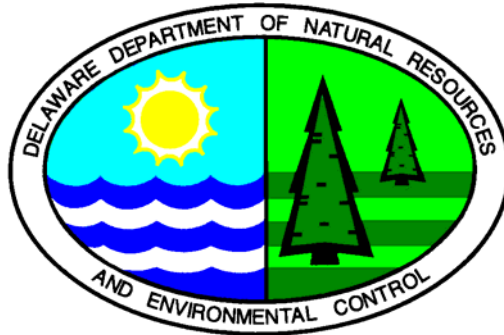


FINAL PLAN OF REMEDIAL ACTION



Burton Island Old Ash Landfill Site Operable Units 1 and 3

*29416 Power Plant Road
Millsboro, Delaware*

*August 5, 2008
DNREC Project No. DE-1399*

This Final Plan of Remedial Action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) determination that the following remedial actions will be required at the Burton Island Ash Disposal Area Site, Operable Units 1 and 3, in Millsboro, Delaware:

1. With respect to Operable Unit 1 (OU1), shoreline stabilization and erosion control measures will be implemented as set forth in NRG's Subaqueous Lands Permit Application dated November 10, 2006.
2. With respect to Operable Unit 3 (OU3), no further action will be required.
3. An Operations and Maintenance Plan (O&M Plan) for the site will be drafted to assure that the enacted protective measures are properly maintained. This requirement may be met by the drafting of a site-wide O&M Plan following the investigation and any necessary remediation of Operable Unit 2 (OU2).
4. An environmental covenant will be placed on the site limiting it to commercial or industrial use. In addition, DNREC-SIRB notification would be required prior to digging, drilling, excavating, grading, constructing, earthmoving, or other land disturbing activities on this site. This requirement may be met by the drafting of a site-wide environmental covenant following the investigation and any necessary remediation of Operable Unit 2 (OU2).

DNREC issued a public notice of the Proposed Plan for this site on May 5, 2008 and opened a 20-day public comment period. A public hearing was held on May 29, 2008. The comment period closed on June 3, 2008. All applicable information regarding this site can be found on the DNREC web page and in the DNREC office on Lukens Drive in New Castle. The Proposed Plan is attached (Attachment A).

Numerous comments and questions from the public were received during the public comment period and public hearing. These were addressed in the Hearing Officer's Report (last part of Attachment B). Following review of the Hearing Officer's Report, Secretary's Order No. 2008-A-0032 (Attachment B), directing that the Proposed Plan be adopted as the Final Plan, was issued on July 30, 2008.

Therefore, the Proposed Plan is adopted as the Final Plan.

Approval:

This Final Plan meets the requirements of the Hazardous Substance Cleanup Act.

Kathleen Stiller-Banning, Program Manager II
Division of Air and Waste Management

ATTACHMENT A
Proposed Plan of Remedial Action

ATTACHMENT B

Secretary's Order No. 2008-A-0032