

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of General Counsel, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
P: (518) 357-2048 | F: (518) 357-2087  
[www.dec.ny.gov](http://www.dec.ny.gov)

CONFIRMATION BY EMAIL ORDER RECEIVED

July 3, 2018

Paul LaFond  
Commissioner of General Services  
City of Schenectady  
105 Jay Street, Room 206  
Schenectady, NY 12305  
[Plafond@schenectadyny.gov](mailto:Plafond@schenectadyny.gov)

Re: Letter Agreement  
Order on Consent R4-2012-1218-117M4  
City of Schenectady

Dear Mr. LaFond:

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

Sincerely,



Stephen Repsher  
Assistant Regional Attorney  
Region 4

Enclosure

ec: D. Thorsland  
J. Malcolm



Department of  
Environmental  
Conservation

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2048 | F: (518) 357-2087

www.dec.ny.gov

## **Letter Agreement to Order on Consent**

File No. R4-2012-1218-117M4

Whereas the Department and Respondent agree to the following:

- I. Respondent is subject to the Schedule of Compliance (“Schedule of Compliance”) in Order on Consent, R4-2012-1218-117 (5/15/14) (“Order”).
  
- II. By letter dated December 15, 2017, Respondent requests an extension of time under the Schedule of Compliance, to complete the following milestones:
  1. NFSPS upgrades/replacement NTP to Construction, from July 15, 2018 to April 15, 2019;
  2. Construction completion date, from December 15, 2019 to December 7, 2020; and
  3. Operational start-up, from December 15, 2019 to December 7, 2020.

The Department finds that the Respondent has set forth good cause to grant its request; therefore, the Department grants the Respondent’s request. The Schedule of Compliance is hereby modified to reflect the revised dates set forth immediately above.

- III. All terms, conditions or provisions of the Order, its Schedule of Compliance and approved Plans, shall remain in full force and effect and enforceable unless expressly modified herein.
  
- IV. The effective date of this Letter Agreement is the date the Letter Agreement is signed by the Regional Director.

DATED: ~~June~~ <sup>July</sup> 2, 2018  
Rotterdam, New York

Basil Seggos  
Commissioner  
New York State Department of  
Environmental Conservation

BY:   
\_\_\_\_\_  
Keith Goertz  
Regional Director  
Region IV

CONSENT BY RESPONDENT

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

BY: Gary W. McCarthy  
Mayor of City of Schenectady

DATE: 6/25/2018

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

On the 25<sup>th</sup> day of June in the year 2018 before me, the undersigned, a Notary Public in and for the State, personally appeared Gary R. McCarthy, 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 executed the instrument.

[Signature]  
Notary Public  
Qualified in the County of: Schenectady  
My Commission Expires: 02/11/2019

**PHYLLIS J. GAUMOND**  
Notary Public, State of New York  
No. 01GA4977672  
Qualified in Schenectady County  
Commission Expires 02/11/2019