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Dept. of Environmental Conservation
REGIONAL ENGINEER - REGION 5
RAY BROOK, NEW YORK 12977

CERTIFIED MAIL #794377
RETURN RECEIPT REQUESTED

July 6, 1984

Dennis J. Tarantino
Attorney at Law
470 Glen Street
P. O. Box 379
Glens Falls, New York 12801-0379

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RE: Tee-Bird Country Club, Inc.

Dear Dennis:

Attached please find a duly executed Agreement/Determination in the above-captioned matter.

Upon receipt of this conformed copy, the provisions, terms and conditions of this Agreement/Determination shall be binding.

Thank you for your cooperation in this matter.

Sincerely yours,

Malcolm A. Coutant
Regional Attorney
Region 5

MAC:cmh
Attachment

cc: (w/attach)
J. Greenthal
D. Corliss
R. Cowen

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program
to Eliminate any Threat to the Environment
caused by the Presence of Hazardous Wastes
in the Parking Lot of the:

AGREEMENT/
DETERMINATION

TEE-BIRD COUNTRY CLUB, INC.

WITNESSETH:

WHEREAS, the New York State Department of Environmental Conservation (the "Department") is responsible for the enforcement of Article 27 of the Environmental Conservation Law of the State of New York (the "ECL"), entitled "Collection, Treatment and Disposal of Refuse and Other Solid Waste" and regulations promulgated pursuant thereto in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR"); and

WHEREAS, the Department of Environmental Conservation (Department) has identified the presence of Polychlorinated Biphenyls (PCB) in concentrations ranging from .04ppm to 6800ppm in the parking lot of the Tee-Bird Country Club, Inc.; and

WHEREAS, on February 14, 1984, the Department notified the Officers of the Tee-Bird Country Club, Inc., Bruce T. Irwin and Jean C. Irwin, of the presence of said chemical; and

WHEREAS, at the request of the Officers, on February 21, 1984, Ray E. Cowen, III representing the Department, and Brian Fear representing the Department of Health (DOH) met with the Officers to discuss remedial alternatives; and

WHEREAS, the Officers offered to pave the parking area as a remedial measure upon the advice and consent of Ray Cowen, III and Brian Fear; and

WHEREAS, on February 22, 1984, the Department corresponded to the Officers endorsing the paving as a method of minimizing further release of PCB to the environment, said correspondence attached hereto and incorporated in this Agreement; and

WHEREAS, the Officers of the Tee-Bird Country Club, Inc. have solicited bids from paving contractors and have entered into an Agreement with Ron Grimes Excavating and Paving of Lake George, New York; and

WHEREAS, said Agreement between the Tee-Bird Country Club, Inc and Ron Grimes Excavating and Paving dated the 24th day of February, 1984, as amended, has been reviewed by Ray Cowen, III on behalf of the Department.

NOW, THEREFORE, the parties agree as follows:

A. That the Officers of the Tee-Bird Country Club, Inc. shall enter into a contract approved by the Department requiring the paving of the parking area with oversight inspection provided by the Department as to area of coverage and adherence to agreed upon paving method. That said Officers will notify the Department at least forty-eight (48) hours prior to commencement of said work.

B. That said paving shall be accomplished as soon as possible, weather permitting, but in any case no later than fifteen (15) days after a conformed copy is received by Tee-Bird Country Club, Inc., unless otherwise agreed by the parties hereto.

C. That the Officers of the Tee-Bird Country Club, Inc. will cooperate with the Department as to further investigations into the source of the hazardous waste, said investigations intended to be involved solely with the parking lot in question.

D. That the Officers of the Tee-Bird Country Club, Inc. will maintain the paved area and keep it free of cracks, potholes and other damage that would compromise the intended sealing capacity of the pavement. That such maintenance will include complete repaving, if found to be warranted by continuous and frequent failures of the original pavement surface. That further the Officers will permit occasional inspections by the Department personnel pursuant to this Order for the sole purpose of checking pavement integrity and taking samples.

E. That nothing contained herein shall constitute a waiver by the Department of its right to bring any action or proceeding to which it may be entitled according to law against the Tee-Bird Country Club, Inc. or any person or entity not a party hereto, to require the performance of a further remedial program at the site, if found to be warranted, or to obtain any other relief.

F. That the Department acknowledges primary jurisdiction by the execution of this Agreement/Determination and further acknowledges that the Officers of the Tee-Bird Country Club, Inc. have been induced to enter into this Agreement/Determination based upon said primary jurisdiction.

G. That the failure of the Tee-Bird Country Club, Inc. to comply with the provisions, terms and conditions of this Agreement/Determination shall constitute a failure to perform a duty imposed by an order of the Commissioner of Environmental Conservation made pursuant to Environmental Conservation Law Article 71, Title 27.

DATED: Ray Brook, New York

July 2, 1984

HENRY G. WILLIAMS, Commissioner
New York State Department of
Environmental Conservation

By: *Thomas L. Merce*

Consent by Respondent

Respondent hereby consents to the making, entering and filing of the foregoing Agreement/Determination without further notice and waives its right to a hearing herein.

TEE-BIRD COUNTRY CLUB, INC.

By: *Bruce T. Irwin*

Title: BRUCE T. IRWIN, President

Date: May 24, 1984

TO: Tee-Bird Country Club, Inc.

STATE OF NEW YORK)
) ss.:
COUNTY OF SARATOGA)

On this 24th day of May , 19 84 before me personally came BRUCE T. IRWIN , to me known, who being by me duly sworn did depose and say that he resides at Reservoir Road Town of Moreau , that he is President of Tee-Bird Country Club, Inc. , the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.



NOTARY PUBLIC

DENNIS J. TARANTINO
NOTARY PUBLIC, STATE OF NEW YORK
SARATOGA COUNTY #4059251
COMMISSION EXPIRES MARCH 23, 1985