

J3W —
#915043

MEMORANDUM

TO: Martin Doster, DER, Region 9
FROM: Joe Ryan, DEE, WFU
SUBJECT: Pfohl Bros. Landfill - Order on Consent
DATE: 4/27/01

FOIL

Releasable

Non-Releasable

Enclosed Please find two (2) copies of fully executed Order. One is for your files and please forward the other copy to DOH.

Thanks.

JPR:jab
R16PFHL10

Enclosure

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
AlliedSignal Inc. (n/k/a Honeywell International, Inc.),
American Standard Inc., Burt Rigid Box, Inc.,
Buffalo Forge Co. (n/k/a Howden Buffalo, Inc.),
Viacom Inc. successor to CBS Corporation,
Calspan Corp., BP America Inc.
(Carborundum Co.), Curtiss-Wright
Corp., Dresser Industries Inc., E.I.
DuPont de Nemours & Co., Ford
Motor Company, General Motors
Corporation, Litton Systems, Inc.,
New York State Electric & Gas,
Niagara Mohawk Power Corp.,
Occidental Chemical Corporation,
The Sherwin-Williams Company successor
to Pratt & Lambert Inc., Textron, Inc., Trico
Products Inc., Warner Lambert Co.,
Waste Management of New Jersey, Inc. and
Waste Management of New York, LLC.

ORDER
ON
CONSENT
INDEX # B9-0048-84-10

Respondents,

Site Code #915043

and

Town of Cheektowaga, Paul Pfohl,
Bernice Pfohl, Dolores Pfohl, Buffalo
Municipal Housing Authority, Aero
Land, Inc., Jerome Hirsch, Stuart
Jenkins, and Elizabeth McBride,
Estate of Adam Pfohl, Elizabeth C. Werick and William A. Pfohl,

Additional Parties.

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 issued pursuant to the Department's authority under, inter alia, ECL Article 27, Title 13 and ECL 3-0301. This Order is a State administrative settlement within the meaning of Sections 107 and 113(f) of CERCLA (42 U.S.C. Sections 9607 and 9613(f)).

2. A. AlliedSignal Inc. (n/k/a Honeywell International, Inc.), American Standard Inc., Burt Rigid Box, Inc., Buffalo Forge Co. (n/k/a Howden Buffalo, Inc.), Viacom Inc. successor to CBS Corporation, Calspan Corp., BP America Inc. (Carborundum Co.), Curtiss-Wright Corp., Dresser Industries Inc., E.I. DuPont de Nemours & Co., Ford Motor Company, General Motors Corporation, Litton Systems, Inc., New York State Electric & Gas, Niagara Mohawk Power Corp., Occidental Chemical Corporation, The Sherwin-Williams Company successor to Pratt & Lambert Inc., Textron Inc., Trico Products Inc., Warner-Lambert Company, and Waste Management of New Jersey Inc., and Waste Management of New York, LLC. ("Respondents"), are corporations authorized to do business in the State of New York. The Department alleges that Respondents are generators, successors to generators, transporters, successors to transporters or disposers of hazardous waste on the property located approximately one mile north of Buffalo International Airport adjacent to Transit Road in the Town of Cheektowaga, Erie County, New York known as the Pfohl Brothers Landfill ("the Site"). The Site is depicted on the map in Appendix "A". The Department has determined that hazardous waste and hazardous substances at Areas B and C of the Site present a significant threat to human health or

to the environment. Area A has been deleted from the Site. The Department alleges that Respondents are liable persons pursuant to section 107(a) of CERCLA (42 U.S.C. 9607(a)).

B. Town of Cheektowaga, a New York municipal corporation ("Town of Cheektowaga"), is alleged to be a generator, transporter and disposer of hazardous wastes on the Site. For the purposes of this Order, the term "Cheektowaga" shall mean and include the Town of Cheektowaga and the municipal corporations, school districts and special use districts located within the Town of Cheektowaga's geographical boundaries and which are listed on Appendix "D" attached hereto.

C. Paul Pfohl, Bernice Pfohl and Dolores Pfohl ("Pfohl"), are owners of real estate within the Site, specifically of the following parcels:

Tax Map Nos.

81.040-1-27
81.040-1-28.100
81.040-2-9.100
81.040-2-10.100
81.040-2-11
82.030-4-5
82.030-4-6
82.030-4-8
82.030-4-11

D. "Settling Parties", are alleged to be generators, transporters, or disposers of hazardous wastes on the Site. Presently, only Buffalo Municipal Housing Authority is a Settling Party under this Order.

E. Aero Land, Inc., Jerome Hirsch, Stuart Jenkins, Elizabeth McBride, Estate of Adam Pfohl, Elizabeth C. Werick, William A. Pfohl ("Settling Owners"), are owners of real estate within the Site.

Aero Land, Inc. is the owner, and Jerome Hirsch is the former owner, of the following parcels:

Tax Map No.

82.030-4-9.2

82.030-4-9.11

Stuart Jenkins is the owner of the following parcel:

Tax Map No.

82.030-4-9.12

Elizabeth McBride is the owner of the following parcel:

Tax Map No.

82.030-4-10

The Estate of Adam G. Pfohl is the record owner of the following parcel, Elizabeth C. Werick is the Executrix of the Estate of Adam G. Pfohl, and Elizabeth C. Werick and William A. Pfohl are the only heirs of the Estate of Adam G. Pfohl:

Tax Map No.

81.04-1-26

3. Pursuant to its authority under the ECL, the Department conducted interim remedial measures including Site fencing and drum removal, and conducted investigations determining, among other things, the nature and extent of contamination at the site and also to determine whether any remedial action might be required. Consistent with the National Contingency Plan ("NCP"), following a period of public comment, the Department selected a final remedial alternative for the Site in a Record of Decision ("ROD") dated February 1992. The ROD, attached to this Order as Appendix "B," is incorporated as the basis for the Remedial Design and Remedial Action at this Site.

4. The Department alleges that the Site is an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2, and presents a significant threat to the public health or

environment. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 915043. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.

5. The United States Environmental Protection Agency ("USEPA") listed the Site on the National Priority List ("NPL") effective January 17, 1995 pursuant to an amendment to the NPL published at 59 FR 65206 (12/16/94). USEPA has, by letter to the Department dated September 16, 1999, determined that the Remedial Design as hereinafter defined is approvable and its implementation will meet the intent of the ROD.

6. A. Pursuant to ECL 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 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 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. See, e.g., ECL 3-0301.1.i.

7. In response to the foregoing, Respondents have developed a Remedial Design Report for the Site. The Department, finding that said Remedial Design Report is consistent with the NCP,

has approved the Remedial Design Report ("RD Report") which is attached hereto as Appendix "C" and which is incorporated as an enforceable part of this Order.

8. The Department, Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners agree that the goals of this Order are (i) for Respondents to implement, in accordance with the RD Report, an inactive hazardous waste disposal site remedial program ("Remedial Program") for the Site that shall include implementation, and operation, maintenance and monitoring of the selected remedial alternative; (ii) Respondents through Town of Cheektowaga to implement long-term Operation and Maintenance at the Site in accordance with the requirements of the Department-approved O & M Plan; (iii) for Respondents, Pfohl and Settling Parties to reimburse the State's administrative costs; and (iv) for Settling Owners and Pfohl to provide access to the Site and, if requested by the Respondents, to transfer their Site property to the Respondents or Respondents' designate, as set forth at Paragraph VII.

9. Without the admission, adjudication or finding of liability or of any issue of law or fact, and solely for the purpose of the entry and implementation of this Order, Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners, neither admitting nor denying any of the foregoing, and, having waived their right to a hearing herein as provided by law for those matters expressly addressed in this Order, and having consented to the issuance and entry of this Order, agree to be bound by its terms. Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners 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.

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

I. Remedial Construction

A. Within such period of time as set forth in the RD Report, Respondents shall commence construction of the Department-approved Remedial Design.

B. Respondents shall implement the Remedial Design in accordance with the Department-approved RD Report.

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

D. Within 90 days after completion of the construction activities identified in the Department-approved Remedial Design, Respondents 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 registered in New York State that the Remedial Design was implemented and that all construction activities were completed in accordance with the Department-approved Remedial Design and were personally witnessed by him or her or by a person under his or her direct supervision. 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, Town of Cheektowaga shall implement the O&M Plan in accordance with the requirements of the Department-approved O&M Plan; however, if Town of Cheektowaga shall fail to implement the O&M Plan in whole or in part then Respondents shall be jointly and severally liable for its implementation.

F. After receipt of the "as-built" drawings, final engineering report, and certification,

the Department shall notify Respondents in writing within a reasonable time whether the Department has determined that all construction activities have been completed in compliance with the Department-approved Remedial Design.

G. If the Department determines that any element of the Department-approved Remedial Program fails to achieve its objectives as set forth in the ROD or otherwise fails to protect human health or the environment, Respondents 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. Should the Department direct Respondents to take any such action, Respondents shall be in violation of this Order and the ECL if they fail to take such action unless, within 15 days of receipt of the Department's direction, Respondents invoke the dispute resolution proceedings pursuant to Paragraph V of this Order. The Department's determinations and directions shall neither be arbitrary nor capricious.

II. Site Environmental Monitor

Respondents shall pay to the Department the salary and costs, as indicated below, of an employee of the Department who shall serve as a Site Environmental Monitor ("Environmental Monitor") to be present at the Site during implementation and construction of the Remedial Program. Respondents shall provide appropriate office space, access to a telephone and access to a vehicle if necessary, for movement around the Site. Such salary and costs shall not exceed \$100,000 per year.

A. Upon execution of this Order, Respondents shall submit to the Department the sum of \$100,000, which shall represent the State's estimate of the first year expenses (including, but not limited to, direct labor, fringe benefits, indirect overhead, travel, analytical costs, and contractor costs) incurred by the State of New York to fund Environmental Monitor activity

associated with 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 administering the requirements of this Order (the "Monitor Fund").

Respondents shall make subsequent quarterly payments to the Department for the duration of this Order in order to maintain a Monitor Fund account balance sufficient to meet the next nine months' anticipated above-described State costs. Each quarterly billing will be based on expenditures incurred to date. The quarterly billing will take into account matters such as inflation, salary increases, accrued interest to be applied to the balance, changes in operating hours and procedures and the possible need for additional personnel and supervision of such personnel. Costs and expenses to be covered by this account include:

1. Direct personal service costs and fringe benefits of the Environmental Monitor assigned to work associated with the Site, 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 administering the requirements of this Order, including the costs of replacement personnel for the person(s) regularly assigned to these duties and applicable supervision;
2. Direct non-personal service costs, including but not limited to full operating costs of a vehicle, if necessary, any appropriate chemical sampling and analysis, travel, supplies, equipment, and contractual costs;
3. Indirect support or overhead costs at the reduced New York State Department of Environmental Conservation Federally-approved Indirect Cost Rate since Respondents shall provide appropriate office space, access to a telephone, and access to a vehicle, if necessary, for movement around the Site to the Environmental Monitor;

B. The Department shall notify Respondents in writing when a quarterly payment is due by submitting a quarterly billing. Respondents shall make such payment in the form of a check payable to the order of the New York State Department of Environmental Conservation and shall submit such payment to the Department at the following address no later than 30 days from receipt of such billing:

New York State Department of Environmental Conservation
50 Wolf Road, Room 611
Albany, NY 12233-1510
ATTENTION: Environmental Monitors

Payments are to be in advance of the period in which they will be expended. Failure to make the required payments shall be a violation of this Order. The Department reserves all rights to take appropriate action to enforce the above payment provisions.

C. Upon the Department's approval of the O&M Plan, the "as built" drawings, final engineering report and certification, and upon payment of any outstanding costs and expenses, the Department shall submit to the State Comptroller's Office a request to return the unexpended balance of the Monitor Fund, including interest, to Respondents or their agent, the Pfohl Brothers Landfill Site Steering Committee ("Steering Committee").

D. Actual personal service costs will be based on a Site-specific time and activity (T&A) code. Non-personal service costs reflect costs incurred related to this Order during the particular reporting period.

E. Actual costs incurred will be documented by quarterly T&A reports for personal service costs. Non-personal service costs will be documented by expenditure reports. Copies of actual invoices will not be provided but shall be made available for auditing purposes.

F. Respondents may dispute an invoice by informing the Department in writing

within 30 days of receipt of such invoice that the amount of such invoice is unreasonable. For purposes of this Order, the sole grounds for determining that an invoice is unreasonable are that it contains clerical errors, and that all or a portion of the billing cannot be substantiated by the documentation identified in Paragraph II of this Order; that the invoice includes costs not authorized by this Order and/or that it does not cover an activity addressed by this Order. The procedures contained in Paragraph V of this Order shall be used to resolve such dispute, and Respondents shall pay the amount as those procedures shall determine Respondents shall pay, within the time period they shall require.

G. The Environmental Monitor shall, when present at the Site, abide by all of the Respondents' health and safety and operational requirements and policies, including signing in and out; provided, however, that this subparagraph shall not be construed as limiting the Environmental Monitor's powers as otherwise provided for by law and shall not result in the Environmental Monitor's being less protected than the Environmental Monitor would be if he or she were to abide by State and Federal health and safety requirements.

H. The Environmental Monitor shall have successfully completed the training set forth by OSHA at 29 CFR 1910.120 and shall receive from the Respondents all general safety training which is normally given to new site employees. This training will be a supplement to the mandatory safety training that the Environmental Monitor receives from the Department.

I. Respondents shall furnish to the Environmental Monitor a current Site policy and procedures manual for health and safety issues. Within fifteen (15) days of any revision to the health and safety plan, Respondents shall notify the Department, in writing, of such modification.

III. Progress Reports

Respondents shall submit to the parties identified in Subparagraph XII.B in the numbers

specified therein copies of written monthly progress reports that:

- A. describe the actions which have been taken toward achieving compliance with this Order during the previous month;
- B. include all results of sampling and tests and all other data received or generated by Respondents or Respondents' contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondents;
- C. identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month;
- D. 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;
- E. include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of Respondents' obligations under the Order, and efforts made to mitigate those delays or anticipated delays;
- F. include any modifications to any work plans that Respondents have proposed to the Department or that the Department has approved; and
- G. describe all activities undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondents shall submit these progress reports to the Department by the tenth day of every month following the effective date of this Order.

Respondents also shall allow the Department to attend, and shall provide the Department at least seven days advance notice of, any of the following: prebid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.

IV. Review of Submittals

A. 1. The Department shall review each of the submittals, other than progress reports, Respondents make 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 Respondents in writing of its approval or disapproval of all submittals. The Department shall notify the Town of Cheektowaga in writing of its approval or disapproval of the O&M Plan. 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 Respondents (and also the Town of Cheektowaga with respect to the O&M Plan) in writing and shall specify the reasons for its disapproval. Within 30 days (or such longer period of time indicated in the notice) after receiving written notice that Respondents' submittal has been disapproved, Respondents shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal. Respondents may request additional time for making revised submittals.

b. After receipt of the revised submittal, the Department shall notify Respondents (and also the Town of Cheektowaga with respect to the O&M Plan) in writing of its approval or disapproval and shall set forth its reasons for doing so. If the Department disapproves the revised submittal, Respondents shall be in violation of this Order and the ECL

unless Respondents invoke the dispute resolution procedures in Paragraph V below within 30 days of receiving such notice. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. Department shall require Respondents to modify and/or amplify and expand a submittal upon the Department's direction to do so 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 to achieve the objectives of the Remedial Program as set forth in the ROD. If the Department directs Respondents to modify and/or amplify and expand a submittal, Respondents shall be in violation of this Order if they fail to take such action, unless within 30 days of receipt of such direction Respondents invoke the dispute resolution procedures in Paragraph V below. The Department's determinations and directions shall neither be arbitrary nor capricious.

V. Dispute Resolution

A. The Département and Respondents shall attempt to resolve expeditiously and informally any disagreements concerning implementation of this Order.

B. 1. If a dispute arises as provided in Paragraphs I.G, II.F, IV.A.2.b., or IV.B of this Order Respondents shall be in violation of this Order unless within the time period provided Respondents serve on the Department a request for an appointment of an Administrative Law Judge ("ALJ"), and a written statement of the issues in dispute with copies to the parties indicated in Subparagraph XII.A.1, containing the relevant facts upon which the dispute is based, and factual data, analysis or opinion supporting Respondents' position, and all supporting documentation on which Respondents rely (hereinafter called "Respondents' Statement of Position"). The Department shall serve its Statement of Position, including factual

data, analysis or opinion supporting the Department's position and all supporting documentation on which the Department relies no later than fifteen (15) business days after receipt of Respondents' Statement of Position. Respondents shall have seven (7) business days after receipt of the Department's Statement of Position within which to serve upon the Department a reply to the Department's Statement of Position, and in the event Respondents serve such a reply, the Department shall have seven (7) business days after receipt of Respondents' reply to the Department's Statement of Position within which to serve upon Respondents the Department's reply to Respondents' reply. In the event that the period of exchange of Statements of Position and replies may cause a delay in the work being performed under this Order, the time periods may be shortened upon and in accordance with notice by the Department as agreed to by Respondents.

2. The Department shall maintain an administrative record of any dispute under this Paragraph. The record shall include the Statement of Position and reply of each party served pursuant to the preceding Subparagraph, and any relevant information and any other material relied upon by the ALJ in rendering decision. The record shall be available for review of all parties and the public.

3. Upon review of the administrative record as developed pursuant to this Paragraph, the ALJ shall issue a final decision and order resolving the dispute. Respondents shall revise the submittal or undertake the work determined necessary by the Department in accordance with the ALJ's decision. The period of time within which the submittal must be revised as specified by the Department shall control unless the ALJ revises the time frame in the ALJ's final decision and order. After receipt of the conformed revised submittal, the Department shall notify Respondents (and also the Town of Cheektowaga with respect to the O&M Plan) in

writing of its approval or disapproval of the conformed revised submittal. The Department shall make a reasonable effort to provide the written notification to Respondents within 45 days of submittal to the Department. If the conformed revised submittal fails to conform to the ALJ's decision and the Department disapproves the conformed revised submittal for this reason, Respondents shall be in violation of this Order and the ECL unless within twenty (20) days of receipt of such disapproval, Respondents exercise their rights pursuant to Article 78 of the Civil Practice and Rules ("CPLR") of New York. Department action shall be considered final agency action for the purposes of judicial review.

4. The invocation of formal dispute resolution procedures under this Paragraph shall not of itself extend, postpone or affect in any way Respondents' obligations under this Order that are not the subject of the dispute resolution procedures set forth in this Paragraph.

5. The invocation of the procedures provided in this Paragraph shall constitute an election of remedies by the party initiating the proceedings, and such election of this remedy shall constitute a waiver of any and all other remedies which may otherwise have been available to the party regarding the issue in dispute.

VI. Penalties

A. Respondents' failure to comply with any term of this Order constitutes a violation of this Order and the ECL. Cheektowaga's, Settling Parties', Settling Owners' and Pfohls' failure to perform it's individual obligations or comply with the relevant terms of this Order constitutes a violation of this Order and the ECL.

B. Respondents and Cheektowaga shall not suffer any penalty under this Order or be subject to any proceeding or action if they cannot comply with any requirement hereof because

of war, riot, any condition or event entirely beyond their control or an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence could not have prevented or any other fact or circumstance that they could not reasonably anticipate. Increased costs or expenses of any work to be performed under this Order, the financial inability of Respondents or Cheektowaga to perform such work, the failure of Respondents or Cheektowaga to make complete and timely application of any required approval or permit, and nonattainment of the goals, standards and requirements of this Order do not constitute conditions or events warranting the relief set forth in this Subparagraph. Respondents shall, as promptly as possible after they obtain knowledge of any such condition, orally notify the Department through the individuals set forth in Paragraph XII.B and, in any event, shall within seven business days notify the Department in writing of any such condition. Respondents or Cheektowaga shall include in such notice the measures taken and to be taken by Respondents or Cheektowaga to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such written notice within such seven-day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondents or Cheektowaga shall have the burden of proving that an event is a defense to compliance with this Order pursuant to Subparagraph VI.B.

VII. Entry upon Site

A. Each of the Respondents, Pfohl and Settling Owners hereby consent to the entry upon, access to, and work at the Site or areas in the vicinity of the Site which may be under the control or ownership of any such Respondents, Pfohl or Settling Owners (provided that entry upon off-Site areas in the vicinity of the Site which may be under the control or ownership of Respondents Niagara Mohawk Power Corp. or New York State Electric and Gas shall be

pursuant to terms and conditions as agreed upon between said Respondents and the Steering Committee) by each of the Respondents and their employees, consultants, contractors or agents, for the purposes of implementing the Remedial Program contemplated by this Order, and 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 Respondents' compliance with this Order. Any such person shall check in with the Site's Health & Safety Officer or facility manager, if present and shall comply with the terms of any approved Health & Safety Plan contained in the RD Report. During Remedial Construction, Respondents shall provide the Department with the use of suitable office space at the Site, including access to a telephone, and shall permit the Department full access to all non-privileged records relating to matters addressed by this Order (provided, however, that an assertion of privilege shall not extend to records, or portions of records, containing data relating to the Site) and to job meetings.

B. Each Settling Owner and Pfohl agree, if requested by Respondents in writing, to transfer its ownership interest in the Site real estate to the willing designate of Respondents, by good and marketable title, via special warranty deed, free of all liens, encumbrances and restrictions EXCEPT for any unpaid county and school district real estate taxes and for deed restrictions imposed by the terms of this Order. Settling Owners and Pfohl shall cooperate with Respondents to timely effectuate any such transfers, to extinguish real estate taxes, and to modify the deed restrictions.

VIII. Payment of State Costs

A. As full reimbursement for all past costs incurred by the State at this Site prior to the effective date of this Order: (i) Respondents shall pay to the Department Four Million Seventy-Five Thousand Dollars (\$4,075,000) in two equal installments: one-half no later than 90

days after the effective date of this Order, and one-half no later than 12 months after the effective date of this Order; (ii) no later than 90 days after the effective date of this Order, Pfohl shall pay to the Department \$625,000; (iii) no later than 90 days after the effective date of this Order, Settling Parties shall pay to the Department \$100,000; and (iv) no later than 90 days after the effective date of settlement or satisfaction of judgment, Respondents shall pay to the Department fifty percent (50%) of the net response costs proceeds Respondents (through their Steering Committee) receive, via settlement or judgment, from defendants BFI of New York, Inc., Allied Waste Systems, Inc. and GSX Polymers, Inc. in the pending action in the U.S. District Court for the Western District of New York (95-CV-0956) in which Respondents (through their Steering Committee) seek to recover response costs related to the Site pursuant to §§ 107 and 113 of CERCLA, provided that the Respondent's obligation herein to pay net response costs proceeds from said litigation shall in no event exceed \$1.5 million. The term "net" response costs proceeds shall mean all funds received as reimbursement for response costs by Respondents (through their Steering Committee) from the above identified defendants via settlement or judgment in the litigation, less Respondent's (through their Steering Committee) expenses, including attorney fees, incurred in pursuing its claims against those above-identified defendants.

B. Within 90 days after receipt of an itemized invoice from the Department, Respondents shall also pay to the Department a sum of money which shall represent full reimbursement for all of the State's costs or 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 for work related to the Site from the effective date of this Order, as well as for 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. The aggregate payments under this Subparagraph shall not exceed \$140,000.

Such payment shall be made by certified check payable to the Department of Environmental Conservation and shall be sent to:

Bureau of Program Management
Attn: Donna Weigel
Division of Environmental Remediation
New York State Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233-7010.

Any payments and obligations under this Paragraph are separate and distinct from any payments or obligations required under Paragraph II of this Order.

Personal service costs shall be documented by reports of Direct Personal Service, which shall identify the employee name, title, biweekly salary, by assigned time and activity code and time spent (in hours by time card period) on the project during the billing period, as identified by an assigned time and activity code. Approved agency fringe benefit and indirect cost rates shall be applied. Non-personal service costs shall be summarized by category of expense (e.g., supplies, materials, travel, contractual) and shall be documented by expenditure reports.

IX. Reservation of Rights

A. Except as otherwise provided in this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's civil, criminal, or administrative rights or authorities (including, but not limited to, nor exemplified by, the right to recover natural resource damages) with respect to any party, including Respondents.

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

C. Except as otherwise provided in this Order, Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners reserve any and all rights, defenses, actions, claims, demands and causes of action which they have with respect to any matter concerning the Site.

D. Except for any action or proceeding solely to enforce this Order, Respondents', Cheektowaga's, Pfohl's, Settling Parties' and Settling Owners' entry into this Order is not an admission or acknowledgment of any fact or liability. Their entry into this Order is further without prejudice to any and all claims Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners have or may have against any persons or entities, except the Department, the State of New York, or their representatives, employees or agents, for contribution or indemnity for any or all of the amounts of monies Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners have spent or will spend with respect to the Site or for any other claims as related to the Site.

X. Indemnification

Respondents 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 Respondents and/or any of Respondents' directors, officers, employees, servants, agents, successors, and assigns. Respondents shall not be required to indemnify and hold the Department, the State of New York, their representatives, employees or agents harmless for claims, suits, actions, damages and costs arising out of or resulting from any grossly negligent, unlawful, willful or malicious acts or omissions of the Department, the State of New York or their representatives, employees or agents.

XI. Public Notice

A. As soon as practicable after the effective date of this Order and no later than the submittal of the engineer's certification pursuant to Subparagraph I.F., Respondents, Pfohl, and Settling Owners shall cause the filing of a Declaration of Covenants and Restrictions with the Clerk of Erie County with respect to any parcel within the Site owned by any Respondents, Pfohl, or Settling Owners to give all parties who may acquire any interest such parcel notice of this Order. Respondents, Pfohl and Settling Owners shall provide proof of such filing with the Department.

B. If any Respondent, Pfohl or Settling Owner proposes to convey the whole or any part of its ownership interest or portion of such interest in the Site, to a party not one of Respondents hereunder, then the Respondents, Pfohl or Settling Owner who owns that interest 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.

XII. 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:

1. Communication to the Department shall be sent to:

Mr. Peter Buechi, P.E.
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2999

with copies to:

Director, Bureau of Environmental Exposure Investigation
New York State Department of Health
2 University Place
Albany, New York 12203

Mr. Robert Schick, P.E.
Division of Environmental Remediation
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

Joseph P. Ryan, Esq.
New York State Department of Environmental Conservation
Division of Environmental Enforcement
270 Michigan Avenue
Buffalo, New York 14203-2999

2. Communication to Respondents shall be sent to:

Secretary
Pfohl Bros. Landfill Site Steering Committee
c/o De Maximus
Civic Center Plaza
33300 Five Mile Road
Suite 103
Livonia, MI 48154

Leo Brausch
Consultant to CBS, Corp.
131 Wedgewood Drive
Gibsonia, PA 15044

James Kay
Conestoga-Rovers & Associates
651 Colby Drive
Waterloo, Ontario, Canada N2V1C2

John Hanna, Jr., Esq.
Whiteman Osterman & Hanna
One Commerce Plaza
Albany, NY 12260

3. Communications to Cheektowaga shall be sent to:

Charles E. Telford, Esq.
Damon & Morey, LLP
298 Main Street
Buffalo, NY 14202

4. Communications to Pfohl shall be sent to:

Rick W. Kennedy, Esq.
Hodgson Russ Andrews Woods & Goodyear LLP
1800 One M & T Plaza
Buffalo, NY 14203

5. Communications to the Settling Parties shall be sent to:

Gillian D. Brown, General Counsel
Buffalo Municipal Housing Authority
300 Perry Street
Buffalo, NY 14204

6. Communications to the Settling Owners shall be sent to:

Peter Klaasesz, Esquire
Brown & Kelly
1500 Liberty Building
Buffalo, NY 14202
(Counsel for Aero Land, Inc. and Jerome Hirsch)

Ernest J. Norman, Esq.
Watson, Bennett, Colligan,
Johnson & Schechter, LLP
600 Fleet Bank Building
12 Fountain Plaza
Buffalo, NY 14202
(Counsel for Stuart Jenkins)

Gerald Orseck, Esquire
204 Route 52 East
P.O. Box 469
Liberty, NY 12754
(Counsel for Elizabeth McBride)

Robert E. Knoer, Esq.
14 Lafayette Square - Suite 1700
Buffalo, NY 14203
(Counsel for Estate of Adam Pfohl, Elizabeth C. Werick and
William A. Pfohl)

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

Four copies (one unbound) to Mr. Peter Buechi, P.E.,
Division of Environmental Remediation.

Two copies to the Director, Bureau of Environmental Exposure
Investigation.

One copy to Mr. Robert Schick, P.E.

One copy to Joseph P. Ryan, Esq.

C. 1. Within 30 days of the Department's approval of any report submitted pursuant to this Order, except for progress reports, Respondents shall submit to Director, Division of Environmental Remediation, a computer readable magnetic media copy of the approved report in American Standard Code for Information Interchange (ASCII) format.

2. Within 30 days after its approval of the drawings and submittals described in Subparagraph II.D of this Order, Respondents shall submit one microfilm copy (16 millimeter roll film M type cartridge) of such Department-approved drawings and submittals, as well as all other Department-approved submittals. Respondents shall submit same to Mr. Peter Buechi, P.E.

D. The Department, Respondents, Pfohl, Cheektowaga, Settling Parties and Settling Owners reserve the right to designate additional or different addressees for communication or written notice to the other.

XIII. Contribution Protection and Matters Addressed

Each of Respondents, Cheektowaga, Pfohl, Settling Party and Settling Owner is entitled to protection from contribution actions or claims to the fullest extent provided by Section

113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), and/or other applicable federal or state law, for "matters addressed" in this Order. "Matters addressed" in this Order shall mean all response costs, and response actions, including as described at CERCLA Sections 101(25) and 107(a)(4), incurred or to be incurred by any person or party in connection with the Site, including investigation, removal, remediation and reimbursement of the State's costs that are the subject of this Order.

XIV. Release

If, after review, the Department accepts and approves the professional engineer's certification that construction of the Remedial Program was completed in accordance with the approved Remedial Design and pursuant to Subparagraph II.E, the Department accepts and approves Respondents' final O&M Plan, and payment by Respondents of the Department's past costs and oversight costs has been made in accordance with Subparagraphs VIII.A and VIII.B, then, unless a supplementary remedial program is required pursuant to Subparagraph I.G, and except for (i) the future Operation and Maintenance of the Site, (ii) indemnification under Paragraph X, (iii) any Natural Resource Damage claims and (iv) the provisions of Subparagraphs XIV.A and XIV.B below, such acceptance and receipt of payment shall constitute a full release and discharge from each and every claim, demand, remedy or action whatsoever against Respondents, their directors, officers, employees, agents, successors and assigns, which the Department has or may have pursuant to Article 27, Title 13 of the ECL, Title 42 U.S.C. 9607 and 9613, and any other state or federal statute, regulation and/or theory of common law relative to or arising from, the release of or the disposal of hazardous wastes or hazardous substances at or from the Site.

Upon the Department's acceptance and approval of Respondents' final O&M Plan,

except for (i) the future Operation and Maintenance of the Site, (ii) any Natural Resource Damage claims and (iii) the provisions of Subparagraphs XIV.A and XIV.B below, such acceptance and approval shall constitute a full release and discharge of Cheektowaga from each and every claim, demand, remedy or action whatsoever against Cheektowaga which the Department has or may have pursuant to Article 27, Title 13 of the ECL, Title 42 U.S.C. 9607 and 9613, and any other state or federal statute, regulation and/or theory of common law relative to or arising from, the release of or the disposal of hazardous wastes or hazardous substances at or from the Site.

Upon the Department's acceptance and receipt of the payment required by a Settling Party pursuant to Subparagraph VIII.A hereof (or required of any future Settling Party), except for (i) any National Resource Damages claims and (ii) the provisions of Subparagraphs XIV.A and XIV.B below, such acceptance and receipt of payment shall constitute a release and discharge of the Settling Party making such payment from each and every claim, demand, remedy or action whatsoever against said Settling Party which the Department has or may have pursuant to Article 27, Title 13 of the ECL, Title 42 U.S.C. 9607 and 9613, and any other state or federal statute, regulation and/or theory of common law relative to or arising from, the release of or the disposal of hazardous wastes or hazardous substances at or from the Site.

Upon written confirmation by the Department that a Settling Owner has completed its obligations under the Consent Order, except for (i) any Natural Resource Damages claim and (ii) the provisions of Subparagraphs XIV.A and XIV.B below, such written confirmation shall constitute a full release and discharge from each and every claim, demand, remedy or action whatsoever against said Settling Owner which the Department has or may have pursuant to Article 27, Title 13 of the ECL, Title 42 U.S.C. 9607 and 9613, and any other state or federal

statute, regulation, and/or theory of common law relative to or arising from the release of or the disposal of hazardous wastes or hazardous substances at or from the Site.

Upon the Department's acceptance and receipt of the payment required by Pfohl pursuant to Subparagraph VIII.A hereof, and upon written confirmation by the Department that Pfohl has completed its obligations under the Consent Order, except for (i) any Natural Resource Damages claim and (ii) the provisions of Subparagraphs XIV.A and XIV.B below, such written confirmation shall constitute a full release and discharge from each and every claim, demand, remedy or action whatsoever against Pfohl which the Department has or may have pursuant to Article 27, Title 13 of the ECL, Title 42 U.S.C. 9607 and 9613, and any other state or federal statute, regulation, and/or theory of common law relative to or arising from the release of or the disposal of hazardous wastes or hazardous substances at or from the Site.

Provided, however, that the Department specifically reserves all of its rights, against Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners concerning, and any such release and satisfaction shall not extend to, any investigation or remediation the Department determines necessary due to:

A. environmental conditions on-Site or off-Site which are related to the disposal of hazardous wastes or hazardous substances at the Site and were unknown to the Department as of the effective date of this Order; or

B. information received, in whole or in part, after the effective date of this Order, and such unknown environmental conditions or information supports a determination that the Remedial Program is not protective of human health or the environment. The Department shall notify Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners of such environmental conditions or information and its basis for determining that the Remedial Program

is not protective of human health and the environment. Any such determination shall constitute a final agency action, is subject to Respondents', Cheektowaga's, Pfohl's, Settling Parties' and Settling Owners' rights under Article 78 of the CPLR, and does not obligate Respondents, Cheektowaga, Pfohl, Settling Parties or Settling Owners to conduct any such investigation or remediation under this Order.

This release and covenant not to sue shall inure only to the benefit of Respondents, Cheektowaga, Pfohl, Settling Parties, Settling Owners, their directors, officers, employees, agents, successors and assigns.

Nothing herein shall be construed as barring, diminishing, adjudicating or in any way affecting any legal or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondents, Cheektowaga, Pfohl, Settling Parties, Settling Owners, their directors, officers, employees, agents, successors and assigns.

Nothing shall in any way constitute or be construed as a release of claims against any person not a party to this Order.

XV. Miscellaneous

A. All activities and submittals required by this Order shall address in a manner consistent with the ROD and this Order both on-Site and off-Site contamination resulting from the disposal of hazardous wastes at the Site.

B. Respondents shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel, and third party data validators who all may be from one or more firms 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 Respondents shall be submitted to the Department 15 days prior to when Respondents must commence work which would involve such contractors. The Department's approval of these firms or individuals shall be obtained before the start of any activities for which Respondents and such firms or individuals will be responsible. The responsibility for the performance of the professionals retained by Respondents shall rest solely with Respondents.

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

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

E. Respondents shall use best efforts to obtain all permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations necessary to perform Respondents' obligations under this Order. For purposes of this Subparagraph "best efforts" include except with respect to property comprising part of the Site the payment of reasonable sums of money in consideration for obtaining such permits, easements, rights-of-way, rights of entry, approvals or authorizations necessary to perform Respondents' obligations under this Order. If any access required to perform this Order is not obtained despite best efforts within 45 days of the effective date of this

Order, or within 45 days of the date the Department notifies the Respondents in writing that additional access beyond that previously secured is necessary, Respondents shall promptly notify the Department, and shall include in that notification a summary of the steps Respondents have taken to obtain access. The Department may, as it deems appropriate and in accordance with its legal authority, assist Respondents in obtaining access. Respondents shall reimburse the Department for all costs incurred by the Department in obtaining access, or during any other legal proceedings including, but not limited to, attorney fees. These costs, if incurred, are separate and distinct from the costs set forth in Subparagraph VII.B and are not subject to the costs cap contained therein. If such permits or authorizations cannot be reasonably obtained, then the relevant requirements pursuant to this Order may be modified accordingly.

F. Respondents and the Town of Cheektowaga shall be exempt from the requirement to obtain any Department permit for any activity that is conducted on Site and that satisfies all substantive technical requirements applicable to like activity conducted pursuant to a permit.

G. Respondents, Cheektowaga, Pfohl, Settling Parties and Settling Owners and their successors, and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondents' responsibilities under this Order, unless consented to by the Department. Respondents' 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 Respondents.

H. The obligations of Respondents under this Order are joint and several. In the event of the insolvency or failure of any one or more Respondents to implement any obligations

of the Respondents entailed in this Order, the remaining Respondents shall complete all such requirements and obligations.

I. Respondents shall provide a copy of this Order to each contractor hired to perform work by them required by this Order and to each person representing Respondents with respect to the Site. The Town of Cheektowaga shall provide a copy of this Order to each contractor hired to perform work by it required by the Order and to each person representing the Town of Cheektowaga with respect to the Site. Respondents and the Town of Cheektowaga 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. Respondents and the Town of Cheektowaga and their respective contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondents and the Town of Cheektowaga shall nonetheless be responsible for ensuring that their respective contractors and subcontractors perform the work in satisfaction of the requirements of this Order.

J. 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. If such individual is a member of a firm, that firm must be authorized to offer professional engineering services in the State of New York in accordance with Article 145 of the New York State Education Law.

K. From the effective date of this Order, and as long as the Respondents are in compliance with the Remedial Program and this Order, the Department will not bring any action which seeks relief which is inconsistent with or duplicative of the relief provided for in this Order, except as provided in Subparagraph IX.B.

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

M. The Paragraph 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.

N. This Order may be signed in counterpart.

O. 1. The terms of this Order constitute the complete and entire Order concerning implementation of the Site's ROD as an inactive hazardous waste disposal 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 Respondents of Respondents' obligation to obtain such formal approvals as may be required by this Order.

2. If any Respondents or Cheektowaga desire that any provision of this Order be changed, Respondents or Cheektowaga, shall make timely written application, with copies to all other Respondents and Cheektowaga, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to Joseph P. Ryan, Esq. and Mr. Peter Buechi, P.E.

P. The effective date of this Order is the date the Commissioner or his designee signs it.

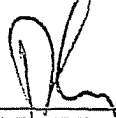
DATED: April 9, 2001, New York



ERIN M. CROTTY
Acting Commissioner
New York State Department
of Environmental Conservation

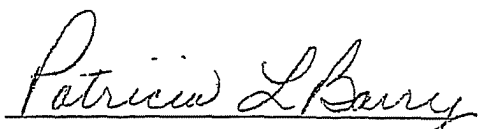
CONSENT BY RESPONDENT

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.

By: 
ALLIED-SIGNAL, INC.
n/k/a Honeywell International Inc.
Title: Manager, Site Remediation
Date: 6/22/00

STATE OF New Jersey
COUNTY OF Morris) s.s.:

On this 22nd day of June in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared David A. Foley, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.


Notary Public

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.

By: W. Russell Hurd
BURT RIGID BOX, INC.

Title: President + CEO

Date: Feb 12, 2001

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

On this 12th day of February in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared W. Russell Hurd, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

May C. Raymond
Notary Public

MAY C. RAYMOND
Notary Public, State of New York
Qualified in Genesee County
My Commission Expires Aug. 25, 2001

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.

By: [Signature]
VIACOM Inc.; successor by merger to CBS Corporation
Title: Vice President, Deputy General Counsel
Date: MAY 30, 2000

STATE OF New York
COUNTY OF New York) s.s.:

On this 31 day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Mark Manni, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

[Signature]
Notary Public
CAROL A. MENNITI
Notary Public, State of New York
No. 01ME6034667
Qualified in New York County
Commission Expires Dec. 13, 2001

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.

By: John A. Walter
CALSPAN CORPORATION

Title: Senior Vice President
& Chief Financial Officer

Date: 6/7/00

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

On this 7th day of June in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared JOHN A. WALTER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

JOYCE I. ODACHOWSKI
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 30, 2001

Joyce I. Odachowski
Notary Public

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.

By: Richard M. Frankoski
BP America Inc. (CARBORUNDUM COMPANY)
BP America Manager,
Title: Environmental Properties
Date: May 11, 2000

STATE OF OHIO)
) s.s.:
COUNTY OF Cuyahoga)

On this 11th day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Richard M. Frankoski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Cheryl Foerstner
Notary Public

CHERYL A. FOERSTNER, Notary Public
State of Ohio
Recorded in Cuyahoga County
My Commission Expires Oct. 14, 2002
28

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.

By: John J. Budkin
NEW YORK STATE ELECTRIC & GAS

Title: V.P.

Date: 5/16/2000

STATE OF New York)
) s.s.:
COUNTY OF Broome)

On this 23rd day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared John J. Budkin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Shirley A. Marion

Notary Public

SHIRLEY A. MARION
Notary Public, State of New York
No. 0003472
Residing in Broome County
My commission expires Oct. 31, 2000

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.

By: *Louis E. Stellato*
THE SHERWIN-WILLIAMS COMPANY
as successor in interest to
Pratt & Lambert, Inc.

Title: Vice President, General Counsel
and Secretary

Date: May 26, 2000

STATE OF OHIO)
) s.s.:
COUNTY OF CUYAHOGA)

On this 26 day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Louis E. Stellato, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Deborah G. Pankiw
Notary Public

DEBORAH G. PANKIW
Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires Sept. 7, 2004

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.

OK [Signature]
5/12/00

By: _____

TEXTRON, INC.

Title: _____

Andrew Mulcahy, Litigator

Date: _____

12 May 2000

STATE OF Rhode Island
COUNTY OF Providence s.s.:

On this 12th day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Andrew Spacone personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Susan A. Tessier

Notary Public

SUSAN A. TESSIER, Notary Public
My Commission Expires August 16, 2001

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.

By: Thomas C. Reeve

TRICO PRODUCTS INC.

Title: Corporate Counsel

Date: 11/9/00

STATE OF)
) s.s.:
COUNTY OF)

On this 9TH day of November in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared THOMAS C. REEVE personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.



Pamela A. Acosta

Notary Public
MY COMMISSION EXPIRES
DECEMBER 23, 2000

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.

By: Charles E Carey
WARNER-LAMBERT COMPANY

Title: Sr. Director

Date: 5/31/00

STATE OF N.J.)
COUNTY OF Morris) s.s.:

On this 31st day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Charles E Carey, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Judith F French
Notary Public

JUDITH F. FRENCH
A Notary Public of New Jersey
My Commission Expires May 4, 2002

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.

By: Stephen T. Joyce
WASTE MANAGEMENT OF NEW JERSEY, INC.

Title: Area Director-Closed Sites

Date: May 30, 2000

STATE OF N. H.)
COUNTY OF Rockingham) s.s.:

On this 30th day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Stephen T. Joyce, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Sandra Lee Nickerson
Notary Public

SANDRA LEE NICKERSON, Justice of the Peace
My Commission Expires January 9, 2002

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.

By: Stephen T. Joyce
WASTE MANAGEMENT OF NEW YORK, L.L.C.

Title: Area Director-Closed Sites

Date: May 30, 2000

STATE OF N. H.)
COUNTY OF Rockingham) s.s.:

On this 30th day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Stephen T. Joyce, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Sandra Lee Nickerson
Notary Public
SANDRA LEE NICKERSON, Justice of the Peace
My Commission Expires January 9, 2002

CONSENT BY PFOHL

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

By: 

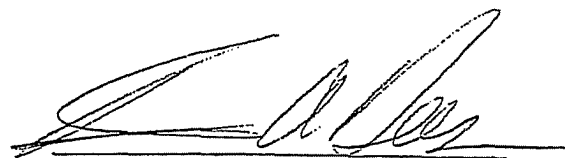
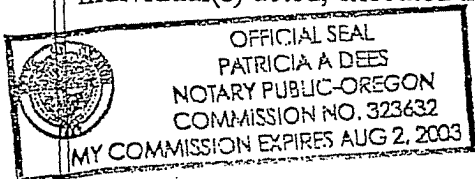
PAUL PFOHL

Title: _____

Date: _____

STATE OF OREGON)
COUNTY OF Josephine) s.s.:

On this 30th day of May in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared Paul Pfohl, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.



Notary Public

CONSENT BY SETTLING OWNERS

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

By: W. A. Pfohl
WILLIAM A. PFOHL

Title: _____

Date: February 26, 2001

STATE OF New York)
COUNTY OF Erie) s.s.:

On this 26th day of February 2001 in the year 2000 before me, the undersigned, a notary public in and for said State, personally appeared William A. Pfohl, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 this instrument.

Michelle M. Smith

Notary Public

MICHELLE M. SMITH
Notary Public, State of New York
No. 5011332
Qualified in Erie County
Commission Expires April 19, 2001

APPENDIX A

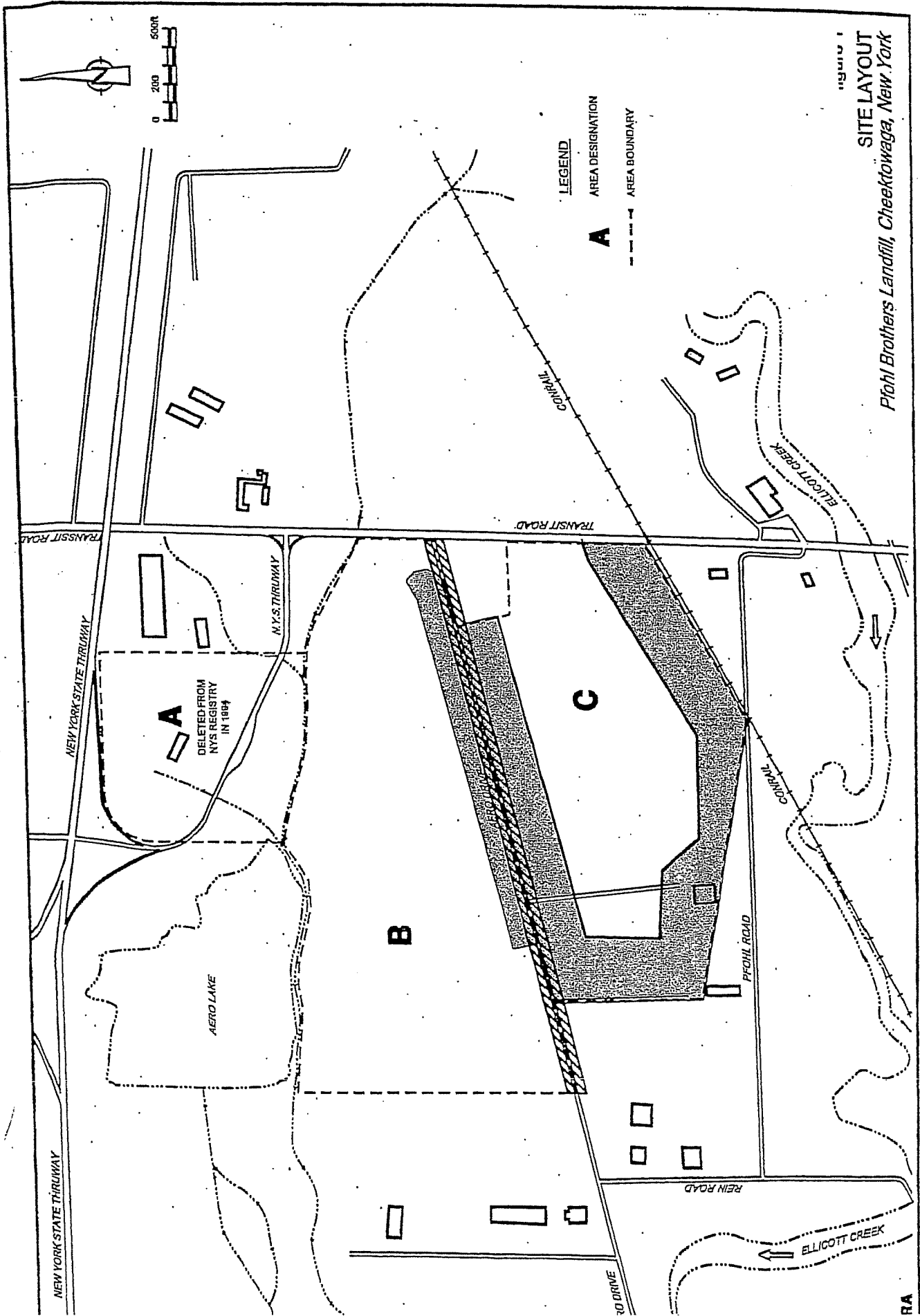


Figure 1
SITE LAYOUT
 Pohl Brothers Landfill, Cheektowaga, New York

APPENDIX B

Record of Decision

APPENDIX C

Remedial Design Report

APPENDIX D

6/26/2000

APPENDIX "D"

TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA CONSOLIDATED SANITARY SEWER DISTRICT

Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA SANITARY SEWER DISTRICT NO. 1

Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA TOWNWIDE STORM DRAINAGE DISTRICT,
Including Former Districts 1, 2, 3, 4, 5, 6, 7, and 7 Extension 1, 7 Extension 2,
and 7 Extension 3

Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA WATER DISTRICTS NUMBERS 8, 9, and 10

Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA WATER HYDRANT DISTRICT NUMBERS

1, 2, 3, 4, 5, 6, 8, and 10
Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

ERIE COUNTY SEWER DISTRICT NO. 1

Attention: Mr. Gerald L. Devlin, P.e.
Division of Sewerage Management
Department of Environment
95 Franklin Street
Buffalo, New York 14202

VILLAGE BOARD, AS TRUSTEES and
COMMISSIONERS of VILLAGE OF SLOAN and Those
Sewer Districts in the Village Which are Tributary to the
Cheektowaga Consolidated Sewer District
425 Reiman Street
Sloan, New York 14212

VILLAGE BOARD, AS TRUSTEES and
COMMISSIONERS OF VILLAGE OF DEPEW and Those
Sewer Districts in the Village Which are Tributary to the
Cheektowaga Consolidated Sewer District
85 Manitou Street
Depew, New York 14043

DOYLE FIRE DISTRICT NO. 1
2199 William Street
Cheektowaga, New York 14206

WALDEN FIRE DISTRICT NO. 2
20 Pine Ridge Road
Cheektowaga, New York 14211

FORKS FIRE DISTRICT NO. 3
Broadway and Union Road
Cheektowaga, New York 14227

U-CREST FIRE DISTRICT NO. 4
255 Clover Place
Cheektowaga, New York 14225

PINE HILL FIRE DISTRICT
2435 Genesee Street
Cheektowaga, New York 14225

The
Town of
Cheektowaga



CHEEKTOWAGA TOWN HALL
3301 BROADWAY
CHEEKTOWAGA, NEW YORK 14227
(716) 886-3465
DHG@NYSNET.NET

3 July 2000
DENNIS H. GABRYSZAK
TOWN SUPERVISOR

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga, Erie County, New York, that the Town of Cheektowaga ("Town") may perform the following actions:

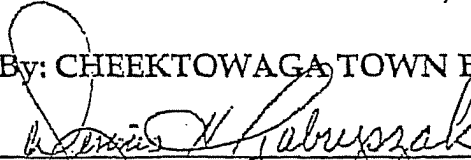
- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga, Erie County, New York, with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Town of Cheektowaga, Erie County, New York, with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga, Erie County, New York, with regard to any matters pertaining to the Order.


Thank you for your courtesy and cooperation with this matter.

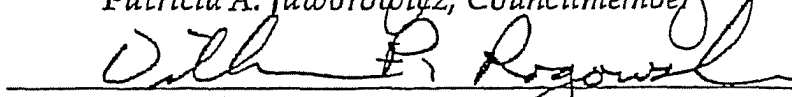
Very truly yours,

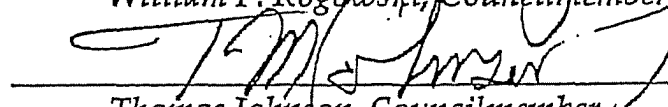
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

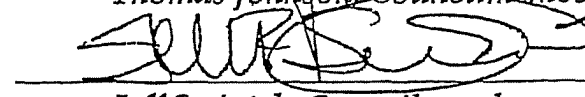
By: CHEEKTOWAGA TOWN BOARD:

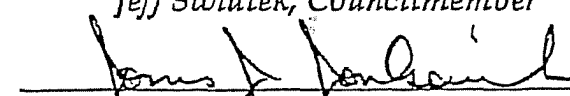

Dennis H. Gabryszak, Supervisor

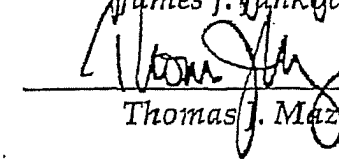

Patricia A. Jaworowicz, Councilmember


William P. Rogowski, Councilmember

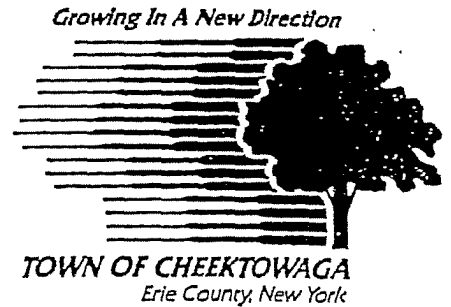

Thomas Johnson, Councilmember


Jeff Swiatek, Councilmember


James J. Bankowiak, Councilmember


Thomas J. Mazur, Councilmember

Office Of
The Town Council



3 July 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga Consolidated Sanitary Sewer District that the Town of Cheektowaga ("Town") may perform the following actions:

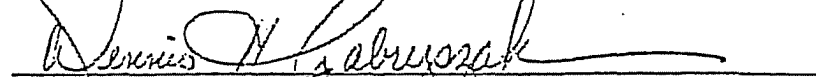
- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga Consolidated Sanitary Sewer District with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Town of Cheektowaga Consolidated Sanitary Sewer District with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga Consolidated Sanitary Sewer District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

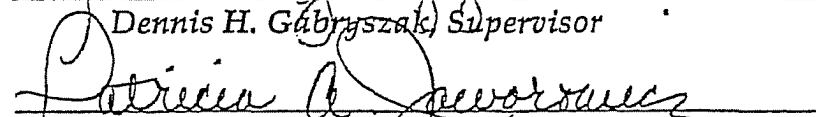
Very truly yours,

COMMISSIONERS - TOWN OF CHEEKTOWAGA
CONSOLIDATED SANITARY SEWER DISTRICT

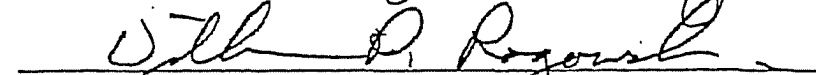
CHEEKTOWAGA TOWN BOARD:



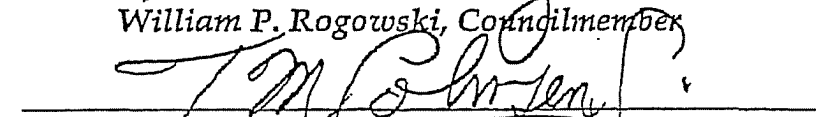
Dennis H. Gabryszak, Supervisor



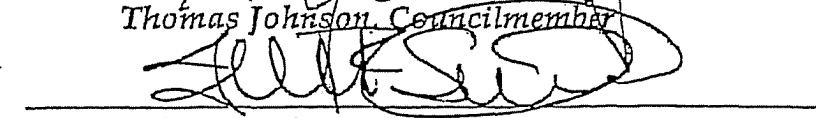
Patricia A. Jazworowicz, Councilmember



William P. Rogowski, Councilmember



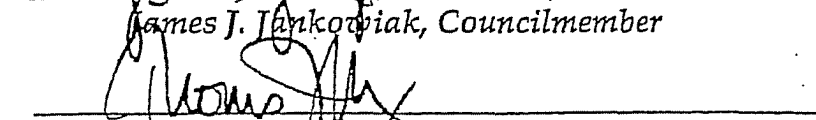
Thomas Johnson, Councilmember



Jeff Swiatek, Councilmember

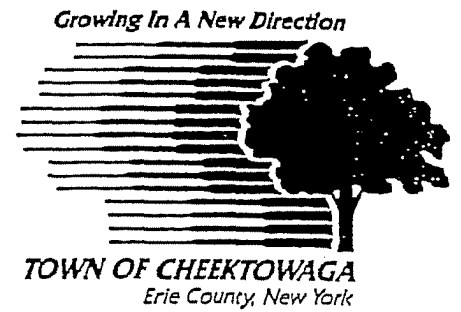


James J. Jankowiak, Councilmember



Thomas J. Mazur, Councilmember

Office Of
The Town Council



3 July 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga Sanitary Sewer District No. 1 that the Town of Cheektowaga ("Town") may perform the following actions:

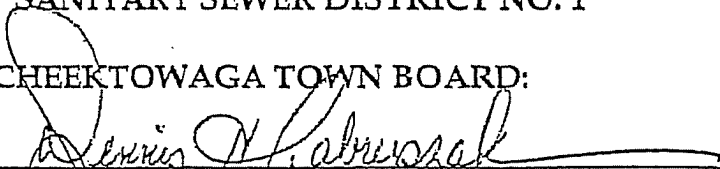
- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga Sanitary Sewer District No. 1 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Town of Cheektowaga Sanitary Sewer District No. 1 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga Sanitary Sewer District No. 1 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.


Very truly yours,

COMMISSIONERS - TOWN OF CHEEKTOWAGA
SANITARY SEWER DISTRICT NO. 1


CHEEKTOWAGA TOWN BOARD:



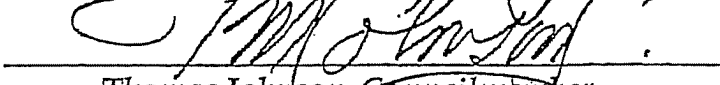
Dennis H. Gabryszak, Supervisor



Patricia A. Jaworowicz, Councilmember




William P. Rogowski, Councilmember



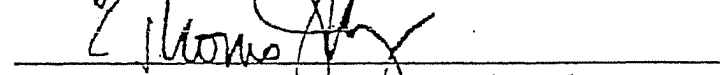
Thomas Johnson, Councilmember



Jeff Swiatek, Councilmember

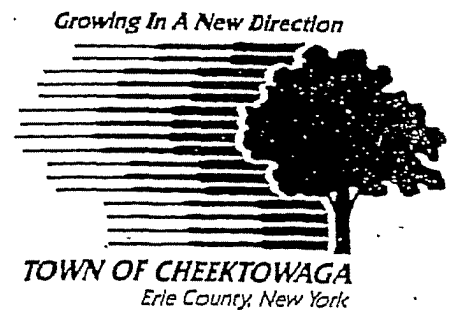


James J. Jankowiak, Councilmember



Thomas J. Mazur, Councilmember

Office Of
The Town Council



3 July 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga Townwide Storm Drainage District, Including Former Districts Numbered 1, 2, 3, 4, 5, 6, 7, and 7 Extension 1, 7 Extension 2, and 7 Extension 3 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga Townwide Storm Drainage District, Including Former Districts Numbered 1, 2, 3, 4, 5, 6, 7, and 7 Extension 1, 7 Extension 2, and 7 Extension 3 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Town of Cheektowaga Townwide Storm Drainage District, Including Former Districts Numbered 1, 2, 3, 4, 5, 6, 7, and 7 Extension 1, 7 Extension 2, and 7 Extension 3 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga Townwide Storm Drainage District,

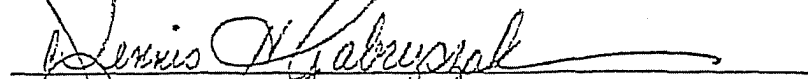
Including Former Districts Numbered 1, 2, 3, 4, 5, 6, 7, and 7: Extension 1, 7
Extension 2, and 7 Extension 3 with regard to any matters pertaining to the
Order.


Thank you for your courtesy and cooperation with this matter.


Very truly yours,


COMMISSIONERS - TOWN OF CHEEKTOWAGA
TOWNWIDE STORM DRAINAGE DISTRICT, INCLUDING
FORMER DISTRICTS NUMBERED 1, 2, 3, 4, 5, 6, 7, AND 7
EXTENSION 1, 7 EXTENSION 2, AND 7 EXTENSION 3

CHEEKTOWAGA TOWN BOARD:



Dennis H. Gabryszak, Supervisor

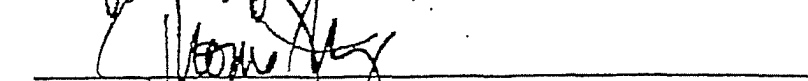

Patricia A. Jaworowicz, Councilmember


William P. Rogowski, Councilmember

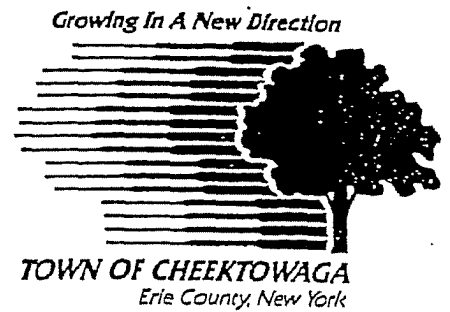

Thomas Johnson, Councilmember


Jeff Swiatek, Councilmember.


James J. Bankowski, Councilmember


Thomas J. Mazur, Councilmember

Office Of
The Town Council



3 July 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga Water Districts Numbers 8, 9, and 10, that the Town of Cheektowaga ("Town") may perform the following actions:

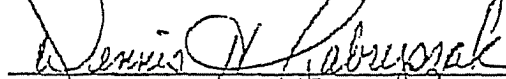
- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga Water Districts Numbers 8, 9, and 10 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Town of Cheektowaga Water Districts Numbers 8, 9, and 10 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga Water Districts Numbers 8, 9, and 10 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

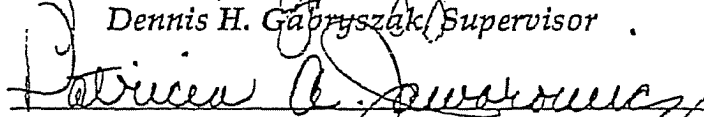
Very truly yours,

COMMISSIONERS - TOWN OF CHEEKTOWAGA
WATER DISTRICTS NUMBERS 8, 9, and 10

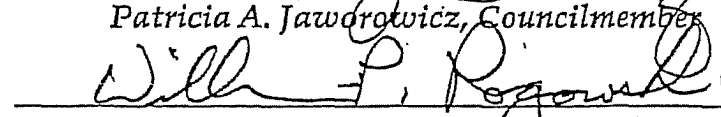
CHEEKTOWAGA TOWN BOARD:



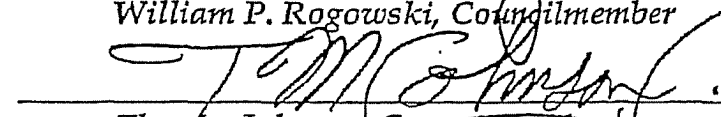
Dennis H. Gabryszak, Supervisor



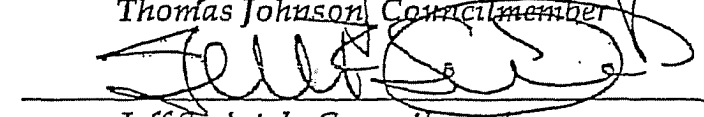
Patricia A. Jaworowicz, Councilmember



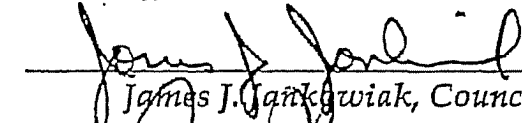
William P. Rogowski, Councilmember



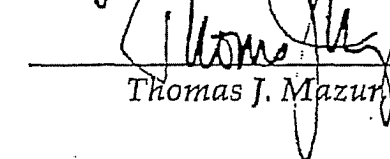
Thomas Johnson, Councilmember



Jeff Swiatek, Councilmember



James J. Jankowski, Councilmember



Thomas J. Mazur, Councilmember

Office Of
The Town Council



3 July 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga Water Hydrant District Numbers 1, 2, 3, 4, 5, 6, 8, and 10, that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga Water Hydrant District Numbers 1, 2, 3, 4, 5, 6, 8, and 10, with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of the Town of Cheektowaga Water Hydrant District Numbers 1, 2, 3, 4, 5, 6, 8, and with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga Water Hydrant District Numbers 1, 2, 3, 4, 5, 6, 8, and 10, with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

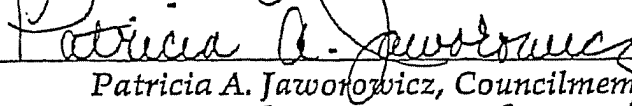
Very truly yours,

COMMISSIONERS - TOWN OF CHEEKTOWAGA WATER
HYDRANT DISTRICT NUMBERS 1, 2, 3, 4, 5, 6, 8, and 10

By: CHEEKTOWAGA TOWN BOARD:



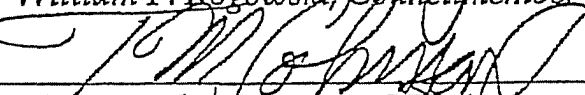
Dennis H. Gabryszak, Supervisor.




Patricia A. Jaworowicz, Councilmember



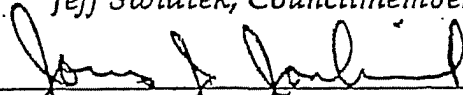
William P. Rogowski, Councilmember



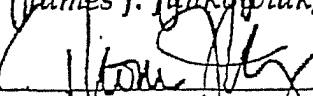
Thomas Johnson, Councilmember



Jeff Swiatek, Councilmember

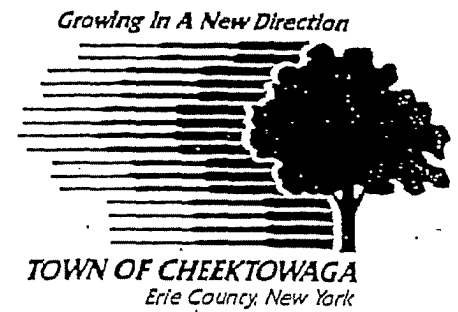


James J. Jankowiak, Councilmember



Thomas J. Mazur, Councilmember

Office Of
The Town Council



3 July 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Town of Cheektowaga Consolidated Refuse and Garbage District that the Town of Cheektowaga ("Town") may perform the following actions:

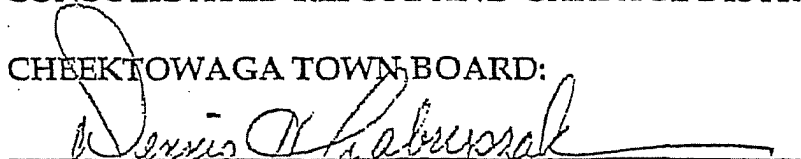
- (1.) The Town is hereby authorized to execute the Order on behalf of Town of Cheektowaga Consolidated Refuse and Garbage District with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Town of Cheektowaga Consolidated Refuse and Garbage District with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Town of Cheektowaga Consolidated Refuse and Garbage District with regard to any matters pertaining to the Order.


Thank you for your courtesy and cooperation with this matter.

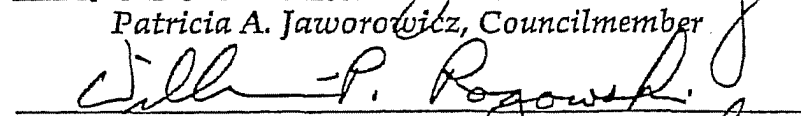
Very truly yours,

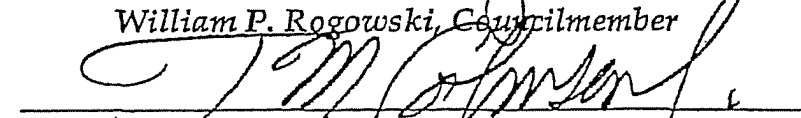
COMMISSIONERS - TOWN OF CHEEKTOWAGA
CONSOLIDATED REFUSE AND GARBAGE DISTRICT

CHEEKTOWAGA TOWN BOARD:

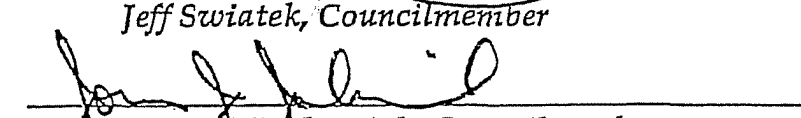

Dennis H. Gabryszak, Supervisor

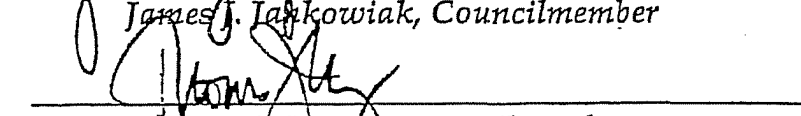

Patricia A. Jaworowicz, Councilmember


William P. Rogowski, Councilmember


Thomas Johnson, Councilmember


Jeff Swiatek, Councilmember


James J. Jankowiak, Councilmember


Thomas J. Mazur, Councilmember



Village of Sloan

425 Reiman Street
Sloan, New York 14212-2257
Tel: (716) 897-1560
Fax: (716) 896-2728
E-MAIL sloan_ny@juno.com

Village Board

Mayor
Kenneth A. Pokorski

Trustees
Eugene J. Karp
Leonard Szymanski
Dean Lach
Denis Sommerfield

Attorney
David Dale Esq.

Clerk/Treasurer
Christine E. Dodds

JUNE 26, 2000
DENNIS GABRYSZAK, TOWN SUPERVISOR
CHEEKTOWAGA TOWN HALL
3301 BROADWAY
CHEEKTOWAGA, NEW YORK 14227

RE: TOWN OF CHEEKTOWAGA/EXECUTION OF CONSENT ORDER/PFHOL
BROTHERS LANDFILL SITE/MUNICIPAL AUTHORIZATION

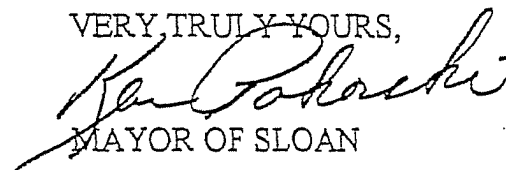
DEAR SUPERVISOR GABRYSZAK:

THIS IS IN RESPONSE TO YOUR INQUIRY REGARDING THE EXECUTION OF CONSENT ORDER INDEX NO. B9-0048-84-0 (HEREAFTER THE "ORDER") REQUIRED FOR THE REMEDIATION OF THE PFOHL BROTHERS LANDFILL SITE ("SITE"). AS PER YOUR REQUEST, THIS LETTER IS TO SERVE AS AUTHORIZATION BY THE VILLAGE OF SLOAN ("VILLAGE") THAT THE TOWN OF CHEEKTOWAGA ("TOWN") MAY PERFORM THE FOLLOWING ACTIONS:

1. THE TOWN IS HEREBY AUTHORIZED TO EXECUTE THE ORDER ON BEHALF OF THE VILLAGE OF SLOAN WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ("DEC");
2. DAMON & MOREY LLP OR ANY SUCCESSOR COUNSEL REPRESENTING THE TOWN IS AUTHORIZED TO ACCEPT SERVICE OF PROCESS FROM DEC ON BEHALF OF THE VILLAGE OF SLOAN WITH REGARD TO ANY MATTERS PERTAINING TO THE ORDER; AND
3. DAMON & MOREY LLP OR ANY SUCCESSOR COUNSEL REPRESENTING THE TOWN IS AUTHORIZED TO RECEIVE NECESSARY COMMUNICATIONS FROM DEC ON BEHALF OF THE VILLAGE OF SLOAN WITH REGARD TO ANY MATTERS PERTAINING TO THE ORDER.

THANK YOU FOR YOUR COURTESY AND COOPERATION WITH THIS MATTER.

VERY TRULY YOURS,


MAYOR OF SLOAN

Trustees
Joseph G. McIntosh
Terence J. Mescall
Charles J. Seiler

Village Attorney
Paul D. Weiss



Trustees
David F. Mazur
Nicholas F. Sherwood
John M. Fragale

Village Clerk
Joan M. Priebe

Robert M. Kucewicz, Mayor

June 27, 2000

Dennis H. Gabryszak, Town Supervisor
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, NY 14227-1088

Subject: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-0 (Hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Village of Depew that the Town of Cheektowaga ("Town") may perform the following actions:

1. The Town is hereby authorized to execute the Order on behalf of the Village of Depew with the New York State Department of Environmental Conservation ("DEC");
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of the Village of Depew with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of the Village of Depew with regard to any matter pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

By: _____

Mayor Robert M. Kucewicz

CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

Dr. Leslie B. Lewis
Superintendent of Schools

June 27, 2000

BOARD OF EDUCATION

Mr. Raymond L. Carr, President
Mrs. Jane P. Okun, Vice President
Mr. Richard D. Jachimiak
Mrs. Janice Kowalski-Kelly
Mr. James J. Makowski
Mr. David J. Martin, Jr.
Mrs. Diane M. Panasiwicz

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, NY 14227-1088

Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

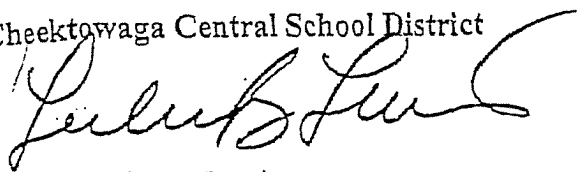
This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Cheektowaga Central School District that the Town of Cheektowaga ("Town") may perform the following actions:

1. The Town is hereby authorized to execute the Order on behalf of Cheektowaga Central School District with the New York State Department of Environmental Conservation ("DEC");
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Cheektowaga Central School District with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Cheektowaga Central School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Yours truly,

Cheektowaga Central School District



By Dr. Leslie B. Lewis
Superintendent
LBL/mz

Maryvale School System

1050 Maryvale Drive

Phone: (716) 631-0300

Cheektowaga NY 14225-2386

FAX (716) 635-4699

Board of Education

Mr. Russell M. Carveth, President
Mr. Michael DiGiacomo, Vice President
Mrs. Grace E. Bodkin, Member
Mr. Paul J. Matuszewski, Member
Mr. Eugene J. Ciminelli, Member

June 27, 2000

Mrs. Joyce B. Monaco, District Clerk
Mr. Karl W. Kristoff, School Attorney
Mrs. Susan Pahr, District Treasurer

Administration
Mr. Gary L. Brader
Superintendent - 631-7407

Dr. Robert J. Tauriello
Asst. Superintendent for
Administrative Services - 631-7485

Mr. Ronald G. Roma
Asst. Superintendent for
Curriculum & Instruction - 631-7460

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

Re: Town of Cheektowaga/Execution of Consent Order/Pfohl Brothers Landfill Site/Municipal Authorization

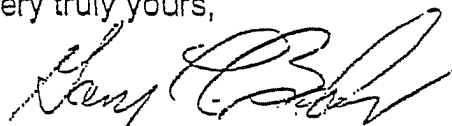
Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Cheektowaga Maryvale Union Free School District that the Town of Cheektowaga ("Town") may perform the following actions:

1. The Town is hereby authorized to execute the Order on behalf of Cheektowaga Maryvale Union Free School District with the New York State Department of Environmental Conservation ("DEC").
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Cheektowaga Maryvale Union Free School District with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Cheektowaga Maryvale Union Free School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,



Gary L. Brader
Superintendent

CLEVELAND HILL UNION FREE SCHOOL DISTRICT

105 MAPLEVIEW ROAD
CHEEKTOWAGA, N.Y. 14225-1599

716-836-7200
FAX: 716-836-0675

June 23, 2000

RECEIVED

JUN 26 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

TOWN ATTORNEY

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Cleveland Hill Union Free School District that the Town of Cheektowaga ("Town") may perform the following actions:


- (1.) The Town is hereby authorized to execute the Order on behalf of Cleveland Hill Union Free School District with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Cleveland Hill Union Free School District with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Cleveland Hill Union Free School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

CLEVELAND HILL UNION FREE SCHOOL DISTRICT

By: _____


John T. Thompson
Catholic Superintendent of Schools

*Cheektowaga-Sloan
Union Free School District*

166 HALSTEAD AVENUE - SLOAN, NEW YORK 14212-2295

BOARD OF EDUCATION

Edward M. Bednarczyk, President
Claire M. Ferrucci, Vice-President
Cell Grzybek
Daniel M. Lach
Richard Plontek
Pat J. Rago III
Wanda S. Rozek

DENNIS H. GABRYSZAK
SUPERVISOR

R JUN 27 2000 D
RECEIVED

JAMES P. MAZGAJEWSKI
SUPERINTENDENT OF SCHOOLS
(716) 891-6402

KEVIN A. ZIEMBA
SCHOOL BUSINESS ADMINISTRATOR
(716) 891-6405
FAX: (716) 891-6435

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, NY 14227-1088

June 26, 2000

RE: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

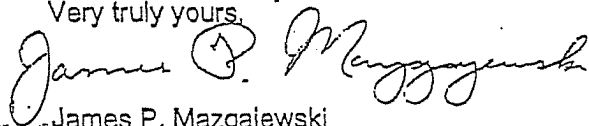
Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Cheektowaga Sloan Union Free School District that the Town of Cheektowaga ("Town") may perform the following actions:

- 1) The Town is hereby authorized to execute the Order on behalf of Cheektowaga Sloan Union Free School District with the New York State Department of Environmental Conservation ("DEC");
- 2) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Cheektowaga Sloan Union Free School District with regard to any matters pertaining to the Order; and
- 3) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Cheektowaga Sloan Union Free School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,



James P. Mazgajewski
Superintendent of Schools
Cheektowaga Sloan Union Free School District

file



DEPEW UNION FREE SCHOOL DISTRICT

591 Terrace Boulevard
Depew, New York 14043
Fax No. (716) 686-2269

Robert D. Olczak, Ed.D.
Superintendent of Schools
(716) 686-2251

June 27, 2000

Robert F. DeFilippo
Assistant Superintendent
(716) 686-2254

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

DENNIS H. GABRYSZAK
SUPERVISOR

R JUN 27 2000 D
RECEIVED

Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Depew Union Free School District that the Town of Cheektowaga ("Town") may perform the following actions:

- 1) The Town is hereby authorized to execute the Order on behalf of Depew Union Free School District with the New York State Department of Environmental Conservation ("DEC");
- 2) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of the Depew Union Free School District with regard to any matters pertaining to the Order; and
- 3) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Depew Union Free School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Sincerely,

Robert D. Olczak, Ed.D.
Superintendent of Schools

Lancaster Central School District

177 Central Avenue
Lancaster, N.Y. 14086-1897

Joseph L. Girardi, Ph.D.
Superintendent

(716) 686-3200
Fax (716) 686-3350

June 26, 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Lancaster Central School District that the Town of Cheektowaga ("Town") may perform the following actions:

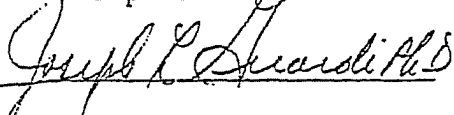
1. The Town is hereby authorized to execute the order on behalf of Lancaster Central School District with the New York State Department of Environmental Conservation ("DEC");
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Lancaster Central School district with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communication from DEC on behalf of Lancaster Central School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Sincerely,

Lancaster Central School District

By: Joseph L. Girardi, Ph. D.
Superintendent





WEST SENECA CENTRAL SCHOOL DISTRICT

June 22, 2000

Richard J. Sagar, Ed.D.
Superintendent of Schools

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the West Seneca Central School District that the Town of Cheektowaga ("Town") may perform the following actions:

- 1) The Town is hereby authorized to execute the Order on behalf of West Seneca Central School District with the New York State Department of Environmental Conservation ("DEC");
- 2) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of West Seneca Central School District with regard to any matters pertaining to the Order; and
- 3) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of West Seneca Central School District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

WEST SENECA CENTRAL SCHOOL DISTRICT

By: 

Superintendent of Schools



County of Erie

FREDERICK A. WOLF
COUNTY ATTORNEY

DEPARTMENT OF LAW

JOEL A. GIAMBRA
COUNTY EXECUTIVE
June 30, 2000

SUSANNAH M. BOCHENEK
FIRST ASST. COUNTY ATTORNEY
ANDREW B. ISENBERG
SECOND ASST. COUNTY ATTORNEY

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
330i Broadway Street
Cheektowaga, New York 14227-1088

Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

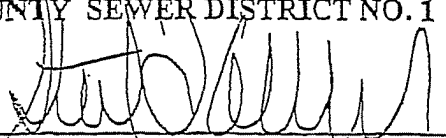
This is in response to your inquiry regarding the execution of Consent Order Index No. B(-0048-84-10 (hereinafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the County of Erie on behalf of Erie County Sewer District #1 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of Erie County Sewer District No. 1 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Erie County Sewer District No. 1 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Erie County Sewer District No. 1 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

COUNTY OF ERIE ON BEHALF OF ERIE
COUNTY SEWER DISTRICT NO. 1

By: 
Stephen F. Gawlik
Assistant Erie County Attorney



Village of Sloan

425 Reiman Street
Sloan, New York 14212-2257
Tel: (716) 897-1560
Fax: (716) 896-2728
E-MAIL sloan_ny@juno.com

Village Board

Mayor
Kenneth A. Pokorski

Trustees
Eugene J. Karp
Leonard Szymanski
Dean Lach
Denis Sommerfield

Attorney
David Dale Esq.

Clerk/Treasurer
Christine E. Dodds

DENNIS GABRYSZAK, TOWN SUPERVISOR
CHEEKTOWAGA TOWN HALL
3301 BROADWAY
CHEEKTOWAGA, NEW YORK 14227

RE: TOWN OF CHEEKTOWAGA/EXECUTION OF CONSENT ORDER/PFHOHL
BROTHERS LANDFILL SITE/MUNICIPAL AUTHORIZATION

DEAR SUPERVISOR GABRYSZAK:

THIS IS IN RESPONSE TO YOUR INQUIRY REGARDING THE EXECUTION OF CONSENT ORDER INDEX NO. B9-0048-84-0 (HEREAFTER THE "ORDER") REQUIRED FOR THE REMEDIATION OF THE PFOHL BROTHERS LANDFILL SITE ("SITE"). AS PER YOUR REQUEST, THIS LETTER IS TO SERVE AS AUTHORIZATION BY THE VILLAGE BOARD, AS TRUSTEES AND COMMISSIONERS OF THE VILLAGE OF SLOAN ("VILLAGE") AND THOSE SEWER DISTRICTS IN THE VILLAGE WHICH ARE TRIBUTARY TO THE CHEEKTOWAGA CONSOLIDATED SEWER DISTRICT THAT THE TOWN OF CHEEKTOWAGA ("TOWN") MAY PERFORM THE FOLLOWING ACTIONS:


1. THE TOWN IS HEREBY AUTHORIZED TO EXECUTE THE ORDER ON BEHALF OF THE VILLAGE BOARD, AS TRUSTEES AND COMMISSIONERS OF THE VILLAGE OF SLOAN AND THOSE SEWER DISTRICTS IN THE VILLAGE WHICH ARE TRIBUTARY TO THE CHEEKTOWAGA CONSOLIDATED DISTRICT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ("DEC");
2. DAMON & MOREY LLP OR ANY SUCCESSOR COUNSEL REPRESENTING THE TOWN IS AUTHORIZED TO ACCEPT SERVICE OF PROCESS FROM DEC ON BEHALF OF THE VILLAGE BOARD, AS TRUSTEES AND COMMISSIONERS OF THE VILLAGE OF SLOAN AND THOSE SEWER DISTRICTS IN THE VILLAGE WHICH ARE TRIBUTARY TO THE CHEEKTOWAGA CONSOLIDATED DISTRICT WITH REGARD TO ANY MATTERS PERTAINING TO THE ORDER; AND
3. DAMON & MOREY LLP OR ANY SUCCESSOR COUNSEL REPRESENTING THE TOWN IS AUTHORIZED TO RECEIVE NECESSARY COMMUNICATIONS FROM DEC ON BEHALF OF THE VILLAGE BOARD, AS TRUSTEES AND COMMISSIONERS OF THE VILLAGE OF SLOAN AND

THOSE SEWER DISTRICTS IN THE VILLAGE WHICH ARE TRIBUTARY TO
THE CHEEKTOWAGA CONSOLIDATED SEWER DISTRICT WITH REGARD
TO ANY MATTERS PERTAINING TO THE ORDER

THANK YOU FOR YOUR COURTESY AND COOPERATION WITH THIS
MATTER.

VERY TRULY YOURS,

THE VILLAGE BOARD, AS TRUSTEES AND COMMISSIONERS OF THE
VILLAGE OF SLOAN AND THOSE SEWER DISTRICTS IN THE VILLAGE WHICH
ARE TRIBUTARY TO THE CHEEKTOWAGA CONSOLIDATED SEWER
DISTRICT

BY: 
MAYOR OF SLOAN

Trustees
Joseph G. McIntosh
Terrence J. Mescall
Charles J. Seiler

Village Attorney
Paul D. Weiss



Trustees
David F. Mazur
Nicholas F. Sherwood
John M. Fragale

Village Clerk
Joan M. Priebe

Robert M. Kucewicz, Mayor

June 27, 2000

Dennis H. Gabryszak, Town Supervisor
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, NY 14227-1088

Subject: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-10 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Village Board, as Trustees and Commissioners of the Village of Depew and Those Sewer Districts in the Village Which are Tributary to the Cheektowaga Consolidated Sewer District that the Town of Cheektowaga ("Town") may perform the following actions:

1. The Town is hereby authorized to execute the Order on behalf of Village Board, as Trustees and Commissioners of the Village of Depew and Those Sewer Districts in the Village Which are Tributary to the Cheektowaga Consolidated Sewer District with the New York State Department of Environmental Conservation ("DEC");
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Village Board, as Trustees and Commissioners of the Village of Depew and Those Sewer Districts in the Village Which are Tributary to the Cheektowaga Consolidated Sewer District with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Village Board, as Trustees and Commissioners of the Village of Depew and Those Sewer Districts in the Village Which are Tributary to the Cheektowaga Consolidated Sewer District with regard to any matters pertaining to the Orders.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

VILLAGE BOARD, AS TRUSTEES AND COMMISSIONERS OF
THE VILLAGE OF DEPEW AND THOSE SEWER DISTRICTS
IN THE VILLAGE WHICH ARE TRIBUTARY TO THE
CHEEKTOWAGA CONSOLIDATED SEWER DISTRICT

By:



(Title)

ROBERT M. KUCEWICZ, MAYOR

BOARD OF FIRE COMMISSIONERS
Doyle Fire District No. 1

2199 WILLIAM STREET

CHEEKTOWAGA, NEW YORK 14206



June 26, 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-8440 (hereafter the "Order") required the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by Doyle Fire District No.1 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of Doyle Fire District No. 1 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Doyle Fire District No. 1 with regard to any matter pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Doyle Fire District No. 1 with regard to any matter pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

James E. Tokasz
Chairman, Board of Fire Commissioners
Doyle Fire District No. 1

**BOARD OF FIRE COMMISSIONERS
WALDEN FIRE DISTRICT No.2**

20 PINE RIDGE ROAD
CHEEKTOWAGA, NEW YORK 14211
PHONE: (716) 897-1176 FAX: (716) 897-1182

COMMISSIONERS

Chairman
PETER T. LIS

Vice Chairman
DAVID M. FILIPSKI

DANIEL C. TYBOR

JAMES V. GAJEWSKI

ANTHONY WITUCKI

Secretary
DAVID M. FILIPSKI

Treasurer
RICHARD CHOJNACKI

June 26, 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

**Re: Town Of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization**

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-8440 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by Walden Fire District No. 2 that the Town of Cheektowaga ("Town") may perform the following actions:

1. The Town is hereby authorized to execute the Order on behalf of Walden Fire District No.2 with the New York State Department of Environmental Conservation ("DEC");
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Walden Fire District No.2 with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Walden Fire District No. 2 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

Walden Fire District No.2

By: Peter T. Lis
Chairman Board of Fire Commissioners

Forks Fire District No. 3 Town of Cheektowaga

3330 BROADWAY
CHEEKTOWAGA, NEW YORK 14227

June 25, 2000
Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/ Execution of Consent Order/
Pfohl Brothers Landfill Site/ Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-0 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by Forks Fire District No.3 that the Town of Cheektowaga("Town") may perform the following actions:

- (1) The Town is hereby authorized to execute the Order on behalf of Forks Fire District No.3 with the New York State Department of Environmental Conservation (DEC);
- (2) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Forks Fire District No. 3 with regard to any matters pertaining to the Order; and
- (3) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Forks Fire District No.3 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

FORKS FIRE DISTRICT NO.3

By: Paul Hochwater Jr. SECRETARY

Title

BOARD OF FIRE COMMISSIONERS

U-CREST FIRE DISTRICT NO. 4

255 CLOVER PLACE

CHEEKTOWAGA, N.Y. 14225

JUNE 28, 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order No. B9-0048-84-0 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by U-Crest District No. 4 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of U-Crest Fire District No. 4 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of U-Crest Fire District No. 4 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of U-Crest Fire District No. 4 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

U-CREST FIRE DISTRICT NO. 4

Ronald D. Wanst

By: _____ BOARD CHAIRMAN

(Title)

BOARD OF FIRE COMMISSIONERS

PINE HILL FIRE DISTRICT No. 5

2435 GENESEE STREET

CHEEKTOWAGA, NEW YORK 14225

July 3, 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-8440 (hereafter the "order") required the remediation of the Pfohl Brothers Landfill Site ("site"). As per your request, this letter is to serve as authorization by the Pine Hill Fire District (including the Pine Hill Fire District No. 5 and the Pine Hill Hose Co.) that the Town of Cheektowaga ("Town") may perform the following actions:

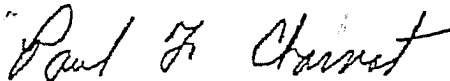
- (1.) The Town is hereby authorized to execute an order on behalf of Pine Hill Fire District with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Pine Hill Fire District with regard to any matters pertaining to the Order; and

(3.) Damon and Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of the Pine Hill Fire District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

Pine Hill Fire District

A handwritten signature in cursive script that reads "Paul F. Charvat".

Paul F. Charvat
Commissioner

Cleveland Hill Fire District No. 6

**440 Cleveland Drive
Cheektowaga, New York 14225**

June 27, 2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway
Cheektowaga, NY 14227

*Re: Town of Cheektowaga/Execution of Consent Order/Pfohl Brothers Landfill
Site/Municipal Authorization*

Dear Supervisor Gabryszak:

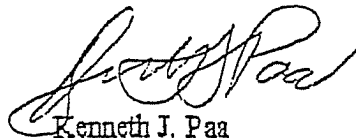
This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-0 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by the Cleveland Hill Fire District that the Town of Cheektowaga ("Town") may perform the following actions:

1. The Town is hereby authorized to execute the Order on behalf of the Cleveland Hill Fire District with the New York State department of Environmental Conservation ("DEC");
2. Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of the Cleveland Hill Fire District with regard to any matters pertaining to the Order; and
3. Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of the Cleveland Hill Fire District with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very Truly Yours,

CLEVELAND HILL FIRE DISTRICT



Kenneth J. Paa
Fire District Secretary

Board of Fire Commissioners

HY-VIEW FIRE DISTRICT NO. 8
TOWN OF CHEEKTOWAGA, NEW YORK
8 AIRPORT AVENUE
POST OFFICE: DEPEW, NEW YORK, 14043

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-0 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by Hy-View Fire District No. 8 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of Hy-View Fire District No. 8 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Hy-View Fire District No. 8 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Hy-View Fire District No. 8 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

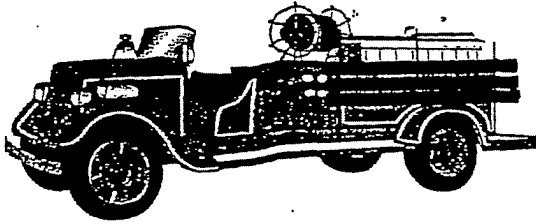
Very truly yours,

HY-VIEW FIRE DISTRICT NO. 8

C.O.B., 6-6-00

By: *Mark T. Maccione*

(Title)



SOUTH LINE FIRE DISTRICT NO. 10
BOARD OF FIRE COMMISSIONERS

1049 French Rd. Cheektowaga, N.Y. 14227

Date

6/28/2008

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-0 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by Southline Fire District No. 10 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1) The Town is hereby authorized to execute the Order on behalf of Southline Fire District No. 10 with the New York State Department of Environmental Conservation ("DEC");
- (2) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Southline Fire District No. 10 with regard to any matters pertaining to the Order; and
- (3) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Southline Fire District No. 10 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

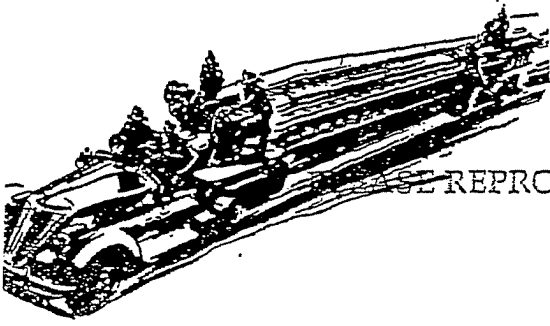
Very truly yours,

SOUTHLINE FIRE DISTRICT NO. 10

By:

John Stoklosa, Chairman

(Title)



BELLEVUE FIRE DISTRICT No.

PLEASE REPRODUCE THIS LETTER ON YOUR STATIONERY

511 COMO PARK BLVD. CHEEKTOWAGA, N. Y. 1422

Date

6/28/2000

Dennis H. Gabryszak, Town Supervisor
Town of Cheektowaga
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088

*Re: Town of Cheektowaga/Execution of Consent Order/
Pfohl Brothers Landfill Site/Municipal Authorization*

Dear Supervisor Gabryszak:

This is in response to your inquiry regarding the execution of Consent Order Index No. B9-0048-84-0 (hereafter the "Order") required for the remediation of the Pfohl Brothers Landfill Site ("Site"). As per your request, this letter is to serve as authorization by Bellevue Fire District No. 9 that the Town of Cheektowaga ("Town") may perform the following actions:

- (1.) The Town is hereby authorized to execute the Order on behalf of Bellevue Fire District No. 9 with the New York State Department of Environmental Conservation ("DEC");
- (2.) Damon & Morey LLP or any successor counsel representing the Town is authorized to accept service of process from DEC on behalf of Bellevue Fire District No. 9 with regard to any matters pertaining to the Order; and
- (3.) Damon & Morey LLP or any successor counsel representing the Town is authorized to receive necessary communications from DEC on behalf of Bellevue Fire District No. 9 with regard to any matters pertaining to the Order.

Thank you for your courtesy and cooperation with this matter.

Very truly yours,

BELLEVUE FIRE DISTRICT NO. 9

By: *John J. McFarland*
Secretary/Commissioner Bellevue Fire District
(Title)