

STATE OF NEW YORK:
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

5. In the early 1950s, GE acquired 55 acres of undeveloped land located at 525 French Road in Utica, New York to construct a 500,000-square foot manufacturing plant. The land, with the

...the manufacturing plant and is the beneficial owner of the Facility. ConMed leases the

facility from its current owner, the Oneida County Industrial Development Agency.

9. Although Lockheed Martin no longer owns the Facility, Lockheed Martin has retained

with the Facility and is the beneficial owner of the Facility. Lockheed Martin has retained

1995.

13. Based on this report, and with the Department's concurrence, BBL completed the

Construction of the system was completed in June 1996. The groundwater collection and treatment

Construction of the system was completed in June 1996. The groundwater collection and treatment

Commissioner or determines that there is or has been a release of hazardous waste or constituents into

6.

1. The person or entity that is the owner or operator of the facility did not receive a final

I. Corrective Action

Attachments 2 and 3 (3-1 and 3-2) of this Order.

B. Respondent shall conduct the activities set forth in Attachments 2 and 3 (3-1 and

IV. Stipulated Penalties

stipulated penalties shall not in any way alter Respondent's obligation to complete

~~performance as per the terms of this Order. The amount of stipulated penalties as set forth~~

data and other information in the submission was done in accordance with this Order and

with generally accepted technical and scientific principles. The Department shall notify

ALL Department

written notice that issues have not been resolved

E Dependent shall modify, amend, or resubmit a submission upon the Department's

A. If the Department disapproves a revised submission under subparagraph V.C. or

demand for additional work under paragraph 1.V.D. of the Order, the Department may

violation of this Order unless, within ten business days after receipt of the Department's
notice of failure to resolve issues regarding a submission or demand for additional work.

Position. The Department shall notify Respondent in writing of the identity of the ALJ so

[REDACTED]

her to make his or her decision on that issue. Any such oral hearing shall be conducted pursuant to the applicable procedures set forth in 6 NYCRR 622. With respect to the final

constitute a waiver of any and all other remedies which may otherwise be available to

contractor, or agent of the Department or any State agency for the Department to implement any corrective measures not performed or adequately performed by Respondent.

IX. Indemnification

Christopher H. Horan, Esq.

New York State Department of Environmental Conservation

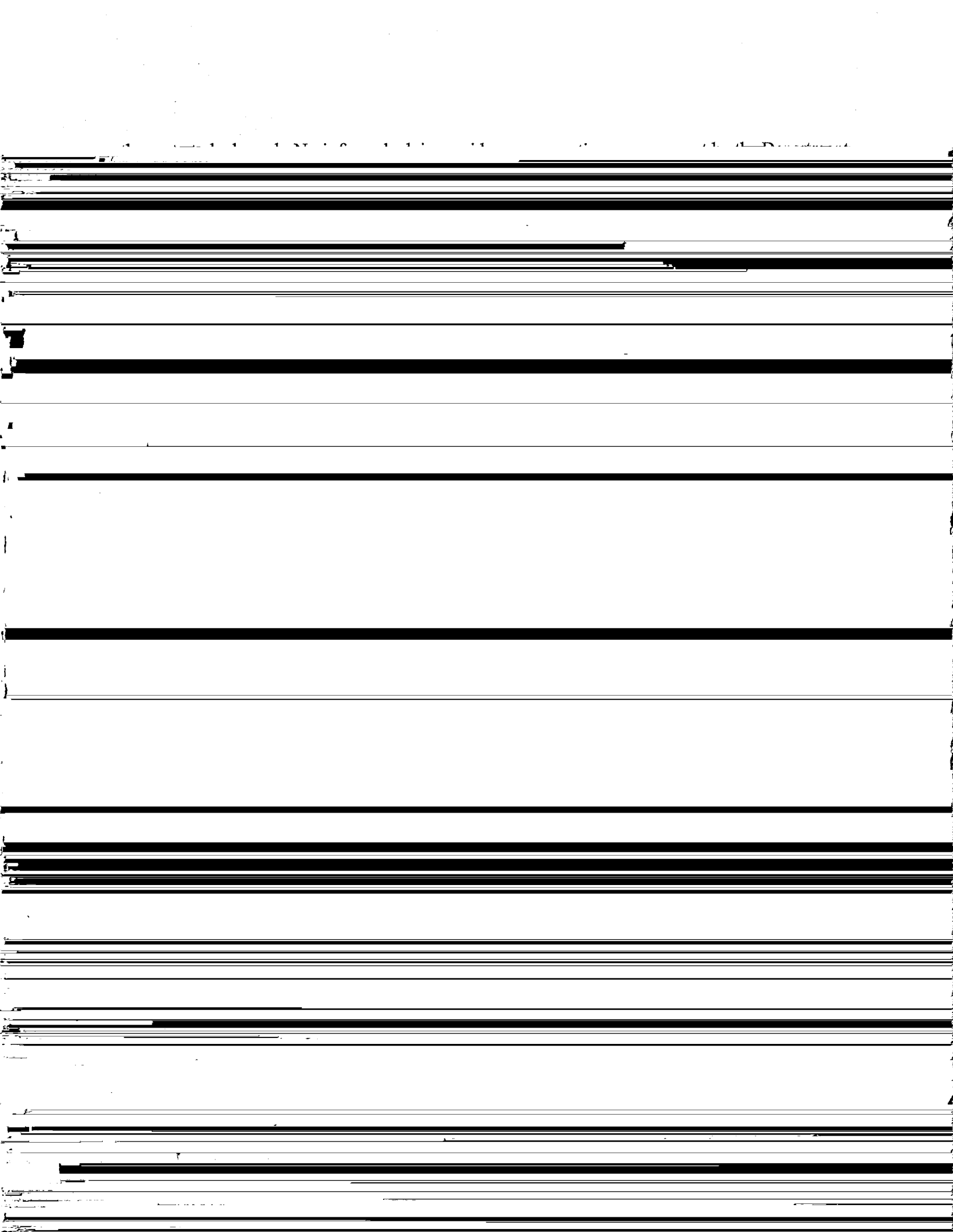
Copies of Workplans and reports shall be sent to:

A. Within thirty days after the effective date of this Order, Respondent shall obtain the consent and signature of the owner of the Facility and file a Notice of Order, which is

attached to this Order as Attachment "4", with the real property records of the Oneida County

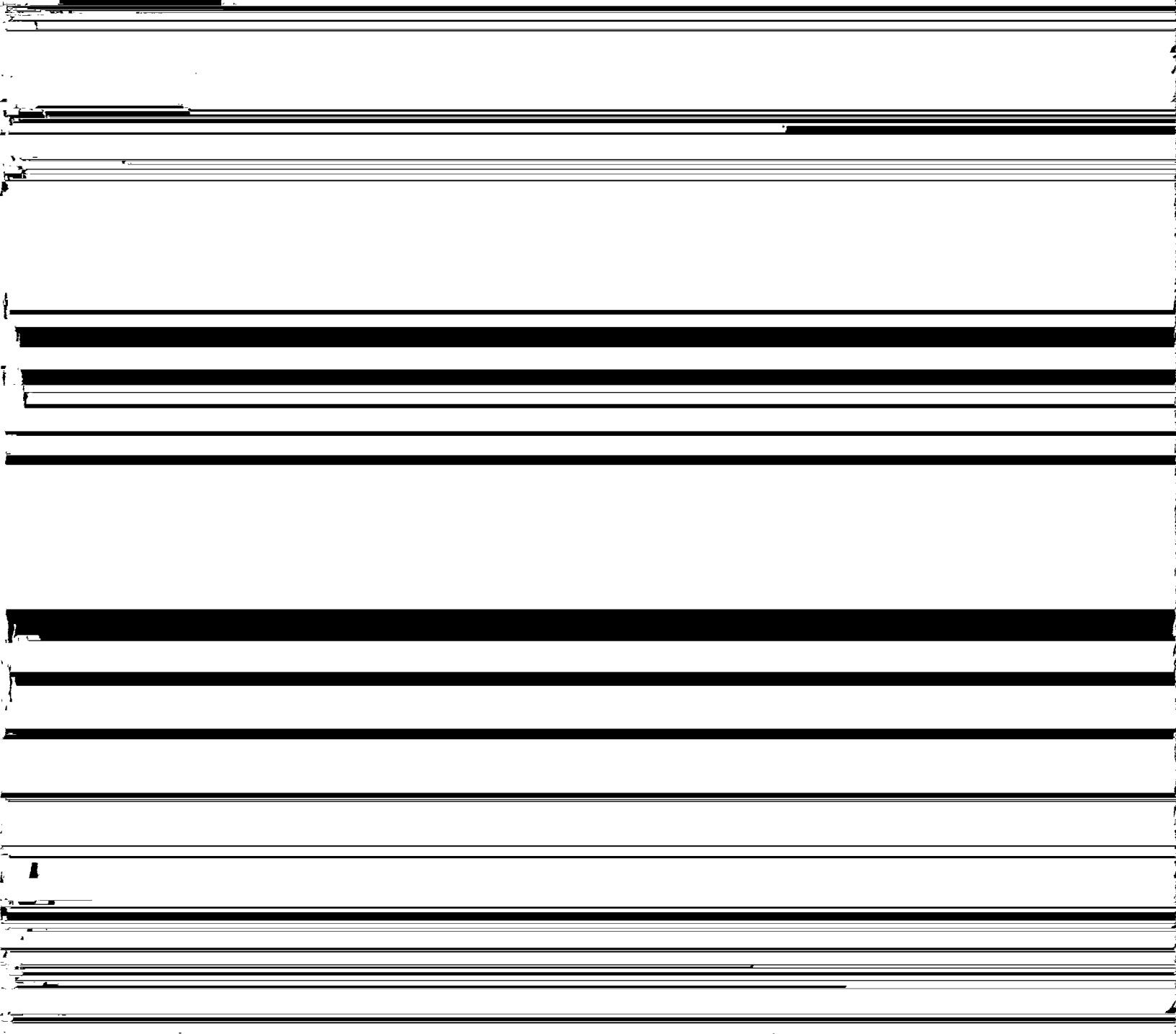
accordance with its own terms and that Respondent, as well as its successors and assigns

has and have no further obligations under this Order. Upon receipt of such writing, Respondent shall obtain the consent and signature of the then owner of the Facility and file a Termination of Notice of Order with the Oneida County Clerk, as set forth in subparagraph XI.A. of this Order. The Department shall not unreasonably withhold or delay such notice.



certification for the specified analytical methods shall be presumptively approved. The responsibility for the performance of the professionals retained by Respondent shall rest solely with Respondent.

C. The Department shall have the right to obtain split samples, duplicate samples, or



Department may, consistent with all laws, rules, regulations, and policies, assist Respondent

[REDACTED]

E. Respondent and its successors (including successors-in-title and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent including,

but not limited to, any transfer of assets or real or personal property, shall in no way alter

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CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing and to be heard in its defense, and waives its right to a trial by jury.

Lockheed Martin Corporation,

[Handwritten signature]

ATTACHMENT 1
SITE MAP

525 French Road

PL: - N - X - 1

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Attachment 2

Former Lockheed Martin Facility,
525 French Road Utica, New York

September 4, 2008

Corrective Measures Implementation Plan
Former Lockheed Martin Facility,
525 French Road Utica, New York

TABLE OF CONTENTS

1.0 INTRODUCTION

1.1 Purpose

1.2 Background

1.3 Areas of Concern

Table 1 Summary of Investigations and Schedule for the Corrective Measures Study

1.0 INTRODUCTION

1.1 Purpose

The purpose of this Corrective Measures Implementation Plan ("Implementation Plan" or the

LMC has retained the responsibility for implementing the environmental remediation activities.

Groundwater in the area of the northeast corner of the main manufacturing building (referred to as the Solvent Dock Area) and the area along the northern perimeter drainage ditch has been

1. Groundwater in the area of the northeast corner of the main manufacturing building (referred to as the Solvent Dock Area) and the area along the northern perimeter drainage ditch has been

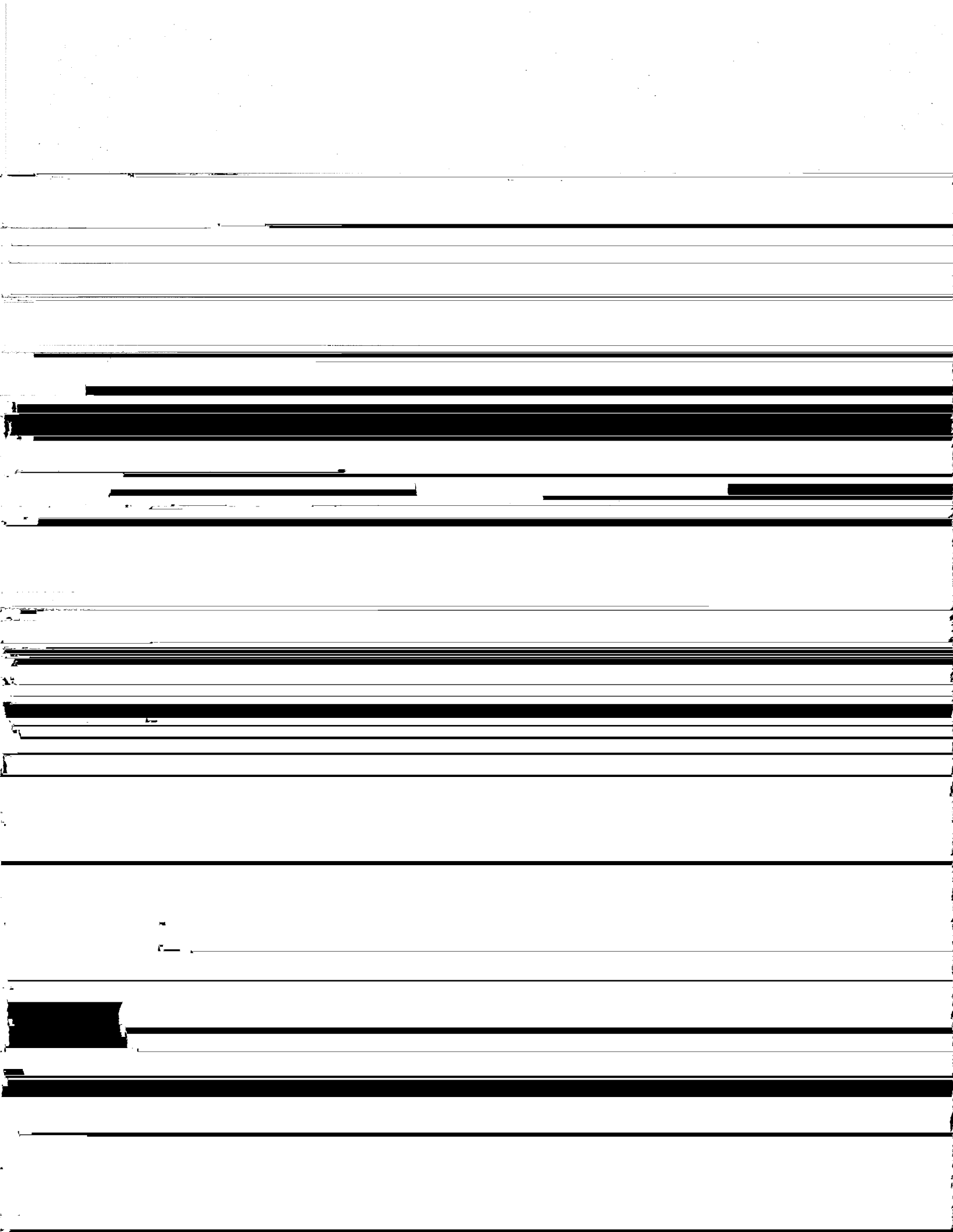


Table 1

Summary of Investigations and Schedule for the Corrective Measures Study

Required for the

Former Lockheed Martin Facility,
525 French Road, Utica, New York

**Corrective
Measures Study /
Corrective
Measures**

No later than March 15, 2009, Respondent shall submit to the Department for review and approval a corrective measures study (CMS) prepared in accordance with the corrective measures scope of work included as Attachment 5 of this Order

The potential sources of surface water contamination at the Site are defined in a number of

The remedial goal is that groundwater complies with applicable state and federal groundwater water quality standards or guidance values.

The remedial criterion is that Site-related groundwater quality is reduced to background levels.

5.0 CORRECTIVE MEASURES ADDRESSING SOIL - AOCs 3 & 5

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**ATTACHMENT 3-1
CORRECTIVE ACTION REQUIREMENTS**

CORRECTIVE ACTION REQUIREMENTS

AREAS OF CONCERN

- (a) Quality Assurance/Quality Control protocols to ensure that data generated is valid and supported by documented procedures;

submitting progress and final reports; and

- (c) Plans for the treatment, storage, discharge or disposal of wastes to be generated by activities described therein

(a) If, at any time, the Commissioner determines that a release or, based on site-specific circumstances, a threatened release of hazardous wastes, including

4. Concentration of hazardous constituents in soils that have the potential to migrate to the air, groundwater or surface water; and

5. Other situations that present a threat to human health.

7. Determination of No Further Action.

(a) The Respondent need not undertake corrective action at any SWMU(s) and/or AOC(s) identified in Table-1 (Attachment 3-2) as No Further Action.

8. Progress Reports

The Respondent shall submit quarterly progress reports beginning the first full

calendar quarter after the effective date of this Order. The progress reports shall contain the following information:

1. A summary of findings made during the reporting period;
2. A summary of findings made during the reporting period;
3. A summary of changes made during the reporting period;
4. A summary of contacts made with representatives of the local community and public interest groups during the reporting period;

that exceed action levels, the Respondent shall provide written notice

any person who owns or resides on the land overlying the contaminated groundwater.

(f) ~~Notification of Contamination of Groundwater to the Respondent~~

(g)

and analyses program, if applicable, is capable of yielding representative samples
and must include parameters sufficient to identify migration of hazardous waste

and/or ICM, including implementation schedules. All approved submissions submitted pursuant to this condition shall be made part of the Order.

D. COMPLIANCE SCHEDULE AND NOTIFICATION REQUIREMENTS FOR

The Respondent shall notify the Commissioner, in writing, of any release(s) of hazardous wastes, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, soil gas or indoor air sampling, or other

extent practicable, further releases of hazardous waste, including hazardous constituents, that might pose a threat to human health and/or the environment; and

(c) Most applicable waste management requirements

1. The treatment processes, the corrective measures (if any), and materials it

2. The amount of hazardous wastes, including hazardous constituents, that would be destroyed or treated;

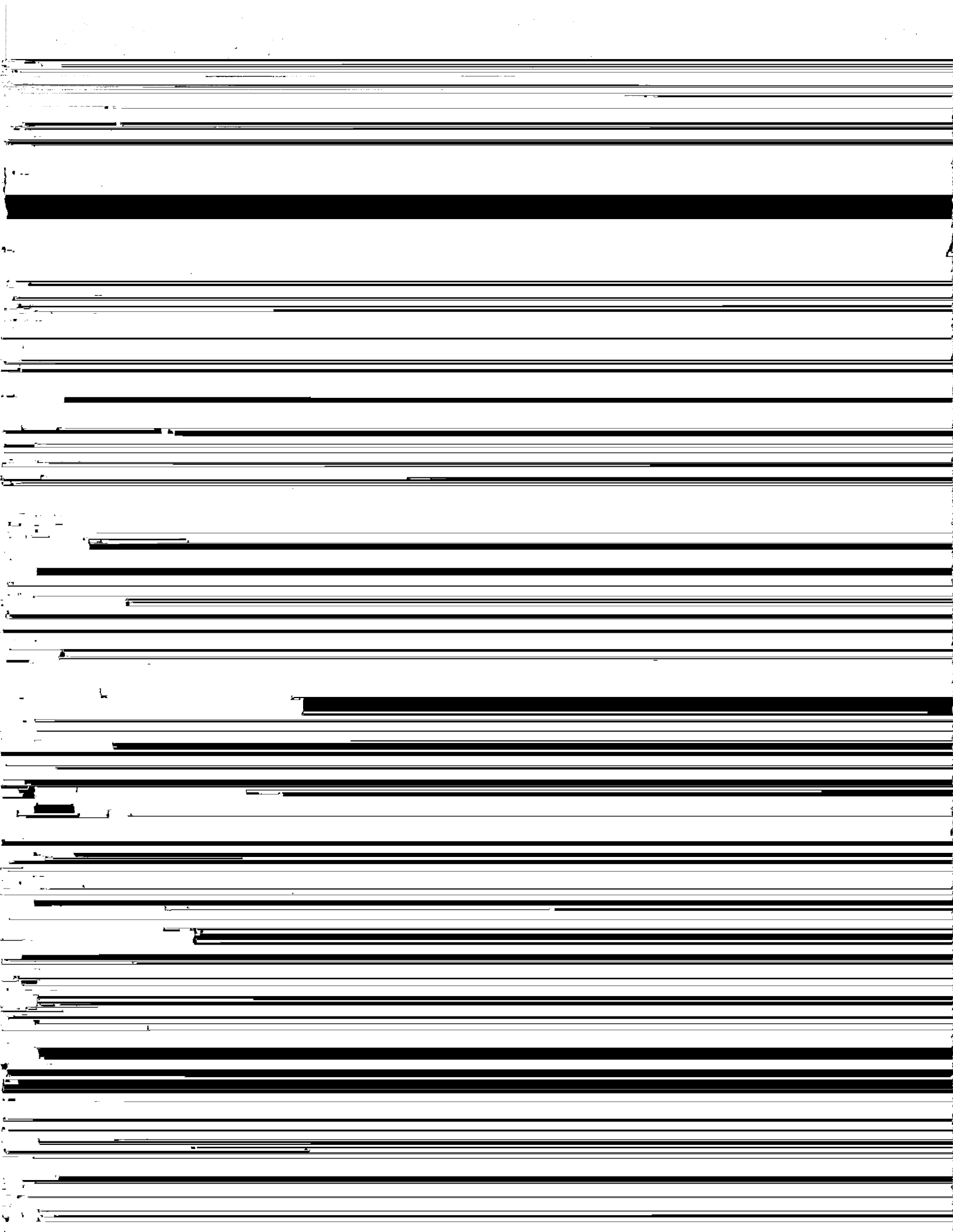
3. The degree to which the treatment is irreversible.

6. Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures that will be used to implement the corrective measure(s).

- (a) Capital costs;
- (b) Operation and maintenance costs;
- (c) Net present value of capital and operation and maintenance costs; and
- (d) Potential future corrective measure costs

Attachment 3-2: Table 1: C

SWMU
Container (CSA) – 14,000 g tank
Tank – 2,000 g
Tank Treatment – 300,000 gpd
Tank Storage
Air Emissions (41 point sources)
Hazardous Waste Storage/TSD
Hazardous Waste Drum Storage Area
Hazardous Waste Storage Tanks
Process-Related ASTs (water and wastewater chemical feed tanks and gas storage tanks)



Attachment 3-3

NOTICE OF ORDER

THIS NOTICE is made as of the ____ day of _____, 2008 by the Oneida County Industrial Development Agency ("OCIDA"), the conduit fee owner of real property and the improvements thereon associated with a manufacturing facility located at 525 French Road

Utica, New York, comprised in part by (a) a parcel situate in the City of Utica assigned Tax Map No./Tax Section 329.07, Block 1, Lot 1, and (b) a part of a parcel situate in the Town of New Hartford assigned Tax Map No./Tax Section 317.00, Block 1, Lot 8.1, being a portion of the premises conveyed by Pinnacle Park Inc. to the Oneida County Industrial Development Agency by deed dated March 1, 1997 and recorded on March 2, 1997 in the Oneida County Clerk's

CITY OF UTICA II
LIBER 19

MENT
PAGE 1



Attachment 5
Corrective Measures Study
Scope of Work

Former Lockheed Martin French Road Facility
Utica, New York

PURPOSE

The purpose of this Corrective Measures Study (CMS) is to identify, evaluate, and recommend corrective measures for the former Lockheed Martin French Road Facility in Utica, New York. The study will be conducted in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA). The study will include a site assessment, data review, and the development of a corrective measures plan (CMP). The CMP will identify the corrective measures that are necessary to protect human health and the environment from the potential risks associated with the site. The study will also include a cost estimate for the corrective measures and a schedule for implementation. The study will be completed by the end of the calendar year 2001.

TASK I: IDENTIFICATION AND DEVELOPMENT OF THE CORRECTIVE

In the CMS Report, Respondent shall identify, screen, and develop the alternative(s) for removal, containment, treatment, and/or other remediation of the contamination based on the remedial goals/criteria identified in Attachment 2.

A. Description of Current Situation

Respondent shall provide the following information:

1. The effectiveness of the alternative under analogous Site conditions;
2. The potential impact resulting from a failure of the alternative, including failures from uncontrollable changes at the Site (e.g., heavy rain storms, induced groundwater flow changes from off-site pumping wells); and
3. Estimates of the projected useful life of the alternative and of its component

technologies.

B. Reduction in the Toxicity, Mobility or Volume of Wastes

~~As a general goal, preferred remedial employ techniques such as treatment technologies~~

that are capable of eliminating or substantially reducing the inherent potential for the

3. The availability of adequate off-site treatment, storage capacity, disposal services, needed technical services and materials; and
4. The availability of prospective technologies for each alternative.

E. Cost

D. The cost of each alternative. The cost estimator shall