

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Investigation and, if necessary,  
Remediation of Certain Former Manufactured Gas Plant  
("MGP") Locations

ORDER INDEX No.  
D0-0001-0011

MODIFICATION ONE

by

Niagara Mohawk Power Corporation ("NMPC"),  
Respondent.

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**SINCE** new information came to the attention of the New York State Department of Environmental Conservation ("Department") after the issuance of Department Order Index No. D0-0001-0011 that there exists an additional MGP site on or near Sergeant Street in the City of Cohoes, New York and National Grid, as NMPC's successor, acknowledges responsibility for the investigation and, if necessary, remediation of this site; and

**SINCE** the Department is responsible for the enforcement of the Environmental Conservation Law and has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution, and has additional authority to require abatement and remediation of releases of inter alia, hazardous substances and of significant threats to the public health or to the environment caused by releases or threatened releases of hazardous substances that are hazardous wastes as defined in ECL 27-1301, it issues this modification to Department Order Index No. D0-0001-0011 in order to include the MGP site on or near Sergeant Street in the City of Cohoes, New York and this modification to Department Order Index No. D0-0001-0011 constitutes an administrative settlement for purposes of 42 USC 9613(f); and

**SINCE** Respondent represents, and for purposes of this modification to Department Order Index No. D00001-0011, the Department relies upon such representation, that its involvement with the MGP site on or near Sergeant Street in the City of Cohoes, New York is limited to the following: that it does not presently own the site and it is believed that its involvement with same is limited to former ownership or past operation of an MGP on or in the proximity of such site by one or more of its corporate predecessors; and

**SINCE** Respondent consents to the issuance of this modification to Department Order Index No. D00001-0011, in order to resolve its potential liability, under ECL Article 27, Title 13, for remediating Existing Contamination in its capacity as successor to historic

predecessor entities that may have generated residual hazardous substances located on and off the site as a result of operations of said predecessors, and the Department finds that such resolution, undertaken in accordance with the terms of Department Order Index No. D0-0001-0011 and this modification to that Order, is in the public interest; and

SINCE Respondent agrees to be bound by the terms of Department Order Index No. D0-0001-0011 and this modification to that Order, and consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce Department Order Index No. D0-0001-0011 and this modification to that Order and not to contest the validity of Department Order Index No. D0-0001-0011 and this modification to that Order or the terms of either,

**HAVING CONSIDERED THIS MATTER AND BEING DULY ADVISED, IT IS ORDERED THAT:**

- I. Table "A" of Paragraph I of Department Order Index No. D0-0001-0011 is revised to add at its end the following:

<u>Site</u>	<u>Data Submittal</u>	<u>SC/IRM Study Work Plan</u>
Cohoes (Sergeant Street)	January 15, 2010	January 15, 2010

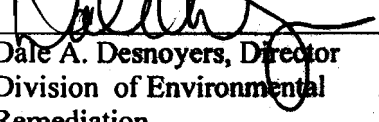
- II. All provisions, terms, and conditions of Department Order Index No. D0-0001-0011, except as set forth in Paragraph I of this modification to same, remain in full force and effect.

- III. The effective date of this modification to Department Order Index No. D0-0001-0011 is the date it is signed by the Commissioner or the Commissioner's designee.

DEC 14 2009

DATED: \_\_\_\_\_

Alexander B. Grannis, Commissioner  
New York State Department of  
Environmental Conservation

By:   
Dale A. Desnoyers, Director  
Division of Environmental  
Remediation

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this modification to the above-captioned Agreement, waives its right to a hearing herein as provided by law, and agrees to be bound by this modification to the above-captioned Agreement.

NATIONAL GRID

By: David C. Cohen

Title: VP ENVIRONMENTAL

Date: 12/10/09

COMMONWEALTH OF MASSACHUSETTS )

) ss:

COUNTY OF MIDDLESEX )

On the 10<sup>th</sup> day of December, in the year 2009, before me, the undersigned, personally appeared David Lodmore, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JAB Eshun

Notary Public

