

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Environmental
Conservation Law Article 19

- by -

ORDER ON CONSENT

File No. R4-2009-0428-77

Edward Cassidy
d/b/a Cassidy Environmental
Stoneleigh Ave
Croton Falls, New York 10519

Respondent

WHEREAS:

1. New York State Department of Environmental Conservation ("Department") has administrative jurisdiction to safeguard the air resources of the State pursuant to ECL Article 19.
2. Respondent, Edward Cassidy, owns and/or operates Cassidy Environmental, a registered dry cleaning compliance inspection business located at Stoneleigh Avenue in Croton Falls (Putnam County).
3. Respondent is a person as defined in ECL §33-0101 (33).
4. On April 16, 2009, Department staff received a third party inspection report, prepared by Respondent, for Valley Dry Cleaners, located at 169 West Bridge Street in Catskill, NY (DEC ID 4-1926-00126) ("facility").
5. The report indicated that on March 10, 2009, Respondent notified the Department of the inspection of the facility.
6. Regulations at 6 NYCRR Part 232.16 (d) provide that: *"The department must be notified of all inspections, in writing at least seven days prior to inspection, in a form acceptable to the department, by the registered inspector."*
7. Respondent did not notify the Department, prior to his third party inspection of the facility.
8. A review of records by Department staff indicates that Respondent did not notify the Department of his third party inspections of the facility on March 21, 2008, May 8, 2007, and March 28, 2006, however indicated on all three reports, dated March 10, 2008, March 10, 2007, and March 10, 2006 respectively, that he had done so.

9. Respondent violated regulations at 6 NYCRR Part 232.16 (d) by failing to notify the Department prior to his third party inspections of the facility in 2006, 2007, 2008 and 2009.

10. Respondent has affirmatively waived his right to notice and hearing in the manner provided by law, and has consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained herein.

NOW, having considered this matter and being duly advised, it is **ORDERED** that:

I. With respect of the aforesaid alleged violations, a civil penalty in the amount of TWO THOUSAND DOLLARS (\$2,000) is hereby assessed against the Respondent. Payment of the civil penalty is due upon the return of a signed and notarized copy of this Order to the Department. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC.

Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order.

II. Pursuant to ECL Section 71-0301, the Commissioner specifically reserves the right to exercise summary abatement authority.

III. This Order is binding upon the Respondent, his agents, employees, successors, assigns and to all persons and firms, and corporations acting subordinate thereto.

IV. No change or modification to this Order shall be made or be effective except as may be specifically set forth in writing by the Commissioner or Regional Director. Such application shall be made to the Regional Director.

V. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

VI. The effective date of this Order shall be the date upon which it is signed on behalf of the Department.

VII. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, their employees, their servants, their agents, their successors or their assigns.

VIII. Except as specifically provided in this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting:

A. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against Respondent for any other violations of the ECL, rules or regulations promulgated thereunder or permits issued thereunder;

B. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against anyone other than Respondent, their agents, their servants, their employees, their successors and their assigns;

C. Whatever right the Department has to bring any action or proceeding against Respondent and/or any of Respondent's employees, servants, agents, successors, and assigns with respect to claims for natural resource damages; and

D. Respondent's right to assert all available defenses to any claims, actions, proceedings, suits, causes of actions or demands made or commenced by the State or the Department provided, however, that Respondent waives all legal or equitable rights claims, actions, proceedings, appeals, suits, causes of action, defenses or demands whatsoever that it may have to a judicial review of the validity and binding effect of this Order and whether or not this Order has been entered into voluntarily by Respondent.

IX. Compliance with the terms and conditions of this Order shall be in full civil settlement of the violations alleged in this Order.

DATED: _____, 2009
Rotterdam, New York

Commissioner Alexander B. Grannis
New York State Department of
Environmental Conservation

BY:

Eugene J. Kelly
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives his rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

Edward Cassidy d/b/a Cassidy Environmental

SIGNED: _____

TITLE: _____

DATE: _____

STATE OF _____)

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)ss.:

COUNTY OF _____)

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On the ___ day of _____ in the year ____ before me, the undersigned, a Notary Public in and for the State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public
Qualified in the County of:
My Commission Expires: