WASTE MANAGEMENT

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January 13, 2006

VIA UPS

Chief, Environmental Enforcement Section
Attn: Drenaye Houston
Environmental & Natural Resources Division
U.S. Department of Justice
PO Box 7611
Ban Franklin Station
Washington, D.C. 20044

Dan Sparks
Division of Fish & Wildlife Services
Bloomington Field Office
620 S. Walker St.
Bloomington, IN 47403

Dr. Wayne Faatz
IDNR, Division of Fish & Wildlife
402 W. Washington Street
Room W273
Indianapolis, IN 46204

James Smith
IDEM
Office of Environmental Response
2525 North Shadeland Avenue
Indianapolis, IN 46206-6015

RE: Ft. Wayne Reduction Site
5th and Final Annual Monitoring Report and
Notice of Completion for the Reforestation Project

Dear Gentlemen:

This letter is submitted in accordance with the requirements of the Consent Decree for natural resource damages at the Fort Wayne Reduction Site.

In accordance with paragraph 35 and Exhibit A of the Consent Decree enclosed is the 5th and Final Annual Monitoring Report for the Reforestation Project at the Fort Wayne Reduction Site. The Final Annual Report demonstrates that the Reforestation Project is in compliance with the Consent Decree and Exhibit A (Approved Reforestation Plan) of the Consent Decree. The approved Reforestation Plan required a 50% survival rate at the end of the 5-year monitoring. As documented in the attached Final Monitoring Report the site has achieved an 83% survival rate.

In accordance with paragraph 39 of the Consent Decree this letter serves as the Settling Defendants Notification of Completion and Final Report to the trustees. The Final Report summarizes all restoration activities performed by the Settling Defendants pursuant to this Consent Decree. In accordance with paragraph 40 of the Consent Decree, the Trustees have 45 days from receipt of the Notice of Completion to determine whether the Settling Defendants have satisfactorily completed the requirements of the Consent Decree and to notify the Settling Defendants.

In accordance with paragraph 11 of Exhibit A (Restoration Plan) of the Consent Decree the Settling Parties are transferring title of the Reforestation Property to the City of New Haven Parks Department. This transfer has been approved by the Indiana Department of Natural Resources.

If you have any questions or comments, please call me at (517) 381-0177.

Respectfully,

James C. Forney
Director – Closed Sites

JCF/aab

Enclosure

cc: Scott Pruitt, U.S. Fish & Wildlife Service (Letter Only)
Timothy Junk, Deputy Attorney General
Nick Heinzelman, IDNR
Greg Nash, Esq., Pepper Hamilton LLP
Peter Kelly, Vedder Price (Letter Only)
Ken Wilkinson, New Haven Parks
Kent Bainbridge, WM

Natural Resource Damage Assessment Settlement

FINAL MONITORING REPORT

Fort Wayne Reduction Site
Allen County, Indiana

Submitted: January 11, 2006

Prepared for:
SC Holdings, Inc. and the Participating Generators Group
C/O Mr. James C. Forney
Waste Management, Inc.
3965 Okemos Road, Suite B4
Okemos, MI 48864

Prepared by:
Natural Concepts, LLP
Scott E. Fetters
P.O. Box 1101
Warsaw, IN 46581-1101

Natural Resource Damage Assessment Settlement

Fort Wayne Reduction Site
Allen County, IN

Final Monitoring Report

Submitted January 11, 2006

The following report summarizes the monitoring work that was completed on the Fort Wayne Reduction Site Reforestation project located in Allen County, IN. (See Location Map A). This report is the fifth and final report submitted as part of the requirement of the Trustee approved Restoration Plan dated December 23, 1999.

Planting of the seedlings was completed on May 6-7th, 2000. 25,400 seedlings were machine planted on approximately 47 acres and annual herbicide was applied at the time of planting. The trees were planted on as close to a 9'x 9' spacing as possible. It should be noted that small changes in soil type, moisture, and terrain may result in trees being planted either somewhat closer or farther apart than that. The following seedlings based upon nursery availability, were planted on the site:

Bur Oak	3,000
Pin Oak	2,500
Swamp White Oak	1,500
Swamp Chestnut Oak	1,500
Overcup Oak	1,000
Green Ash	3,500
Sycamore	3,500
River Birch	3,000
Shellbark Hickory	1,000
Buttonbush	1,600
Silky Dogwood	1,700
Red Osier Dogwood	1,600
	25,400

Monitoring

Three, one acre test plots approximately (208' x 208'), were established on September 14-15th, 2001. Metal "T" fence posts were installed at the corners of all three plots to mark the boundaries. The test plots were located to sample tree survival rates in areas that have different soil types, as well as differences in elevation (depressional areas and high ground). Three photographic stations were also set up in the monitoring areas to

provide visual documentation of development of the areas. Observations of wildlife were noted during all site visits to the reforestation property to document usage of the property.

Monitoring Area #1

Monitoring area # 1 is located in the far west field north of Parrott Road and east of the abandoned Nail Road. The terrain in this field is fairly level with the one exception being a low depression in the far southeast corner of the field next to the drainage ditch. This field was the last area to be planted. In order to plant the trees that we had remaining, the field was planted on an approximately 8'x 8' spacing (680 trees/acre).

Results:
(See attached Monitoring Area #1 Table for complete results)

Total Stems Surviving for Monitoring Area #1 was 553/Acre. Green Ash and Silky Dogwood were the most abundant species followed by Sycamore and Red Osier Dogwood. Total Percent Stem Survival for Area #1 was 81.0% and 11 different species were identified. The only noticeable deer damage was several buck rubs on several of the Ash and Sycamore trees in the far northeast corner of the field. Most of the dogwood shrubs are now reaching heights of 6-10' tall and are beginning to spread out into much larger shrubs. Ash and Sycamore trees are approaching heights of 8-12' tall, while the Oak species are approaching heights of approximately 4-7' tall.

Monitoring Area #2

Monitoring Area #2 is located in the far southeast corner of the property on the north side of Parrott Road. This area was selected as a monitoring area to sample seedling survival in an area that has frequently saturated soil conditions. The test plot is located in a depression area on the landscape and is frequently saturated by runoff from surrounding areas.

Results:
(See attached Monitoring Area #2 Table for complete results)

Total Stems Surviving for Monitoring Area #2 was 427/Acre. Green Ash and Swamp White Oak were the most abundant species followed by River Birch and Silky Dogwood. Total Percent Stem Survival for Area #2 was 79.1% and 8 different species were identified. Rabbit damage was once again not as noticeable in 2005 as in previous years. Most of the trees are now reaching heights of 7-10' on average while Green Ash and Sycamore trees are reaching heights of 10-20' tall after 6 growing seasons. Area #2 was once again inundated with as much as 3' of standing water during 2005 as a result of backwater flooding from the Maumee River. Sediment stains and floating debris (paper cups, plastic bottles, and miscellaneous trash) was noticeable in the understory vegetation. Despite the flooding, the area has still maintained an overall seedling survival rate of 79.1%. There were also numerous volunteer seedlings beginning to

germinate from seed in the bare ground areas that were flooded. Volunteer species included; Sycamore, Silver maple, Red maple, Cottonwood, and Box elder.

Monitoring Area #3

Monitoring Area #3 is located along the north side of Parrott Road in the southwest corner of the field. The test plot area is mostly level and provides a good sampling area that is fairly representative of the high areas in the rest of the field.

Results:
(See attached Monitoring Area #3 Table for complete results)

Total Stems Surviving for Monitoring Area #3 was 482/acre. Pin Oak and Swamp White Oak were the most abundant species followed by Bur Oak and River Birch. Total Percent Stem Survival for Area #3 was 89.3% and 10 different species were identified. Rabbit damage to the River Birch was still noticeable in 2005 especially towards the western portion of the sampling area nearest the county ditch. Volunteer species of Cottonwood, Silver maple, and Red maple are beginning to encroach into the field presumably from the trees located west of the field along the county ditch.

General Discussion

Growing conditions in 2005 were favorable for establishing trees along the Maumee River, despite below average precipitation for the year. Portions of the reforestation project area were flooded for short durations during the growing season in early June and July. In addition to the planted seedlings, volunteer seedlings are also starting to provide additional habitat. Volunteer species identified include; Silver Maple, Red Maple, Slippery Elm, Box Elder, White Ash, Green Ash, Sycamore, and Cottonwood. Volunteer Elm, Ash, and Cottonwood seedlings are reaching heights of 10-20' tall after six growing seasons.

Water quality benefits to the Maumee River are also noticeable on the project area. Sediment deposition in the reforested areas is easily recognized with as much as ¼" sediment on plant debris in the lowest lying areas on the property. Flood debris as high as 3' above the ground in the understory vegetation also left sediment stains where water had stood for some time during the growing season. Volunteer seedlings are beginning to colonize the bare ground areas that routinely flood in late spring and early summer.

Wildlife habitat has continued to improve since the reforestation was completed. Increased plant diversity and continuing development of the reforestation project provide improved wildlife habitat. Wildlife observed on June 5, 2005 and on October 22, 2005 includes the following:

Wood duck
Mallard
Hooded Merganser

Yellow Warbler
Turkey Vulture
Red wing Blackbird
Crow
Brown headed Cowbird
Gold Finch
Cardinal
Blue Jay
Red Tail Hawk
Northern Harrier
Coopers Hawk
Deer
Rabbit
Fox Squirrel
Northern Leopard Frog
Unidentified Toad species
Snapping Turtle

Conclusions

The reforestation project has met all of the goals of the Restoration Plan after six growing seasons. The original goals of the Restoration plan required a 50% Total Stem Survival with a minimum of five species present. The three monitoring areas averaged 83.1% Total Stem Survival and had an average of greater than 9 different species present since the initial planting in May 2000. Volunteer tree species and planted seedlings are beginning to provide additional cover for wildlife and water quality benefits are already being provided in the form of sediment deposition and nutrient removal from the water column.

Long- term ownership of the property has been discussed with the Trustee Agencies. Waste Management, Inc. and the Participating Generators have placed a Conservation Easement on the property to provide perpetual protection to the mitigation area. Waste Management, Inc. and the Participating Generators are currently negotiating with the City of New Haven, IN Parks Department about the possibility of turning the property over to the City for use as green space along the Maumee River.

This final monitoring report fulfills the requirements of the Trustee approved Restoration Plan dated December 23, 1999. Waste Management, Inc. and the Participating Generators respectfully submit this final report and also request that a Certificate of Completion and letter of termination of the Consent Decree be forwarded to us upon receipt and approval of this final monitoring report.

Monitoring Area #1 Approximately 1 Acre (208' x 208')

Species List	Total Stems Surviving by Species	% Stem Survival by Species
Bur Oak	5	<1%
Pin Oak	14	2.5%
Swamp White Oak	26	4.7%
Swamp Chestnut Oak	4	<1%
Green Ash	230	41.6%
Sycamore	71	12.8%
River Birch	15	2.7%
Shellbark Hickory	0	0.0%
Overcup Oak	3	<1%
Silky dogwood	126	22.8%
Red Osier Dogwood	41	7.4%
Buttonbush	18	3.3%

Total Stems Surviving for Monitoring Area #1 553/Acre

Total Percent Stem Survival* 81.0% (553/680)

Species Richness = 11

* Total Percent Stem Survival = Total Surviving Stems / 680 trees per acre planted on 8' x 8' spacing.

NOTE: Area #1 was the last area to be planted. In order to plant the approximate 3 acre field, remaining trees were planted on an approximately 8' x 8' spacing (680 Trees/Acre.)

Monitoring Area #2 Approximately 1 Acre (208' x 208')

Species List	Total Stems Surviving by Species	% Stem Survival by Species
Bur Oak	50	12.3%
Pin Oak	45	10.5%
Swamp White Oak	71	15.9%
Swamp Chestnut Oak	19	4.6%
Green Ash	71	17.8%
Sycamore	56	12.3%
River Birch	64	14.1%
Shellbark Hickory	0	0.0%
Overcup Oak	0	0.0%
Silky dogwood	51	12.5%
Red Osier Dogwood	0	0.0%
Buttonbush	0	0.0%

Total Stems Surviving for Monitoring Area #2 427/Acre

Total Percent Stem Survival* 79.1% (427/540)

Species Richness = 8

* Total Percent Stem Survival = Total Surviving Stems / 540 trees per acre planted on 9' x 9' spacing.

Monitoring Area #3 Approximately 1 Acre (208' x 208')

Species List	Total Stems Surviving by Species	% Stem Survival by Species
Bur Oak	60	12.4%
Pin Oak	131	27.2%
Swamp White Oak	88	18.3%
Swamp Chestnut Oak	18	3.7%
Green Ash	47	9.8%
Sycamore	34	7.1%
River Birch	57	11.8%
Shellbark Hickory	0	0.0%
Overcup Oak	3	<1%
Silky dogwood	41	8.5%
Red Osier Dogwood	3	<1%
Buttonbush	0	0.0%

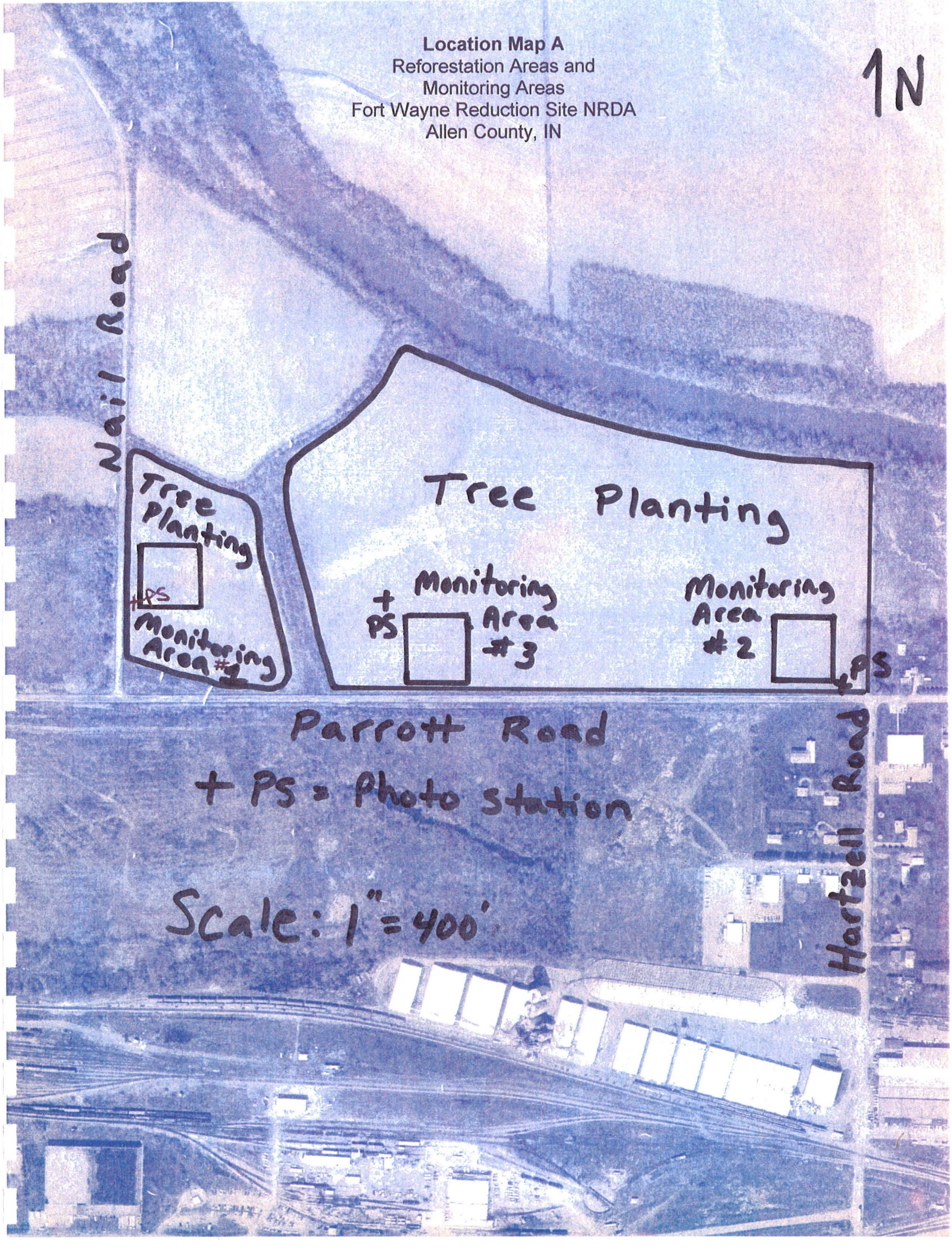
Total Stems Surviving for Monitoring Area #3 482/Acre

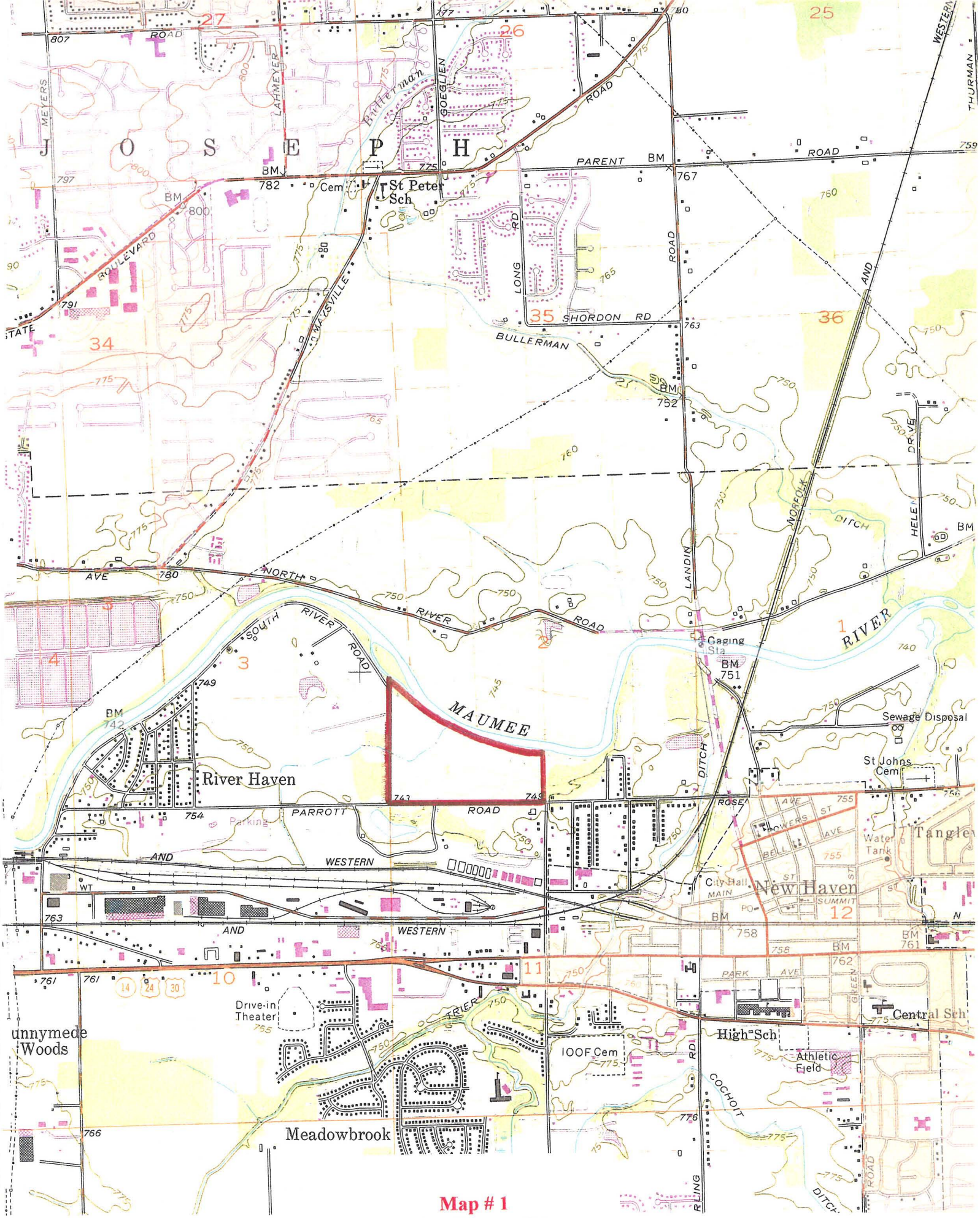
Total Percent Stem Survival* 89.3% (482/540)

Species Richness = 10

* Total Percent Stem Survival = Total Surviving Stems / 540 trees per acre planted on 9' x 9' spacing.

Location Map A
Reforestation Areas and
Monitoring Areas
Fort Wayne Reduction Site NRDA
Allen County, IN





Map # 1
Allen County, IN
Topographic Location Map

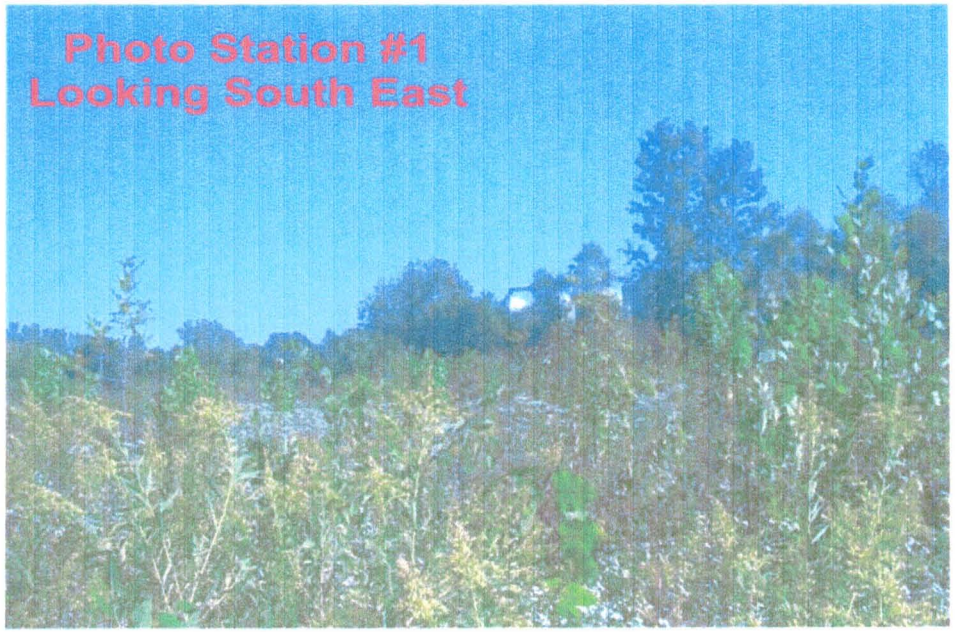


Photo Station #1
Looking South East


Photo Station #2
Looking North West


Photo Station #3
Looking West