

**New York State Department of Environmental Conservation  
Office of General Counsel, Region 4**

1130 North Westcott Road, Schenectady, New York 12306-2014

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Joe Martens  
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7012 3050 0000 4246 3900

December 27, 2013

Mark Kastner, President  
The Chazen Companies  
21 Fox Street  
Poughkeepsie, NY 12601

Re: Order on Consent  
R4-2013-1105-132

Dear Mr. Kastner:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$1000 the civil penalty pursuant to Paragraph I.

Sincerely,

Richard Ostrov  
Regional Attorney  
Region 4

Enclosure

cc: K. Goertz  
D. Pickett

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the  
Violation of Article 17  
of the Environmental Conservation  
Law ("ECL")

ORDER ON CONSENT

File No.  
R4-2013-1105-132

By:

The Chazen Companies  
21 Fox Street  
Poughkeepsie, NY 12601

Respondent

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WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is a department of the State of New York which, pursuant to Titles 3 and 10 of Article 17 of the Environmental Conservation Law (ECL), is authorized to regulate the storage and handling of petroleum in the State of New York.
2. Respondent, The Chazen Companies, is a "person" as that term is defined at 6 NYCRR 612.1(c) (20).
3. Regulations at 6 NYCRR 613.8 provides that: "Any person with knowledge of a spill, leak and discharge of petroleum must report the incident to the Department within two (2) hours of discovery. The results of any inventory record, test or inspection which shows a facility is leaking must be reported to the Department within two (2) hours of the discovery...."

Reporting Violation

4. On September 4, 2013, Respondent observed petroleum ("observation") during a Phase II study at the Merle Oil Company – Pyrofax, Petroleum Bulk Storage ("PBS") facility (PBS # 4-023329 ("facility")).
5. On September 12, 2013, Respondent reported the observation to the Department (Spill #1306193).
6. Respondent's failure to report the September 4, 2012 observation to the Department within two hours is a violation of 6 NYCRR 613.8.

## Waiver of Hearing

7. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law, and has consented to the issuing and entering of this Order and it agrees to be bound by the terms, provisions and conditions contained herein.

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

I. Civil Penalty In respect of the aforesaid, a civil penalty in the amount of ONE THOUSAND DOLLARS (\$1,000) is assessed against the Respondent. The payment of civil penalty shall be made by bank, certified or company check, made payable to the NYS DEC and returned with the signed and notarized Order on Consent to the Department.

II. Full settlement of Department Actions This Order shall constitute full settlement of the violations cited in this Order.

III. Indemnification. Respondent 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 negligence of Respondent in the fulfillment or attempted fulfillment of the provisions hereof by Respondent, his employees, servants, agents, successors or assigns.

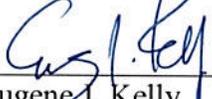
IV. Binding Effect. The Respondent is liable for all the provisions of this Order and the provisions of this Order shall be deemed to bind Respondent, its agents, employees, successors and assigns, and all persons, firms and corporations acting under or for him.

V. Effective Date The effective date of this Order shall be the date it is executed by the Regional Director.

DATED: Rotterdam, New York  
December 24, 2013

Joseph Martens  
Commissioner  
New York State Department of  
Environmental Conservation

BY:

  
\_\_\_\_\_  
Eugene J. Kelly  
Regional Director  
Region IV

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

BY: [Signature]

TITLE: President

DATE: 12/20/13

STATE OF NEW YORK

COUNTY OF Dutchess ) ss.:

On the 20 day of December in the year 2013 before me, the undersigned, Mark A. Koptner, P.E.  
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at 1470 Lucas Ave, Colteville, NY 12419  
(Full mailing address)

and that he/she/they is (are ) the

President  
(President or other officer or director or attorney in fact duly appointed)

of the Chazen Engineering, Land Surveying & Landscape Architecture (Full legal name of corporation) Co. A.P.C.

the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Notary Public, State of New York

[Signature]

GAIL L. SETARO  
Notary Public, State of New York  
#11-4962589  
Qualified in Columbia County  
My Commission expires June 03, 2015