

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Investigation/Feasibility
Study 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

AMENDED
ORDER
ON
CONSENT

INDEX # B9-0407-92-05

Envirotek Response Group:

Acme Precision Screw
Adflex Corporation
AJL Tool & Manufacturing, Inc.
AlliedSignal, Inc.
American Color Graphics, Inc.
(Formerly known as Sullivan Graphics, Inc.)
American Locker Group, Inc.
American National Can Company
American Packaging Corporation
Andco Environmental Processes, Inc.
The Aro Corporation
Artco Industrial Laundries, Inc
BMC Industries, Inc.
Black & Decker (U.S.) Inc.
Bob Hastings Oldsmobile
Brown Group, Inc. (D.b.a. Moench Tanning Company)
Buell Automatics, Inc.
Buffalo Crushed Stone, Inc.
Buffalo Forge Company
Bush Industries, Inc.
Cadet Cleaners
(The Former) Cady Lifters, Inc.
Calspan Corporation
Certified Grinding Machine, Inc.
Chemcentral Corporation
Conax Buffalo Corporation
Cooper Turbocompressor, Inc.
Crosman Corporation
Dahlstrom Manufacturing Company, Inc.
Dansville Chrysler Plymouth Inc.
Domtar Industries, Inc.
Dovatron International, Inc.
Dowcraft Corporation
Elf Atochem North America, Inc.
Emco Finishing Products, Inc.
The Eraser Company, Inc.
Erdle Perforating Company
Erie Creative Coatings, Inc.

Ervite Corporation
 Ethan Allen Inc.
 Fancher Chair Co., Inc.
 Fisons Corporation
 FMC Corporation
 Forsyth Industries Inc.
 Gary Miller Chrysler-Plymouth
 General Motors Corporation
 General Partitions Mfg. Corp.
 Goldman Titanium Co., Division of GCF, Inc.
 GTE Operations Support Incorporated
 Hayden Precision Industries
 Hydroacoustics, Inc.
 International Imaging Materials, Inc.
 International Multifoods Corporation
 Kaiser Aluminum & Chemical Corporation
 Keller Technology Corporation
 Laminating Arts & Finishes, Inc.
 Lance Valves, Inc.
 Lou Holts Buick Isuzu, Inc.
 M.S. Chambers & Son, Inc.
 (For Salamanca Print Cutters, Inc.)
 MacInnes Tool Corporation
 Marathon Oil Company
 Maytag Corporation (The Kittinger Company)
 McAlpin Industries Incorporated (Monroe Plating)
 Mid-City Dodge
 Miken Companies, Inc.
 Moore U.S.A., Inc.
 National Fuel Gas Supply Corporation
 New York State Department of Correctional
 Services, Attica Correctional Facility
 Newcut, Inc.
 O'Connor Chevrolet, Inc.
 Oswego City School District
 PCB Piezotronics, Inc.
 Penfield Central School District
 Permacel
 Philips Lighting Co.
 Pulsafeeder, Inc.
 Aluminum Company of America (on behalf of
 Randolph Machinery Operations, a Division
 of Alcoa Packaging Machinery, Inc.)
 Renold, Inc.
 Riverside Chemical Co., Inc.
 Rochester Steel Treating Works, Inc.
 Rubel Machine & Tool, Inc.
 Scientific Polymer Products, Inc.
 SIHI Pumps, Inc.
 Snyder Industries, Inc.
 Stainless Steel Brakes Corp.
 State University of New York, College at Oswego

Strippit, Inc.
Symmco, Inc.
Tapecon, Inc.
Tom Paxton Chevrolet, Inc.
Trico Products Corporation
Unisys Corporation
Val-Kro, Inc.
Viatran Corporation
Weyerhaeuser Company
Wilson Greatbatch Ltd.
Zurn Industries, Inc.

Respondents.

Site Code # 9-15-056

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 statutory authority under ECL Article 27, Title 13 and ECL 3-0301.

2. 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 program committed to under the 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 is also authorized, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL 3-0301.1.i.

3. A. The Envirotek Response Group is a group of responsible parties, consisting mostly of generators who delivered hazardous wastes to the former Envirotek Environmental Services, Inc. ("Envirotek") facility at 4000 River Road in the Town of Tonawanda, New York, for treatment, storage, or disposal, and most of whom participated in a removal action pursuant to an Administrative Order on Consent with the United States Environmental Protection Agency (Index No. II CERCLA-00206) upon Envirotek's failure to comply with proper hazardous waste handling procedures, resulting in releases to the environment.

B. The Envirotek facility was located within a portion of the Roblin Steel complex, located at 4000 River Road, Tonawanda, New York, adjacent to the Niagara River. The Roblin Steel complex was formerly the Wickwire Spencer complex and had been used for years as a steel production facility (the "Site") which may have resulted in the release of hazardous wastes

during its operations.

C. The term "Respondents" as used in this Order shall mean any party endorsing an acknowledged consent to this Amended Order, or having endorsed the original Order on Consent issued to the Envirotek Response Group by the Commissioner on September 2, 1997 (the "Original Order"). Upon endorsement of an acknowledged consent to this Amended Order, or having endorsed the Original Order, each party becomes jointly and severally liable for all compliance with these Orders.

4. The Department and Respondents agree that the goals of this Amended Order are (i) to include additional parties to the Order on Consent as Respondents; and for Respondents to (ii) develop and implement a Remedial Investigation and Feasibility Study ("RI/FS") for the Site, in accordance with the Department-approved RI/FS Scope of Work,; and (ii) reimburse the State for its administrative costs associated with such RI/FS.

5. Respondents, having each waived each Respondent's right to a hearing herein as provided at ECL 27-1313.4, and having consented to the issuance and entry of this Amended Order, agree to be bound by its terms. Each Respondent consents to this Amended Order and to the Original Order and its terms and each agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Amended Order, or the Original Order and agrees not to contest the validity of this Order or the Original Order, and each agrees not to contest the validity of the terms of either. Nothing contained in this

Amended Order shall be construed as or constitute an admission as to liability, or an admission as to any finding of fact or conclusion of law binding on Respondents, or any one or more of them, in any action or proceeding not brought to enforce this Amended Order or the Original Order.

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

I. Additional Respondents

Attached to this Amended Order on Consent as Exhibit "A" is an alphabetically arranged listing of additional Respondents who have each consented to participate in the program for the Site in accordance with the terms of this Amended Order on Consent and with the Original Order as evidenced by an endorsed and notarized consent form.

II. Performance and Reporting of Remedial Investigation

A. Within 15 days after the Department's approval of the RI/FS Work Plan, Respondents shall commence the performance of the activities identified in the Department-approved RI/FS Work Plan ("the Remedial Investigation"), as described and incorporated in and attached to the Original Order.

B. In accordance with the terms of the Original Order, Respondents shall prepare and submit a Remedial Investigation Report.

III. Feasibility Study

A. In accordance with the terms of the Original Order, Respondents shall have prepared, and shall submit to the

Department a Feasibility Study. Respondents shall also cooperate with and assist the Department in soliciting public comment on the RI/FS and the proposed remedial action plan identified therein, in accordance with CERCLA, the NCP, 6 NYCRR 375-1.5, and with any Department policy and guidance documents in effect at the time the public comment period is initiated.

IV. Progress Reports

In accordance with the terms of the Original Order, Respondents shall submit progress reports to the Department.

V. Review of Submittals

Reports and submittals made pursuant to this Amended Order on Consent shall be submitted and reviewed in accordance with the terms and conditions of the Original Order.

VI. Penalties

The assessment and collection of penalties pursuant to this Amended Order shall be in accordance with the terms set forth in the Original Order.

VIII. Payment of State Costs

Payment of costs shall be as set forth in the Original Order.

IX. Entry upon Site

Nothing in this Amended Order on Consent shall be deemed nor construed as modifying or altering the provisions regarding Site entry and access contained in the Original Order.

X. Reservation of Rights

The reservation of rights as to all parties shall be

as set forth in the Original Order.

XI. Indemnification

Respondents to this Amended Order on Consent shall have the same obligations for indemnification as set forth in the Original Order.

XII. Miscellaneous

A. The terms and conditions of this Amended Order on Consent shall have the same meaning and application as set forth in the Original Order.

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

DATED: 8/20, New York
1998

JOHN P. CAHILL
Commissioner
New York State Department of
Environmental Conservation

by:

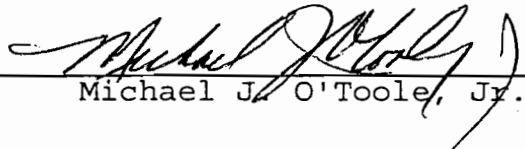

Michael J. O'Toole, Jr.

Exhibit "A" to Amended Order on Consent

No. B9-407-92-05

Alliance Tool Corporation
Allied Healthcare Products, Inc.
Allstate Tool & Die
AL Tech Specialty Steel Corp.
Alumax Extrusions, Inc.
American Precision Industries, Inc.
APV Crepaco
Armstrong Pumps, Inc.
Balzers Tool Coating, Inc.
Berenfield Containers, Inc.
Big Four Dry Cleaners, Inc.
Birdair Structures, Inc.
Bison Bag Co., Inc.
Bob Johnson Chevrolet
Bok Industries, Inc.
BP America, Inc., on behalf of The Carborundum Company.
Braden Sutphin Ink Co.
Bradford Electronics, Inc.
Buffalo China, Inc.
CBS Corporation, formerly Westinghouse Electric Corp.
Cello Pack Corporation
Champion Products, Inc.
Chemical Distributors, Inc.
Commercial Carriers, Inc., as successors to Murray Recon,
Inc.
Control Techniques Drives, Inc.
Curtis Screw Co., Inc.
CWR Mfg. Co., Inc.
The Dexter Corporation
Diamond Packaging
Doyle Chevrolet, Inc.
Eastman Machine Company
Edwards High Vacuum International
Electromark Co.
Elmwood Tank & Piping Corporation
The Environmental Service Group (NY) Inc.
Ethox Corp.
F & H Metal Finishing Co., Inc.
Federal Stampings, Inc./Dayton Rogers Corporation
FEDCO Automotive Components Co., Inc.
Furniture Hospital (Philip T. Riforgiato)
General Electric Co.

General Signal Corporation, on behalf of GCA Tropel
 General Signal Corporation, on behalf of Lightnin (formerly
 Mixing Equipment Co.)
 General Signal Corporation, on behalf of Electric
 Panelboard Co., Inc.
 Gibraltar Steel Corporation
 Gintzler Graphics, Inc.
 The Gleason Works
 Graham Manufacturing Co., Inc.
 Graphic Controls Corporation
 Hardwood House
 Harmack Medical Products, Inc.
 Hasbrouck Plastics, Inc.
 In & Out Printing, Inc.
 Introl Design, Inc.
 ITT Automotive, Inc. as successor of Rochester Form
 Machine, Inc.
 Labelon Corporation
 Lapp Insulator Company
 LC Holding Management, Inc.
 Leica Inc./Cambridge Instruments
 Lexington Automatic Machine Co., Inc.
 Lexington Machining, formerly known as Ness Precision
 Products
 Liberty Pumps (Allan W. Davis)
 M. D. Knowlton Company
 Magtrol, Inc.
 Mark IV Industries (Lustreprint)
 Midland Machinery Co., Inc.
 Minnesota Mining and Manufacturing Corporation, as
 successor to O-Cel-O, General Mills, Inc.
 Moog, Inc.
 Muhlbauer Lab
 N.M.T.C., Inc.
 Nylomold Corporation
 Our Lady of Victory Hospital
 Precise Technology, Inc.
 Ranco Industries, Inc.
 Recticel Foam Corporation
 Redcom Laboratories, Inc.
 Rolls Royce Industries, Canada Inc., on behalf of NEI
 Ferranti-Packard
 RotaDyne
 Schaffstall Manufacturing Co., Inc.
 Seaway Manufacturing (Michael Goodrich)
 The Stackpole Corporation, on behalf of its former Pure
 Carbon Division.
 Star Headlight & Lantern Co., Inc.
 Sundstrand Corporation, for and on behalf of Milton Roy
 Company

Taylor Devices, Inc.
The Thermoclad Company
Towne Lincoln Mercury, Inc.
U*C Coatings Corporation
Wallace Computer Services, Inc., as successor to Colorforms
Incorporated
Williams Advanced Materials, Inc., a subsidiary of Brush
Wellman, Inc.