Robert Adams, P.E.
Project Manager, Structures
NYS Department of Transportation
47-40 21st St.
Long Island City, NY 11101

Re: Phelps Dodge Refining Corp.
NYSDEC Site No. 241002
Proposed Capping Plans, Specifications and Standard Drawings

Dear Mr. Adams:

The New York State Department of Environmental Conservation (the “Department”) has reviewed the Proposed Capping Plans, Specifications and Standard Drawings for Parcels 1A, 2 and 9A (the “Remedial Design”) dated August 2013 which was prepared by Hardesty & Hanover, LLC on behalf of the New York State Department of Transportation (“NYSDOT”). Parcels OU1A and OU2 are owned by the Phelps Dodge Refining Corporation and Parcel 9A is owned by Sages 9 LLC. The Parcels will be utilized by NYSDOT in the replacement of the Kosciusko Bridge over Newtown Creek. For the purposes of this Remedial Design, NYSDOT will serve as the “Remedial Party”.

The Remedial Design adequately addresses comments provided by the Department on earlier drafts of the document, and is hereby approved. A copy of the approved Remedial Design must be placed in all publicly accessible document repositories for the project within 5 business days. A certification that this document has been placed in the project repositories, and that the repositories are complete with all relevant Site-related documents, must be submitted to the NYSDEC project manager.

The Remedial Party and its contractors are solely responsible for safe execution of all invasive and other work performed under the approved Remedial Design. In particular, the Remedial Party and its contractors are responsible for the structural integrity of excavations, and protection of the structural integrity of buildings, utilities, and other structures both onsite and offsite that may be adversely affected by those excavations. The Remedial Party and its contractors must obtain any local, state or federal permits or approvals that may be required to perform work under the Remedial Design. Further, the Remedial Party and its contractors are solely responsible for the identification of utilities that might be affected by work under the Remedial
Design and implementation of all required, appropriate, or necessary health and safety measures during performance of work under the approved Remedial Design.

If you have any questions, please contact me at (718) 482-4010.

Very Truly Yours,

Nigel N. Crawford P.E.
Project Manager

    S. Selmer – NYSDOH
    M. Kuriakose – NYSDOT
    M. Abrahams, C. Wynperle – Parsons Brinkerhoff
    D. Wan - Hardesty & Hanover, LLC
    J. Brunner - Freeport-McMoRan (Phelps Dodge)
    D. Britton, J. Puskas – CRA
    G. Suchman – Stroock & Stroock & Lavan LLP
    F. Galasso – Sagres
    K. Brodock, A. Brannon – Integral
    M. Bogin – SPR