

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM
ECL §27-1301 *et seq.*

In the Matter of a Remedial Program for

BEC Trucking Site

DEC Site No.: 704007

Site Address: Stewart Road, Vestal, NY
Hereinafter referred to as "Site"

**AMENDED ORDER ON
CONSENT AND
ADMINISTRATIVE
SETTLEMENT**

Index No. R7-20220610-32

By: Downside Risk, Inc.
Vestal Self Storage LLC

Hereinafter referred to as "Respondent"

1. Respondent Downside Risk, Inc. is a domestic business corporation organized and existing under the laws of the State of New York, who executed and became the Respondent under Order on Consent No. R7-20220610-32.
2. Respondent Vestal Self Storage LLC is a domestic business corporation organized and existing under the laws of the State of New York.
3. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner by such statute.
4. The Department is responsible for carrying out the policy of the State of New York to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.
5. Respondent Downside Risk, Inc. and the Department entered into an Order on Consent and Administrative Settlement No. R7-20220610-32 ("Consent Order") on September 2, 2022 regarding Superfund Site No. 704007 located at 3201 Stewart Road, Vestal, NY 13850, Tax Map/Parcel No.: 158.11-1-15.
6. Respondents provided an incorrect Respondent corporate name for a Vestal Self Storage LLC in the Consent Order.
7. Respondent Vestal Self Storage LLC wishes to modify the Consent Order to correct and add the correct corporate entity Vestal Self Storage LLC as the additional respondent.
8. Respondents consent to the issuance of this Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order,

requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the Site constitutes a significant threat to the public health or environment.

9. Solely with regard to the matters set forth below, Respondent hereby waive any right to a hearing as may be provided by law, consent to the issuance and entry of this Order, and agree to be bound by its terms. Respondents consent to and agree not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agree not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondents pursuant to this Order.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

WHEREAS,

- I. The Order is hereby amended to add Vestal Self Storage LLC as a Respondent to the Consent Order and this Amendment.
- II. Respondents and its Successors and Assigns shall be bound by the Consent Order and its Amendments.
- III. Nothing contained in this Amendment changes or modifies the remaining obligations under the Order.
- IV. This Amendment shall control to the extent of a conflict between the provisions hereof and those of the Order. Except as provided in the preceding sentences or elsewhere in this Amended Order, the Consent Order and the documents related thereto, shall continue in full force and effect. Any amendment or other modification of this Amendment must be in writing.
- V. The effective date of this Amended Order shall be the date on which it is signed by the Commissioner or the Commissioner's designee.

DATED: 2/16/, 2024

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: Andrew Guglielmi

Andrew Guglielmi, Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

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

Downside Risk, Inc.

By: *[Signature]*

Title: VICE PRESIDENT

Date: 2/2/24

STATE OF NEW YORK)
COUNTY OF Broome) ss:

On the 2nd day of February in the year 2024 before me, the undersigned, personally appeared Peter L. Walsh (full name) 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the 2nd day of February in the year 2024, before me, the undersigned, personally appeared Peter Walsh (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 116 Eastwood Dr, Johnson City NY (full mailing address) and that he/she/they is (are) the Vice-President (president or other officer or director or attorney in fact duly appointed) of the Downside Risk Inc (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Karen A. Walter
Notary Public, State of New York

KAREN A WALTER
Notary Public, State of New York
No. 01WA4946164
Qualified in Broome County 27
Commission Expires January 27, 2026

CONSENT BY RESPONDENT

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

Vestal Self Storage LLC

By: [Signature]

Title: MEMBER

Date: 2/2/24

STATE OF NEW YORK)
COUNTY OF Broome) ss:

On the 2nd day of February in the year 2024 before me, the undersigned, personally appeared Peter Walsh (full name) 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the ___ day of _____ in the year 2024, before me, the undersigned, personally appeared _____ (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at _____ (full mailing address) and that he/she/they is (are) the _____ (president or other officer or director or attorney in fact duly appointed) of the _____ (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

[Signature]
Notary Public, State of New York

KAREN A WALTER
Notary Public, State of New York
No. 01WA4946164
Qualified in Broome County 21
Commission Expires January 27, 2019