1 |
| SEAD 39 - | BUILDING 121 BOILER BLOW DOWN PIT | ADDENDUM 2 ³ |
| SEAD 40 - | BUILDING 319 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 41- | BUILDING 718 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 67 - | DUMPSITE EAST OF STP 4 | ADDENDUM 2 |
| SEAD 13 - | INHIBITED RED FUMING NITRIC ACID (IRFNA) | ADDENDUM 2 |
| SEAD 64B- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64C- | RUMORED GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64D- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 122B- | AIRFIELD SMALL ARMS RANGE | ADDENDUM 2 |
| SEAD 122E- | DEICING LOCATIONS | ADDENDUM 2 |
| SEAD 44A- | QUALITY ASSURANCE TEST LAB WEST | ADDENDUM 2 |
| SEAD 44B- | QUALITY ASSURANCE TEST LAB | ADDENDUM 2 |
| SEAD 43- | OLD MISSILE PROPELLANT TEST LAB | ADDENDUM 2 |
| SEAD 56- | HERBICIDE AND PESTICIDE STORAGE | ADDENDUM 2 |

¹ Remedial Design See "Sites Requiring Institutional Controls in the Planned Industrial/Office Development and Warehousing Areas ("PID/Warehouse Area")" ROD, 9/28/04 , Section 2 "Site Name Location, and Description"

² Addendum 1 see The Fire Training and Demonstration Pad (SEAD 25) and the Fire Training Pit and Area (SEAD 26)ROD, 9/29/04, Section 2 "Site Name, Location, and Description"

³ Addendum 2 see Seventeen SWMU Requiring Land Use Controls (SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and122E) ROD, 07/03/07, Section 2 "Site Name, Location, and Description"

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| SEAD 69- BUILDING 606 DISPOSAL AREA | ADDENDUM 2 |
| SEAD 62- NICOTINE SULFATE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 52- AMMUNITION BREAKDOWN AREA | ADDENDUM 2 |
| ASH LANDFILL OPERABLE Unit (SEAD 3, 6, ,8, 14, and 15) | ADDENDUM 3⁴ |
| SEAD 16- ABANDONDED DEACTIVATION FURNACE | ADDENDUM 4⁵ |
| SEAD 17- ACTIVE DEACTIVATION FURNACE | ADDENDUM 4 |
| SEAD 121C- REUTILIZATION AND MARKETING YARD (SEAD 121C) | ADDENDUM 4⁶ |
| SEAD 121I- RUMORED COSMOLINE OIL DISPOSAL AREA | ADDENDUM 4 |
| SEAD 59- FILL AREA WEST OF BLDG 135 | ADDENDUM 4⁷ |
| SEAD 71- ALLEGED PAINT DISPOSAL AREA | ADDENDUM 4 |
| SEAD 1- Hazardous Waste Container Storage Facility | ADDENDUM 4⁸ |
| SEAD 2- PCB Transformer Storage Facility | ADDENDUM 4 |
| SEAD 5- Sewage Sludge Waste Piles | ADDENDUM 4 |
| SEAD 12- Radioactive Waste Burial Sites | ADDENDUM 5⁹ |

⁴ Addendum 3 see Ash Landfill Operable Unit, ROD dated January 21, 2005, Section 2 “Site Name, Location, and Description”

⁵ Addendum 4 see the Abandoned Deactivation Furnace SEAD 16 and the Active Deactivation Furnace SEAD 17 ROD dated March 2006, Section 2 “Site Name, Location, and Description”

⁶ Addendum 4 see the Defense Reutilization and Marketing Office Yard (SEAD 121C) and the Rumored Cosmoline Oil Disposal Area (SEAD 121I)dated June 2008, Section 2 “Site Name, Location, and Description”

⁷ Addendum 4 see the Defense Fill area West of Building 135 (SEAD 59) and the Alleged Paint Disposal Area (SEAD 71)dated Jan 2009, Section 2 “Site Name, Location, and Description”

⁸ Addendum 4 see the “Five Former Solid Waste Management Units (SWMUs), SEAD 1 (Hazardous Waste Container Storage Facility), SEAD 2 (PCB Transformer Storage Facility), SEAD 5 (Sewage Sludge Waste Piles), SEAD 24 (Abandoned Powder Burn Pit) and SEAD 48 (Row E0800 Pitchblende Storage Igloos)”dated May 6, 2009, Section 2 “Site Name, Location, and Description”

⁹ Addendum 5 See the Radioactive Waste Burial Sites (SEAD 12) and the Mixed Waste Storage Facility (SEAD 72) ROD Dated March 30, 2015 Section 2 “AOC Name, Location, and Description”

**Final
Addendum 6**

Addressing

**SEAD-46, SEAD 003-R-01 (SEAD-57), SEAD 002-R-01, and
SEAD 007-R-01
(Seneca AD Munitions Response Sites)**

of the

**Land Use Control Remedial Design
For**

**Seneca Army Depot Activity
Romulus, New York**

Seneca Army Depot Activity
Addendum date: July 17, 2017

**Final
Addendum 6
Addressing
SEAD-46, SEAD 003-R-01 (SEAD-57),
SEAD 002-R-01, and SEAD 007-R-01
(Seneca AD Munitions Response Sites)**

**Land Use Control Remedial Design
Seneca Army Depot Activity
Romulus, New York**

1. Purpose: The Purpose of Addendum 6 to the “Land Use Control Remedial Design” (“LUC RD”) is to revise the title to “**Addendum 6 Addressing SEAD-46, SEAD 003-R-01 SEAD-57), SEAD 002-R-01, and SEAD 007-R-01 (Seneca AD Munitions Response Sites)**,” deleting “SEAD 12” from the title to accurately reflect that the initial document and Addendums 1-5 apply to all areas at Seneca Army Depot. Additionally, Addendum 6 supplements the LUC RD in order to address the land use controls required for the following areas of concern (AOCs) at Seneca Army Depot:

Seneca Army Depot (AD) Munitions Response Sites (MRSs):

- Small Arms Firing Range (Former 3.5-inch Rocket Range) (SEAD-46);
- Explosive Ordnance Disposal (EOD) Range 1 (SEAD 003-R-01 (SEAD-57));
- East EOD Ranges (Former EOD Area 2 and EOD Area 3) (SEAD 002-R-01);
and
- Rifle Grenade Range (SEAD 007-R-01).

Pursuant to the Record of Decision (“ROD”) for the above AOCs, land use controls were selected as the remedy for the Seneca AD MRSs.

The LUC RD Figure 1 has been amended to include these AOCs. The AOCs that are subject to LUC RD, as amended, are identified in Table 1.

- The initial LUC RD dated December 2006 was issued by the Army to address areas of concern SEAD 27, 66 and 64A, the SEAD Planned Industrial/Office Development and Warehousing Area.
- Addendum # 1 to the LUC RD dated May 2007 was issued by the Army to supplement the LUC RD and to address areas of concern SEAD 25 (Fire Demonstration Pad) and SEAD 26 (Fire Training Area) as shown on Table 1 attached hereto.
- Addendum #2 to the LUC RD dated September 2007 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E identified and shown on Table 1 attached hereto.
- Addendum #3 to the LUC RD dated January 27, 2009 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 3, 6, 8, 14 and 15 identified and shown on Table 1 attached hereto.
- Addendum #4 to the LUC RD dated January 27, 2009 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I identified and shown on Table 1 attached hereto.
- Addendum #5 to the LUC RD dated October 26, 2015 was issued by the Army to further supplement the LUC RD and to address the AOC SEAD 12, Radioactive Waste Burial Sites, identified and shown on Table 1 attached hereto.

The AOCs that are the subject of this LUC RD, as amended, are identified in Table 1.

2. LUC Objectives and Land Use Restrictions:

The ROD titled “Seneca Army Depot Activity, SEAD-46, SEAD 003-R-01 (SEAD-57), SEAD 002-R-01 and SEAD 007-R-01 (Seneca AD Munitions Response Sites) and SEAD-70” signed on April 27, 2017 requires the establishment of institutional controls (“ICs”) for the Seneca AD MRSs.

The ROD’s LUC Objective for the Seneca AD MRSs is: The remedy for the Seneca AD Munitions Response Sites is to impose, maintain, and monitor a LUC that prohibits the development or use of property for residential housing, elementary and secondary schools, childcare facilities or playgrounds at the real property within the Seneca AD MRSs.

The specific components of the selected remedy for the Seneca AD MRSs are:

- Prohibits the development or use of property for residential housing, elementary and secondary schools, childcare facilities or playgrounds

through the use of LUCs. Requires the Army (or Army contractor) to conduct an annual 3R Explosives Safety Education Program for property owners of the Seneca AD Munitions Response Sites.

The ROD requires the establishment of institutional controls (“ICs”) for the Seneca AD MRSs. These sites are located within an area of the Seneca Army Depot where the Local Redevelopment Authority designated the proposed future reuse as conservation. Upon request by a future property owner, the Army, USEPA Region II, and NYSDEC will evaluate any requested variances to the Land Use Control Objectives for these sites.

3. IMPLEMENTATION ACTIONS.

The LUC RD Implementation Actions shall be implemented on the Seneca AD MRSs and require the establishment of ICs to prevent violations of the above LUC Objectives and Land Use Restrictions.

The Army’s Caretaker will monitor compliance of the LUCs prior to transfer and before recordation of the Environmental Easement.

4. ENFORCEMENT

The LUC RD Enforcement provisions shall apply to the Seneca AD MRSs and require the establishment of ICs.

5. MODIFICATION

The LUC RD Modification provisions shall apply to the Seneca AD MRSs and require the establishment of ICs.

6. SUPPLEMENTATION

Paragraph 6 of the original LUC RD dated December 2006 permits the supplementation of the LUC RD to include all areas of concern at Seneca Army Depot Activity. As so amended, the LUC RD is hereby amended and supplemented to add these AOCs (i.e., SEAD-46, SEAD 003-R-01 (SEAD-57), SEAD 002-R-01 and SEAD 007-R-01 (Seneca AD Munitions Response Sites) to the LUC RD pursuant to this LUC RD Addendum #6.

7. TERMINATION

The SEAD Termination provisions shall apply to the Seneca AD MRSs.

Table 1
Land Use Control Remedial Design
Site Description / Title

| SITE | DESCRIPTION | DOCUMENT |
|-------------|--|------------------------------|
| SEAD 27- | STEAM JENNY PIT | REMEDIAL DESIGN ¹ |
| SEAD 64A- | GARBAGE DISPOSAL AREA | REMEDIAL DESIGN |
| SEAD 66- | PESTICIDE STORAGE AREA | REMEDIAL DESIGN |
| SEAD 25- | FIRE DEMONSTRATION PAD | ADDENDUM 1 ² |
| SEAD 26- | FIRE TRAINING AREA | ADDENDUM 1 |
| SEAD 39 - | BUILDING 121 BOILER BLOW DOWN PIT | ADDENDUM 2 ³ |
| SEAD 40 - | BUILDING 319 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 41- | BUILDING 718 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 67 - | DUMPSITE EAST OF STP 4 | ADDENDUM 2 |
| SEAD 13 - | INHIBITED RED FUMING NITRIC ACID (IRFNA) | ADDENDUM 2 |
| SEAD 64B- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64C- | RUMORED GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64D- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 122B- | AIRFIELD SMALL ARMS RANGE | ADDENDUM 2 |
| SEAD 122E- | DEICING LOCATIONS | ADDENDUM 2 |
| SEAD 44A- | QUALITY ASSURANCE TEST LAB WEST | ADDENDUM 2 |
| SEAD 44B- | QUALITY ASSURANCE TEST LAB | ADDENDUM 2 |
| SEAD 43- | OLD MISSILE PROPELLANT TEST LAB | ADDENDUM 2 |
| SEAD 56- | HERBICIDE AND PESTICIDE STORAGE | ADDENDUM 2 |

¹ Remedial Design See "Sites Requiring Institutional Controls in the Planned Industrial/Office Development and Warehousing Areas ("PID/Warehouse Area")" ROD, 9/28/04 , Section 2 "Site Name Location, and Description"

² Addendum 1 see The Fire Training and Demonstration Pad (SEAD 25) and the Fire Training Pit and Area (SEAD 26)ROD, 9/29/04, Section 2 "Site Name, Location, and Description"

³ Addendum 2 see Seventeen SWMU Requiring Land Use Controls (SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and122E) ROD, 07/03/07, Section 2 "Site Name, Location, and Description"

| | |
|---|-------------------------------|
| SEAD 69- BUILDING 606 DISPOSAL AREA | ADDENDUM 2 |
| SEAD 62- NICOTINE SULFATE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 52- AMMUNITION BREAKDOWN AREA | ADDENDUM 2 |
| ASH LANDFILL OPERABLE Unit (SEAD 3, 6, ,8, 14, and 15) | ADDENDUM 3⁴ |
| SEAD 16- ABANDONDED DEACTIVATION FURNACE | ADDENDUM 4⁵ |
| SEAD 17- ACTIVE DEACTIVATION FURNACE | ADDENDUM 4 |
| SEAD 121C- REUTILIZATION AND MARKETING YARD (SEAD 121C) | ADDENDUM 4⁶ |
| SEAD 121I- RUMORED COSMOLINE OIL DISPOSAL AREA | ADDENDUM 4 |
| SEAD 59- FILL AREA WEST OF BLDG 135 | ADDENDUM 4⁷ |
| SEAD 71- ALLEGED PAINT DISPOSAL AREA | ADDENDUM 4 |
| SEAD 1- Hazardous Waste Container Storage Facility | ADDENDUM 4⁸ |
| SEAD 2- PCB Transformer Storage Facility | ADDENDUM 4 |
| SEAD 5- Sewage Sludge Waste Piles | ADDENDUM 4 |
| SEAD 12- Radioactive Waste Burial Sites | ADDENDUM 5⁹ |

⁴ Addendum 3 see Ash Landfill Operable Unit, ROD dated January 21, 2005, Section 2 “Site Name, Location, and Description”

⁵ Addendum 4 see the Abandoned Deactivation Furnace SEAD 16 and the Active Deactivation Furnace SEAD 17 ROD dated March 2006, Section 2 “Site Name, Location, and Description”

⁶ Addendum 4 see the Defense Reutilization and Marketing Office Yard (SEAD 121C) and the Rumored Cosmoline Oil Disposal Area (SEAD 121I)dated June 2008, Section 2 “Site Name, Location, and Description”

⁷ Addendum 4 see the Defense Fill area West of Building 135 (SEAD 59) and the Alleged Paint Disposal Area (SEAD 71)dated Jan 2009, Section 2 “Site Name, Location, and Description”

⁸ Addendum 4 see the “Five Former Solid Waste Management Units (SWMUs), SEAD 1 (Hazardous Waste Container Storage Facility), SEAD 2 (PCB Transformer Storage Facility), SEAD 5 (Sewage Sludge Waste Piles), SEAD 24 (Abandoned Powder Burn Pit) and SEAD 48 (Row E0800 Pitchblende Storage Igloos)”dated May 6, 2009, Section 2 “Site Name, Location, and Description”

⁹ Addendum 5 See the Radioactive Waste Burial Sites (SEAD 12) and the Mixed Waste Storage Facility (SEAD 72) ROD Dated March 30, 2015 Section 2 “AOC Name, Location, and Description”

SEAD- 46- Small Arms Firing Range

ADDENDUM 6

SEAD- 003-R-01 (SEAD-57) Explosive Ordnance Disposal (EOD) Range 1

ADDENDUM 6

SEAD- 002-R-01 East EOD Ranges (Former EOD Area 2 and EOD Area 3)

ADDENDUM 6

SEAD- 007-R-01 Rifle Grenade Range

ADDENDUM 6

10 Addendum 6 See the Record of Decision, Seneca Army Depot Activity, SEAD-46, SEAD 003-R-01 (SEAD-57), SEAD 002-R-01 SEAD 007-R-01 (Seneca AD Munitions Response Sites) and SEAD-70 dated April 27, 2017.

Addendum 1 - SEAD 25 and SEAD 26
Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York

1. Purpose: The Land Use Control Remedial Design For SEAD 27, 66, and 64A (“SEAD LUC RD”) dated December 2006 implements land use controls for the SEAD Planned Industrial/Office Development and Warehousing Area (“PID/Warehouse Area”). The SEAD LUC RD Figure 1 showed 14 exempted sites, or parcels, identified as Army Retained Sites. Two of those parcels were identified as SEAD 25, Fire Training and Demonstration Pad and SEAD 26, Fire Training Pit and Area. Subsequently, the Army has completed the remediation of those two parcels and must implement LUCs thereon, pursuant to a September 29, 2004 Record of Decision that addresses these two parcels (see below). This addendum supplements the SEAD LUC RD to include these sites in accordance with the SEAD LUC RD Supplementation provision. .

2. LUC Objectives and Restrictions:

The Record of Decision (“ROD”) titled “The Fire Training and Demonstration Pad (SEAD 25) and the Fire Training Pit and Area (SEAD 26) “ signed on September 29, 2004 requires the establishment of institutional controls (“ICs”) at SEAD 25 and SEAD 26. The ROD LUC Objectives for SEAD 25 and SEAD 26 are as follows:

- Prevent access or use of the groundwater until cleanup levels are met; and
- Maintain the integrity of any current or future remedial or monitoring system.

Figure 1 has been modified to indicate that SEAD 25 and SEAD 26 are no longer identified as Army Retained Sites and that these parcels will be managed under this RD.

Furthermore, since the SEAD 25 and SEAD 26 parcels are within the boundary of the PID /Warehouse Area, these parcels will also be subject to the following overarching land use control objective identified in the SEAD LUC RD:

- Prevent residential housing, elementary and secondary schools, childcare facilities and playground activities.

Specifically, the residual contamination at SEAD 25 and SEAD 26 (the “Controlled Property”) will not pose an unacceptable threat to human health and the environment provided the following Land Use Restrictions are employed:

(1) Groundwater Restriction.

Other than for the installation of and obtaining samples from groundwater monitoring wells, there shall be no access to or use of the groundwater on the Controlled Property for any purpose without the prior written approval of the U.S. Department of the Army (the “Army”), the U.S. Environmental Protection Agency Region II (“USEPA Region II”), and the New York State Department of Environmental Conservation (“NYSDEC”).

(2) Over Arching Objective -Commercial/Industrial Use Restriction.

The Controlled Property shall be used solely for commercial and industrial purposes and not for residential purposes, such real property having been remediated only for commercial and industrial uses. Commercial and industrial uses include, but are not limited to, administrative/office space, manufacturing, warehousing, restaurants, hotels/motels, and retail activities. Residential use includes, but is not limited to, housing; day childcare facilities; schools (excluding education and training programs for persons over 18 years of age); assisted living facilities; and outdoor recreational activities (excluding recreational activities by employees and their families incidental to authorized commercial and industrial uses on the Controlled Property).

A map showing the location of the PID/Warehouse Area and the boundaries of the Land Use Restrictions is attached hereto as the Land Use Restriction Map (Figure 1).

Note - The PID/Warehouse Area ROD also proposed establishment of an area-wide set of Land Use Restrictions for the PID/Warehouse Area. The area-wide Land Use Restrictions will simplify IC implementation by having a single set of Land Use Restrictions for the PID/Warehouse Area, which are consistent with its anticipated industrial land use. The PID/Warehouse Area also includes No Action/No Further Action (“NA/NFA”) sites. NA/NFA sites may be suitable for uses other than industrial. Upon request by a future property owner, the Army, USEPA Region II, and NYSDEC will evaluate any requested variances to the Land Use Restrictions regarding a NA/NFA site on a site-by-site basis.

3. IMPLEMENTATION ACTIONS.

The SEAD LUC RD Implementation Actions shall be implemented on SEAD 25 and SEAD 26 to prevent violations of the above LUC Objectives and Land Use Restrictions.

4. ENFORCEMENT

The SEAD LUC RD Enforcement provisions shall apply to SEAD 25 and SEAD 26.

5. MODIFICATION

The SEAD LUC RD Modification provisions shall apply to SEAD 25 and SEAD 26.

6. TERMINATION

The SEAD Termination provisions shall apply to SEAD 25 and SEAD 26.

**Addendum 2 - SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62,
64B, 64C, 64D, 67, 122B, and 122E**

**Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York**

April 4, 2008

by: Seneca Army Depot Activity
Addendum date: April 2008

**Addendum 2 SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B,
and 122E**

**Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York**

1. Purpose: The Land Use Control Remedial Design For SEAD 27, 66, and 64A (“SEAD LUC RD”) dated December 2006 implements land use controls for the SEAD Planned Industrial/Office Development and Warehousing Area (“PID/Warehouse Area”). This Addendum expands the LUC RD from the PID area to include sites that are in the area formerly known as the Conservation Area and the Airfield parcels. See SEAD LUC RD Figure 1. The Army completed a Record of Decision on July 3, 2007 for seventeen sites that include LUCs as part of the remedy. This addendum supplements the SEAD LUC RD to include these sites in accordance with the SEAD LUC RD Supplementation provision. The Sites are identified in table 1.

2. LUC Objectives and Restrictions:

The Record of Decision (“ROD”) titled “Seventeen SWMU Requiring Land Use Controls (SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E) “ signed on July 3, 2007 requires the establishment of institutional controls (“ICs”) at the following sites:

For SEADs 13 and 64 D

- Prevent access or use of the groundwater until cleanup levels are met; and

For SEADs 39, 40, and 67

- Prevent residential housing, elementary and secondary schools, childcare facilities and playground activities.
- Prevent access to or use of the groundwater until cleanup levels are met.

These sites are located in the PID/Warehouse Area. An Environmental Easement will be prepared to ensure compliance with the PID area wide restrictions prohibiting residential housing and use of the groundwater.

For SEADs 43/56/69, 44A, 44B, 52, 62, and 64C

- Comply with the use limitations documented and imposed in the Deed used to transfer property for construction and use as a correctional facility.

These sites are located on property that was transferred to the State of New York for use as a correction facility. The existing deed provisions that requires the State of New York

to use the property for the purpose of adult incarceration and if the State chooses to stop that activity, the property reverts back to the United States of America. Should the property revert to the Federal Government, the LUC will terminate and a remedy substitution will be agreed to.

The existing deed provisions ensure the property is used in a manner consistent with the above LUC Objectives.

For SEAD 64B and 64D

- No unauthorized excavation
- Maintenance of the existing soil cover

These sites are located in the Conservation Area Parcel. An Environmental Easement will be prepared to ensure compliance with the above LUC Objectives.

For SEAD 122B and 122E

- Prevent residential housing, elementary and secondary schools, childcare facilities and playground activities

These sites are located on the Airfield Parcel. An Environmental Easement will be prepared to ensure compliance with the above LUC Objectives.

For SEAD 41

- Notifies future land owners of contaminated groundwater and requirement to meet all applicable laws and regulations should the owner decide to access and use the ground water.

This site is located in the Institutional Parcel and is subject to the existing Deed Groundwater notice.

A map showing the location of the above sites is attached hereto as the Land Use Restriction Map (Figure1) and shown with more detail in Figure 1A-D.

3. IMPLEMENTATION ACTIONS.

The SEAD LUC RD Implementation Actions shall be implemented on SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, 44B, and 122E to prevent violations of the above LUC Objectives and Land Use Restrictions.

4. ENFORCEMENT

The SEAD LUC RD Enforcement provisions shall apply to SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E

5. MODIFICATION

The SEAD LUC RD Modification provisions shall apply to SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E

6. TERMINATION

The SEAD Termination provisions shall apply to SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E.

Table 1
Land Use Control Remedial Design
Site Description / Title

| SITE | DESCRIPTION | DOCUMENT |
|-------------|--|------------------------------|
| SEAD 27- | STEAM JENNY PIT | REMEDIAL DESIGN ¹ |
| SEAD 64A- | GARBAGE DISPOSAL AREA | REMEDIAL DESIGN |
| SEAD 66- | PESTICIDE STORAGE AREA | REMEDIAL DESIGN |
| SEAD 25- | FIRE DEMONSTRATION PAD | ADDENDUM 1 ² |
| SEAD 26- | FIRE TRAINING AREA | ADDENDUM 1 |
| SEAD 39 - | BUILDING 121 BOILER BLOW DOWN PIT | ADDENDUM 2 ³ |
| SEAD 40 - | BUILDING 319 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 41- | BUILDING 718 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 67 - | DUMPSITE EAST OF STP 4 | ADDENDUM 2 |
| SEAD 13 - | INHIBITED RED FUMING NITRIC ACID (IRFNA) | ADDENDUM 2 |
| SEAD 64B- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64C- | RUMORED GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64D- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 122B- | AIRFIELD SMALL ARMS RANGE | ADDENDUM 2 |
| SEAD 122E- | DEICING LOCATIONS | ADDENDUM 2 |
| SEAD 44A- | QUALITY ASSURANCE TEST LAB WEST | ADDENDUM 2 |
| SEAD 44B- | QUALITY ASSURANCE TEST LAB | ADDENDUM 2 |
| SEAD 43- | OLD MISSILE PROPELLANT TEST LAB | ADDENDUM 2 |
| SEAD 56- | HERBICIDE AND PESTICIDE STORAGE | ADDENDUM 2 |
| SEAD 69- | BUILDING 606 DISPOSAL AREA | ADDENDUM 2 |

¹ Remedial Design See "Sites Requiring Institutional Controls in the Planned Industrial/Office Development and Warehousing Areas ("PID/Warehouse Area")" ROD, 9/28/04 , Section 2 "Site Name Location, and Description"

² Addendum 1 see The Fire Training and Demonstration Pad (SEAD 25) and the Fire Training Pit and Area (SEAD 26)ROD, 9/29/04, Section 2 "Site Name, Location, and Description"

³ Addendum 2 see Seventeen SWMU Requiring Land Use Controls (SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and122E) ROD, 07.03/07, Section 2 "Site Name, Location, and Description"

SEAD 62- NICOTINE SULFATE DISPOSAL AREA

ADDENDUM 2

SEAD 52- AMMUNITION BREAKDOWN AREA

ADDENDUM 2

Addendum # 3

**Addressing
SEADs 3, 6, 8, 14, and 15 (Ash Landfill)**

To

**Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York**

Seneca Army Depot Activity
Addendum date: January 2009

Addendum # 3
Addressing
3, 6, 8, 14, and 15 (Ash Landfill)
to
Land Use Control Remedial Design
For
SEADs 27,66,and 64a
Seneca Army Depot Activity
Romulus, New York

1. Purpose: The purpose of this Addendum 3 to the “Land Use Control Remedial Design” (“LUC RD”) for Seneca Army Depot Activity (“SEAD”) is to further supplement the LUC RD in order to address land use controls required for five areas of concern at SEAD which are designated as SEAD 3, 6, 8, 14 and 18 and known as the Ash Landfill Operable Unit. Pursuant to a Record of Decision issued by EPA and the Army on January 21, 2005, a remedial action, including land use controls, was selected for the Ash Landfill Operable Units.

The initial LUC RD dated December 2006 was issued by the Army to address areas of concern SEAD 27, 66 and 64A, the SEAD Planned Industrial/Office Development and Warehousing Area.

Addendum # 1 to the LUC RD dated May 2007 was issued by the Army to supplement the LUC RD and to address areas of concern SEAD 25 (Fire Demonstration Pad) and SEAD 26 (Fire Training Area) as shown on Table 1 attached hereto.

Addendum #2 to the LUC RD dated September 2007 was issued by the Army to further supplement the LUC RD and to address areas of concern SEAD 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and 122E identified and shown on Table 1 attached hereto.

The AOCs that are the subject of this LUC RD, as amended are identified in table 1.

2. LUC Objectives and Land Use Restrictions:

The LUC Objectives for SEAD 3, 6, 8, 14, and 15 (Ash Landfill) are as set forth in the Record of Decision for the Ash Landfill Operable Unit signed on January 21, 2005 (“Ash Landfill ROD”). The Ash Landfill ROD required the establishment of the following land use controls:

- Prevent access or use of the groundwater until cleanup levels are met; and

- Maintain the integrity of any current or future remedial or monitoring system such as monitoring wells and impermeable reactive barriers;
- Prohibit excavation of the soil or construction of inhabitable structures (temporary or permanent) above the area of the existing groundwater plume; and
- Maintain the vegetative soil layer over the ash fill areas and the non combustible fill area (“NCFL”) to limit ecological contact.

The groundwater LUCs including remedial or monitoring system integrity maintenance will be continued until such time that the concentration of hazardous substances in the groundwater have been reduced to levels that allow for unlimited exposure and unrestricted use. Intrusive restrictions for those areas requiring a vegetative soil cover will continue until modified under Section 4 or terminated under Section 7 below. These land use controls will be implemented over the entire area of the AOC as shown on the attached Figures for Ash Landfill.

A map showing the location of the above AOCs is attached hereto as the Land Use Restriction Map for Ash Landfill (Figure1 and 2). A map showing the location of the GW treatment walls is shown on Figure 3.

3. IMPLEMENTATION ACTIONS.

The LUC RD Implementation Actions shall be implemented on SEADs 3, 6, 8, 14, and 15 (Ash Landfill) to prevent violations of the above LUC Objectives and Land Use Restrictions.

4. ENFORCEMENT

The LUC RD Enforcement provisions shall apply to SEADs 3, 6, 8, 14, and 15 (Ash Landfill).

5. MODIFICATION

The LUC RD Modification provisions shall apply to the SEADs 3, 6, 8, 14, and 15 (Ash Landfill).

6. SUPPLEMENTATION

Paragraph 6 of the original LUC RD dated December 2006 is amended to permit the supplementation of the LUC RD to include all areas of concern at Seneca Army Depot Activity. As amended, the LUC RD is amended and supplemented to add these AOCs (i.e., SEAD-3, 6, 8, 14 and 15) to the LUC RD pursuant to this LUC RD Addendum #3.

7. TERMINATION

The LUC RD Termination provisions shall apply to SEADs 3, 6, 8, 14, and 15 (Ash Landfill).

Table 1
Land Use Control Remedial Design
Site Description / Title

| SITE | DESCRIPTION | DOCUMENT |
|-------------|--|------------------------------|
| SEAD 27- | STEAM JENNY PIT | REMEDIAL DESIGN ¹ |
| SEAD 64A- | GARBAGE DISPOSAL AREA | REMEDIAL DESIGN |
| SEAD 66- | PESTICIDE STORAGE AREA | REMEDIAL DESIGN |
| SEAD 25- | FIRE DEMONSTRATION PAD | ADDENDUM 1 ² |
| SEAD 26- | FIRE TRAINING AREA | ADDENDUM 1 |
| SEAD 39 - | BUILDING 121 BOILER BLOW DOWN PIT | ADDENDUM 2 ³ |
| SEAD 40 - | BUILDING 319 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 41- | BUILDING 718 BOILER BLOW DOWN PIT | ADDENDUM 2 |
| SEAD 67 - | DUMPSITE EAST OF STP 4 | ADDENDUM 2 |
| SEAD 13 - | INHIBITED RED FUMING NITRIC ACID (IRFNA) | ADDENDUM 2 |
| SEAD 64B- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64C- | RUMORED GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 64D- | GARBAGE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 122B- | AIRFIELD SMALL ARMS RANGE | ADDENDUM 2 |
| SEAD 122E- | DEICING LOCATIONS | ADDENDUM 2 |
| SEAD 44A- | QUALITY ASSURANCE TEST LAB WEST | ADDENDUM 2 |
| SEAD 44B- | QUALITY ASSURANCE TEST LAB | ADDENDUM 2 |
| SEAD 43- | OLD MISSILE PROPELLANT TEST LAB | ADDENDUM 2 |
| SEAD 56- | HERBICIDE AND PESTICIDE STORAGE | ADDENDUM 2 |

¹ Remedial Design See "Sites Requiring Institutional Controls in the Planned Industrial/Office Development and Warehousing Areas ("PID/Warehouse Area")" ROD, 9/28/04 , Section 2 "Site Name Location, and Description"

² Addendum 1 see The Fire Training and Demonstration Pad (SEAD 25) and the Fire Training Pit and Area (SEAD 26)ROD, 9/29/04, Section 2 "Site Name, Location, and Description"

³ Addendum 2 see Seventeen SWMU Requiring Land Use Controls (SEADs 13, 39, 40, 41, 43/56/69, 44A, 44B, 52, 62, 64B, 64C, 64D, 67, 122B, and122E) ROD, 07/03/07, Section 2 "Site Name, Location, and Description"

| | |
|--|-------------------------|
| SEAD 69- BUILDING 606 DISPOSAL AREA | ADDENDUM 2 |
| SEAD 62- NICOTINE SULFATE DISPOSAL AREA | ADDENDUM 2 |
| SEAD 52- AMMUNTION BREAKDOWN AREA | ADDENDUM 2 |
| ASH LANDFILL OPERABLE Unit (SEAD 3, 6, ,8, 14, and 15) | ADDENDUM 3 ⁴ |

⁴ Addendum 3 see Ash Landfill Operable Unit, [REDACTED] Section 2 "Site Name, Location, and Description"

Addendum 4

**Addressing
SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I**

**Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York**

Seneca Army Depot Activity
Addendum date: May 2009

Addendum 4
Addressing
SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I

Land Use Control Remedial Design
For
SEAD 27, 66, and 64A
Seneca Army Depot Activity
Romulus, New York

1. Purpose: The Purpose of this Addendum to the “Land Use Control Remedial Design” (“SEAD LUC RD”) is to supplement the LUC RD in order to address the land use controls required for six areas of concern at SEAD which are designated and known as follows:

- SEAD 1- Hazardous Waste Container Storage Facility
- SEAD 2- PCB Transformer Storage Facility
- SEAD 5- Sewage Sludge Waste Piles
- SEAD 16- Abandoned Deactivation Furnace
- SEAD 17- Deactivation Furnace
- SEAD 59- Paint Disposal Area
- SEAD 71- Alleged Paint Disposal Area
- SEAD 121C- Defense Reutilization and Marketing Office Yard
- SEAD 121I- Rumored Cosmoline Disposal Area

Pursuant to the ROD for each of the aforementioned Areas of Concern (AOC), land use controls was selected for all or part of the remedy for each AOC. The SEAD LUC RD Figure 1 has been amended to include these AOCs. The AOCs that are subject to this RD, as amended, are identified in Table 1.

2. LUC Objectives and Restrictions:

The Record of Decisions (“RODs”) titled “The Abandoned Deactivation Furnace SEAD 16 and the Active Deactivation Furnace SEAD 17 “ signed on September 29, 2006, the “Defense Reutilization and Marketing Office Yard (SEAD 121C) and the Rumored Cosmoline Oil Disposal Area (SEAD 121I)” signed on August 7, 2008 , the” Fill Area West of Building 135 (SEAD 59) and the Alleged Paint Disposal Area (SEAD 71)” signed on March 31, 2009 and the” Five Former Solid Waste Management Units (SWMUs), SEAD 1 (Hazardous Waste Container Storage Facility), SEAD 2 (PCB Transformer Storage Facility), SEAD 5 (Sewage Sludge Waste Piles), SEAD 24 (Abandoned Powder Burn Pit) and SEAD 48 (Row E0800 Pitchblende Storage Igloos)” signed on XXXXX requires the establishment of institutional controls (“ICs”). The RODs LUC Objectives are as follows:

- Prevent access or use of the groundwater until New York States GA ground water Standards are achieved; and
- Prohibit residential housing, elementary and secondary schools, child care facilities and playground activities; and
- Prevent unauthorized excavation at the SEAD 5;

Figure 1 has been modified to indicate that SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I are no longer identified as Army Retained Sites and that these parcels will be managed under this RD.

Note - The PID/Warehouse Area ROD proposed the establishment of an area-wide set of Land Use Restrictions for the PID/Warehouse Area. The area-wide Land Use Restrictions will simplify IC implementation by having a single set of Land Use Restrictions for the PID/Warehouse Area, which are consistent with its anticipated industrial land use. The PID/Warehouse Area also includes No Action/No Further Action (“NA/NFA”) sites. NA/NFA sites may be suitable for uses other than industrial. Upon request by a future property owner, the Army, USEPA Region II, and NYSDEC will evaluate any requested variances to the Land Use Restrictions regarding a NA/NFA site on a site-by-site basis.

3. IMPLEMENTATION ACTIONS.

The SEAD LUC RD Implementation Actions shall be implemented on SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I to prevent violations of the above LUC Objectives and Land Use Restrictions. The Army’s Caretaker staff will monitor compliance of the LUCs prior to transfer and before recordation of the Environmental Easement.

4. ENFORCEMENT

The SEAD LUC RD Enforcement provisions shall apply to SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I.

5. MODIFICATION

The SEAD LUC RD Modification provisions shall apply to SEAD 1, 2, 5, 16, 17, 59, 71, 121C, and 121I.

6. SUPPLEMENTATION

Paragraph 6 of the original LUC RD dated December 2006 is amended to permit the supplementation of the LUC RD to include all areas of concern at Seneca Army Depot Activity. As amended, the LUC RD is amended and supplemented to add these AOCs