

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

ORDER ON CONSENT
AMENDMENT

Index #A7-0125-87-09

Emerson Power Transmission Company n/k/a Emerson Power Transmission Corporation

Respondent.

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") and Emerson Power Transmission Company n/k/a Emerson Power Transmission Corporation, (the "Respondent ") entered into Order on Consent Index #A7-0125-87-09 (the "Order"), which Order was signed by the Commissioner or the Department's designee on July 13, 1988 relative to property located at Route 96B, Ithaca, New York (the "Site").

2. The Department and the Respondent have agreed to resolve any liability Respondent may have for payment of past and future State Costs at the Site.

3. Respondent agreed to be bound by the terms of the Order and agrees not to contest the authority or jurisdiction of the Department to enter into or enforce this Amendment, and agrees not to contest the validity of this Amendment.

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

I. The Order is hereby amended by adding Paragraph XXXVI. to read as follows;

XXXVI. A. Upon the payment of \$150,000, Respondent shall be fully released for any claims by the Department for all past and future State Costs associated with this Order. Such payment shall be made by bank draft payable to the Commissioner of the Department of Environmental Conservation and sent to the attention of: Laura Zeppetelli, Chief, Cost Recovery Section, Bureau of Program Management, Division of Environmental Remediation, New York State Department of Environmental Conservation, 625 Broadway,

12th Floor, Albany, New York 12233-7012."

B. "State Costs" are defined as all the State's including but not limited to the Department of Health response expenses related to this Site, including, but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs, and contractor costs incurred by the State of New York for negotiating, implementing, overseeing, administering, or enforcing this Order, and any other response costs as defined under CERCLA.

II. 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 Amendment, the 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.

III. The effective date of this Amendment shall be the date on which it is signed by the Commissioner or the Commissioner's designee.

DATED:

APR 22 2013

JOSEPH J. MARTENS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Robert Schick, Director
Division of Environmental Conservation

CONSENT BY RESPONDENT

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

Emerson Power Transmission Corporation

By: John G. Shively

Title: Secretary

Date: April 8, 2013

STATE OF ^{Missouri}NEW YORK)
) ss:
COUNTY OF St. Louis)

On the 8th day of April, in the year 2013, before me, the undersigned, personally appeared John G. Shively, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Kimberly A. Olmstead
Signature and Office of individual
taking acknowledgment

Kimberly A. Olmstead - Notary Public
Notary Seal, State of
Missouri - St. Louis County
Commission #09772657
My Commission Expires 9/14/2013