

New York State Department of Environmental Conservation
Division of Environmental Enforcement
Central Field Unit
625 Broadway, Albany, New York 12233-5500
Phone: (518) 402-9507 **FAX:** (518) 402-9019
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John P. Cahill
Commissioner

July 31, 2001

Elizabeth Mahoney
Wadsworth Center
New York State Department of Health
Empire State Plaza
P.O. Box 509
Albany, New York 12201-0509

Re: Wadsworth Lab, New Scotland Avenue
Site # 401031

Dear Ms. Mahoney;

Enclosed please find two originals of an amendment to Order on Consent #A4-0433-0012 that reflects the discussions you have been having with the Department's technical staff. If this is acceptable to you, please have both originals executed on behalf of the Department of Health and return both to me. I will then have them executed on behalf of the Commissioner and return a fully executed original to you.

Please feel free to contact me at 402-9507 if there are any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Deborah W. Christian'.

Deborah W. Christian

cc: w/enc: M. Mateunus (7010)

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Development
and Implementation of a Remedial
Program for an Inactive Hazardous
Waste Disposal Site, Under
Article 27, Title 13, and Article 71,
Title 27 of the Environmental
Conservation Law of the
State of New York (the "ECL") by
New York State Department of Health,
Respondent

MODIFICATION
TO
ORDER
ON
CONSENT

Index #A4-0433-0012

Site Code #401031

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for the enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL") entitled "Inactive Hazardous Waste Disposal Sites." This Modification to an Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13 and ECL 3-0301.
2. The New York State Department of Health ("Respondent") owns and operates the Wadsworth Laboratory in the City of Albany. The Wadsworth Laboratory occupies approximately 5 acres; a portion of this property which is less than 1 acre in size is listed in the *Registry of Inactive Hazardous Waste Disposal Sites in New York State* as Site Number 401031 (the "Site").
3. Respondent consented to the issuance of an Order on Consent (Index No.A4-0304-93-07) dated August 27, 1993 (the "Order") for the development and implementation of a remedial program for the Site. A copy of the Order is attached hereto as Appendix "A."
4. Subparagraph XI.K of the Order provides that any modifications are to be made in writing and subscribed by the party to be bound.

UPON BEING DULY ADVISED, IT IS ORDERED THAT:

- I. Paragraph II. entitled "Remedial Design Construction and Reporting" shall be modified by the addition of a new Subparagraph II.H. to read as follows:

H. The Department and Respondent have concluded that groundwater treatment of the Site will not meet the objectives of the Remedial Program as set forth in the ROD in that the existing pump and treat system has failed to reduce the contaminant levels in soils. Therefore, the Department has determined that Respondent shall remove the pump and treat system and cap the recovery well. Respondent shall sample the groundwater monitoring wells every five quarters so that the Department may make a determination as to whether any further groundwater remediation is required to meet the objectives of the Remedial Program. Respondent shall evaluate technologies for the remediation of soils that will achieve the objectives of the Remedial Program and shall submit a Remedial Action Report to the Department for its review and approval in accordance with this Order at least every five years, or sooner, if necessary, beginning no later than October 1, 2001.

II. The effective date of this Modification to an Order shall be the date it is signed by the Commissioner or his designee.

III. All other provisions of the Order remain in full force and effect.

DATED:

ERIN M. CROTTY, COMMISSIONER
New York State Department
of Environmental Conservation

By: _____
Michael J. O'Toole, Jr.
Director, Division of Environmental
Remediation

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Modification to an Order on Consent, waives its right to a hearing herein as provided by law, and agrees to be bound by this Modification and Order.

By: _____

Title: _____

Date: _____

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the _____ day of _____, in the year 2001, before me, the undersigned, 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.

Signature and Office of individual
taking acknowledgment

APPENDIX "A"

1993 Order on Consent # A4-0304-93-07

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Program for an
Inactive Hazardous Waste Disposal
Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by
by

ORDER
ON
CONSENT

INDEX # A4-0304-93-07

New York State Department of Health,

Respondent.

Site Code #401031

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is entered into pursuant to the Department's authority under ECL Article 27, Title 13 and ECL Section 3-0301.

2. The New York State Department of Health ("NYSDOH") or ("Respondent"), owns and operates the Wadsworth Laboratory in the City of Albany, south of New Scotland Avenue, north of the Christian Brothers Academy and east of the New Scotland Armory. The Wadsworth Laboratory occupies approximately 5 acres, on which is located inactive hazardous waste site #401031 (as listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites), occupying less than one acre. From approximately 1940 to 1976, waste solvents used by the laboratory were burned in or poured into a low area (the "pit") behind the laboratory buildings. 100-200 gallons of solvents per year were disposed of in the pit in this manner. The

solvents consisted of many typical lab solvents, including xylol, ethanol, methyl ethyl ketone, petroleum ether, turpentine, mineral spirits and chlorinated spirits. NYSDOH performed a Remedial Investigation and Feasibility Study ("RI/FS") to delineate the type and extent of contamination at this site and to determine the most appropriate remedial action to be taken. The major soil contaminants found include: Acetone, chloroform, benzene, toluene, xylene and various hydrocarbons. The major groundwater contaminants found include: Chloroform, acetone, toluene, benzene, xylene, ethylbenzene and methylene chloride.

3. Following a period of public comment, the Department selected a final remedial alternative for the Site in a Record of Decision ("ROD"). The ROD, attached to this Order as Appendix "A," is incorporated as an enforceable part of this Order.

4. The Site is an inactive hazardous waste disposal Site, as that term is defined at ECL Section 27-1301.2, and presents a significant threat to the public health or environment. The Department has classified the Site as a Classification "2" pursuant to ECL Section 27-1305.4.b.

5. A. Pursuant to ECL Section 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the Department, at such site, and (ii) to implement such program within reasonable time limits specified in the order."

B. Any person under order pursuant to ECL Section 27-1313.3.a has a duty

imposed by ECL Article 27, Title 13 to carry out the remedial program committed to under order. ECL Section 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

C. The Department also has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL Section 3-0301.1.i.

6. The Department and NYSDOH agree that the goal of this Order is for Respondent to develop and implement, in accordance with the ROD, an inactive hazardous waste disposal site remedial program ("Remedial Program") for the Site that shall include design and implementation, and operation, maintenance and monitoring of the selected remedial alternative.

7. NYSDOH, having waived its right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms. NYSDOH consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Remedial Design Contents

A. Within 45 days after the effective date of this Order, or such other time as agreed to by the parties after consultation, Respondent shall submit to the Department a remedial design to implement the remedial alternative for the Site selected by the Department in the ROD (the "Remedial Design"). The Remedial Design shall be prepared by and have the signature and seal of a professional engineer who shall certify that the Remedial Design was prepared in accordance with this Order.

B. The Remedial Design shall include the following:

1. A detailed description of the remedial objectives and the means by which each essential element of the selected remedial alternative will be implemented to achieve those objectives, including, but not limited to:

- a. the construction and operation of any structures;
- b. the collection, destruction, treatment, and/or disposal of hazardous wastes and substances and their constituents and degradation products, and of any soil or other materials contaminated thereby;
- c. the collection, destruction, treatment, and/or disposal of contaminated groundwater, leachate, and air;
- d. physical security and posting of the Site;
- e. health and safety of persons living and/or working at or in the vicinity of the Site;
- f. quality control and quality assurance procedures and protocols to be applied during implementation of the Remedial Design; and
- g. monitoring which integrates needs which are present on-Site and off-Site during implementation of the Department-selected remedial alternative.

2. "Biddable Quality" documents for the Remedial Design including, but not limited to, documents and specifications prepared, signed, and sealed by a professional engineer. These plans shall satisfy all applicable local, state and federal laws, rules and regulations;

3. A time schedule to implement the Remedial Design;

4. The parameters, conditions, procedures, and protocols to determine

the effectiveness of the Remedial Design, including a schedule for periodic sampling of groundwater monitoring wells on-Site and off-Site;

5. A description of operation, maintenance, and monitoring activities to be undertaken after the Department has approved construction of the Remedial Design, including the number of years during which such activities will be performed;

6. A contingency plan to be implemented if any element of the Remedial Design fails to achieve any of its objectives or otherwise fails to protect human health or the environment;

7. A health and safety plan for the protection of persons at and in the vicinity of the Site during construction and after completion of construction. This plan shall be prepared in accordance with 29 C.F.R. 1910 by a certified health and safety professional; and

8. A citizen participation plan that is, at a minimum, consistent with the Department's publication, "New York State Inactive Hazardous Waste Site Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto, and 6 NYCRR Part 375.

II. Remedial Design Construction and Reporting

A. Within 30 days of the Department's approval of the Remedial Design, or such other time as agreed to by the Parties after consultation, Respondent shall commence construction of the Remedial Design.

B. Respondent shall implement the Department-approved Remedial Design.

C. During implementation of all construction activities identified in the Remedial Design, Respondent shall have on-Site a full-time representative who is qualified to

supervise the work done.

D. Within 30 days after completion of the construction activities identified in the Remedial Design, or such other time as agreed to by the Parties after consultation, Respondent shall submit to the Department a detailed post-remedial operation and maintenance plan ("O & M Plan"); "as-built" drawings and a final engineering report (each including all changes made to the Remedial Design during construction); and a certification by a professional engineer that the Remedial Design was implemented and all construction activities were completed in accordance with the Department-approved Remedial Design. The O & M Plan, "as built" drawings, final engineering report, and certification must be prepared, signed, and sealed by a professional engineer.

E. Upon the Department's approval of the O & M Plan, Respondent shall implement the Department-approved O & M Plan.

F. After receipt of the "as-built" drawings, final engineering report, and certification, the Department shall notify Respondent in writing whether the Department is satisfied that all construction activities have been completed in compliance with the approved Remedial Design.

G. If the Department concludes that any element of the Remedial Program fails to achieve its objectives or otherwise fails to protect human health or the environment, Respondent shall take whatever action the Department determines necessary to achieve those objectives or to ensure that the Remedial Program otherwise protects human health and the environment.

III. Progress Reports

Respondent shall submit to the parties identified in subparagraph X.B in the numbers specified therein copies of written monthly progress reports that: (i) describe the actions which have been taken toward achieving compliance with this Order during the previous month; (ii) include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent; (iii) identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month; (iv) describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site; (v) include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays; (vi) include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and (vii) describe all activities undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondent shall submit these progress reports to the Department by the tenth day of every month following the effective date of this Order.

IV. Review of Submittals

A. (1) The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this

Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal, except for the submittal discussed in Paragraph I.B.(7). All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

(2) (a) If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within 15 days after receiving written notice that Respondent's submittal has been disapproved, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

(b) After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order and the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. The Department may require Respondent to modify and/or amplify and expand a submittal if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary.

V. Compliance

A. Respondent's failure to comply with any term of this Order constitutes a violation of this Order and the ECL.

B. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of war, riot, or an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence could not have prevented. Respondent shall, within five days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such five-day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order pursuant to this subparagraph.

VI. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of the Respondent by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order. Respondent shall provide the Department with suitable office space at the Site, including access to a telephone, and shall permit the Department full access to all records relating to matters addressed by this Order and job meetings.

VII. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights including, but not limited to the following:

1. the Department's right to bring any action or proceeding against anyone other than Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;
2. the Department's right to enforce this Order against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns if Respondent fails to satisfy any of the terms of this Order;
3. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances or constituents at or from the Site or areas in the vicinity of the Site;
4. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors and assigns with respect to hazardous substances that are present at the Site or that have migrated from the Site;
5. the Department's right to bring any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;
6. the Department's right to gather information and enter and inspect property and premises; and
7. the Department's right to bring any action or proceeding against Respondent and/or its successors and assigns with respect to the recovery of the Department's

costs for the Department's expenses, including but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs and contractor costs incurred by the State of New York with respect to Respondent's obligations under this Order, as well as for negotiating this Order, reviewing and revising submittals made pursuant to this Order, overseeing activities conducted pursuant to this Order, collecting and analyzing samples and administrative costs associated with this Order.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

VIII. Indemnification

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 this Order by Respondent, and/or Respondent's directors, officers, employees, servants, agents, successors, and assigns.

IX. Public Notice

A. Within 30 days after the effective date of this Order, Respondent shall file a Declaration of Covenants and Restrictions with the Clerk of the County wherein the Site is located to give all parties who may acquire any interest in the Site notice of this Order.

B. If Respondent proposes to convey the whole or any part of Respondent's ownership interest in the Site, Respondent shall, not fewer than 60 days before the date of conveyance, notify the Department in writing of the identity of the transferee and of the nature

and proposed date of the conveyance and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

X. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

Communication from Respondent shall be sent to:

1. Michael O'Toole, Director
Division of Hazardous Waste Remediation
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010
(Attention: Susan Benjamin)
2. G. Anders Carlson
Director, Bureau of Environmental Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203
(Attention: John Sheehan)
3. Eric Hamilton
Region 4, Regional Headquarters
2176 Guilderland Avenue
Schenectady, New York 12306-4498
4. William G. Little, Esq.
Department of Environmental Enforcement
50 Wolf Road, Room 415
Albany, New York 12233-5501

B. Copies of work plans and reports shall be submitted as follows:

1. Four copies (one unbound) to Michael O'Toole, Division of Hazardous Waste Remediation, (Attention: Susan Benjamin).
2. Two copies to G. Anders Carlson, Director, Bureau of Environmental Exposure Investigation, (Attention: John Sheehan).

3. One copy to Eric Hamilton, Region Four.
4. One copy to William G. Little, Field Unit Attorney.

B. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit to the Director of the Division of Hazardous Waste Remediation (Attention: Susan Benjamin) a computer readable magnetic media copy of the text of the approved report in American Standard Code for Information Interchange (ASCII) format.

C. Communication to be made from the Department to the Respondent shall be sent to:

Peter J. Millock, General Counsel
Department of Health
Corning Tower
Empire State Plaza
Albany, N.Y. 12237

Russ Toombs
Department of Health
Wadsworth Center for Laboratory Research
Empire State Plaza
P.O. Box 509
Albany, N.Y. 12201-0509

D. The Department and NYSDOH reserve the right to designate additional or different addressees for communication or written notice to the other.

XI. Miscellaneous

A. All activities and submittals required by this Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous waste at the Site.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel, and data validators acceptable to the Department to

perform the technical, engineering, and analytical obligations required by this Order. The experience, capabilities, and qualifications of the firms or individuals selected by Respondent shall be submitted to the Department within 15 days after the effective date of this Order. The Department's approval of these firms or individuals shall be obtained before the start of any activities for which the Respondent and such firms or individuals will be responsible. The responsibility for the performance of the professionals retained by Respondent shall rest solely with Respondent. Notwithstanding the provisions of this paragraph, ERM Northeast, P. C. is approved by the Department as the consultant for the construction of the remedial alternative selected in the ROD.

C. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent, and the Department also shall have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be conducted pursuant to this Order.

E. Respondent shall obtain all permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations necessary to perform Respondent's obligations under this Order.

F. Respondent and Respondent's officers, directors, agents, servants, employees, successors, 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 Respondent's responsibilities under this Order. Respondent's officers, directors, employees, servants, and agents shall be obliged to comply with the relevant provisions of this Order in the performance of their designated duties on behalf of Respondent.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into in order to carry out the obligations identified in this Order upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work in satisfaction of the requirements of this Order.

H. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law.

I. All references to "days" in this Order are to calendar days unless otherwise specified.

J. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

K. (1) The terms of this Order shall constitute the complete and entire

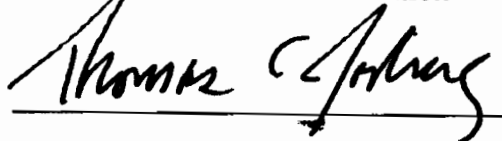
Order between Respondent and the Department concerning the Site. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.

(2) If Respondent desires that any provision of this Order be changed, Respondent shall make timely written application, signed by the Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Each such written application shall demonstrate to the Department's satisfaction that Respondent has made every reasonable and practicable effort to comply with the provision the Respondent seeks to have revised. No request for a revision that meets this criteria shall be unreasonably denied. Copies of such written application shall be delivered or mailed to: William Little and Susan Benjamin.

L. The effective date of this Order shall be the date it is signed by the Commissioner or his designee.

DATED: *Anthony* New York
Aug 27, 1993

THOMAS C. JORLING
Commissioner
New York State Department
of Environmental Conservation



CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

Lloyd F. Novick

By: Lloyd F. Novick, M.D.
(TYPE NAME OF SIGNER)

Title: Director

Date: AUGUST 20, 1993

STATE OF NEW YORK)
) s.s.:
COUNTY OF ALBANY)

On this _____ day of _____, 19__, before me personally came Lloyd F. Novick, M.D., to me known, who being duly sworn, did depose and say that he/she resides in _____; that he/she is the Director of Office of Public Health, the State agency described in and which executed the foregoing instrument; that he/she knew the seal of said State agency; that the seal affixed to said instrument was such State agency seal; that it was so affixed with the authority of the Commissioner of said State agency to legally bind the State agency and that he/she signed his name thereto pursuant to said authority.

Frank J. DeFata
Notary Public
Qualified in Albany County
Commission expires 6/30/95