

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for
Parcel A - Mathews Ave. Landfill
Site under Article 27, Title 14 of the
Environmental Conservation Law
by **301 Belle Isle Road, LLC,**
Empire Tissue Company LLC and
Honeywell International, Inc.

BROWNFIELD SITE
CLEANUP AGREEMENT
AMENDMENT

Index #A7-0615-0109
Site #C734116

WHEREAS, the New York State Department of Environmental Conservation (the "Department") and 301 Belle Isle Road, LLC, ("Existing Applicant"), entered into a Brownfield Site Cleanup Agreement Index # A7-0615-0109 (the "Agreement"), which Agreement was signed by the Commissioner of the Department on December 9, 2009 relative to property located at 303 Belle Isle Road in the Towns of Geddes and Camillus, County of Onondaga, which real property is described as as Block 1, Parcel No. 01, Section No. 1 (Town of Geddes) (37.0 acres) and Block 08.1, Parcel No. 15, Section No. 03 (Town of Camillus) (0.1 acres) ("the Site"); and

WHEREAS, 301 Belle Isle Road, LLC ("Applicant") by a certified application dated February 3, 2010 has applied for an amendment to add two new Applicants: Empire Tissue Company LLC and Honeywell International, Inc.; and

WHEREAS, 301 Belle Isle Road, LLC ("Applicant") by same certified application dated February 3, 2010 has applied for an amendment to modify the Site Boundary from 36 acres to 32.95 acres; and

WHEREAS, upon consideration of the factors enumerated in ECL 27-1407(8) and (9), the Department made a determination, based upon the information contained in the application and the certifications made by the Applicant that the Applicants are eligible to participate in the Brownfield Cleanup Program as Volunteers and a Participant as defined in ECL 27-1405(1)(a) and (b); and

WHEREAS, the Existing Applicant and the new Applicants agree to be bound by the terms of this Amendment and consent and agree not to contest the authority or jurisdiction of the Department to enter into or enforce this Amendment, and agree not to contest the validity of this Amendment;

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

I. Brownfield Site Cleanup Agreement Index # A7-0615-0109 is hereby amended by adding the two following Applicants: Empire Tissue Company LLC, a limited liability corporation having its offices at 43 Orchard Street, Rhinebeck, New York 12572, as a Volunteer, and Honeywell International, Inc., having its offices at 5000 Brittonfield Parkway, Suite 700, East Syracuse, New York 13057, as a Participant. The Applicants shall assume after the effective date of this Amendment all duties and obligations under the Agreement as a Participant.

II. Brownfield Site Cleanup Agreement Index # A7-0615-0109 is hereby amended by modifying the Site Boundary from 36 acres to 32.95 acres, which boundary is delineated in the Amendment Application Site Boundary Map.

III. This Amendment shall control to the extent of a conflict between the provisions hereof and those of the Agreement. Except as provided in the preceding sentence or elsewhere in this Amendment, the Agreement and the documents related thereto, shall continue in full force and effect. Any amendment or other modification of this Amendment must be in writing.

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

DATED:

AUG 30 2010

ALEXANDER B. GRANNIS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: 

Dale A. Desnoyers, Director
Division of Environmental Remediation

TO: Empire Tissue Company, LLC
43 Orchard Street
Rhinebeck, New York 12572

Honeywell International, Inc.
5000 Brittonfield Parkway, Suite 700
East Syracuse, New York 13057

301 Belle Isle Road, LLC
5000 Brittonfield Parkway, Suite 700
East Syracuse, New York 13057

301 Belle Isle Road, LLC

BY Peter E. Grevelink
TITLE MANAGER
DATE 8/18/2010

CORPORATE ACKNOWLEDGMENT

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

On the 18th day of AUGUST in the year 2010 before me personally came PETER E. GREVELINK to me known, who, being by me duly sworn did depose and say that he/she resides in SYRACUSE, NY that he is the MANAGER of 301 BELLE ISLE RD LLC, the corporation described in and which executed the above instrument; and that he/she signed his name thereto by order of the board of directors of said corporation.

Susan G. Coffin
NOTARY PUBLIC

SUSAN G. COFFIN
Notary Public in the State of New York
Qualified in Onondaga County No. 4974060
My Commission Expires November 5, 2010

Empire Tissue Company LLC

BY James Austin

TITLE PRESIDENT

DATE JULY 26, 2010

CORPORATE ACKNOWLEDGMENT

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

On the 26TH day of JULY in the year 2010 before me personally came James Austin to me known, who, being by me duly sworn did depose and say that he/she resides in RHINEBOCK, N.Y. that he/she is the PRESIDENT of EMPIRE TISSUE COMPANY the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by order of the board of directors of said corporation.

Marcia J. Morton
MARCIA J. MORTON
Notary Public, State of New York
No. 01NO6091237
Qualified in Ulster County
Commission Expires April 28, 2011

Honeywell International, Inc.

BY Evan van Hook

TITLE V.P., HSER

DATE 8/10/2010

CORPORATE ACKNOWLEDGMENT

STATE OF NEW YORK Jersey)
COUNTY OF Passaic) ss.:
)

On the 10th day of August in the year 2010 before me personally came Evan van Hook to me known, who, being by me duly sworn did depose and say that he/she resides in New York that he is the V.P., HSER of Honeywell, the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by the authority of the board of directors of said corporation.

CHERYL L. TOLES
State of New Jersey
County of Passaic
Expiration Date: 10/27/2010
ID # 2336504