

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

CERTIFIED – RETURN RECEIPT REQUESTED
7016 0340 0000 4616 5935

January 8, 2018

Roger C. Albright
1998 Old Kings Road
Saugerties, NY 12477

Re: Modification of Order on Consent
R4-2016-0610-110M3

Dear Mr. Albright:

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

Sincerely,

Dusty Renee Tinsley / jv

Dusty Renee Tinsley
Assistant Regional Attorney

Enclosure

ec: P. Wyckoff



Department of
Environmental
Conservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Region 8 Main Office
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-2466 | F: (585) 226-2830
www.dec.ny.gov

November 8, 2017

Roger C. Albright
1998 Old Kings Road
Saugerties, New York 12477

Re: Third Modification of Order on Consent
R4-2016-0610-110M3

Dear Mr. Albright:

Pursuant to the Second Modification of Order on Consent (R4-2016-0610-110M2) ("Second Modification"), you were to have obtained, by October 1, 2017, 75% vegetative coverage at the Mine pursuant to Paragraph 1(j) of the September 21, 2016 Order on Consent's Schedule of Compliance (R4-2016-0610-110) ("Order").

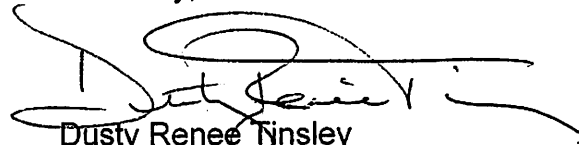
Department staff determined that 75% coverage was not obtained at the Mine by October 1, 2017, in violation of the Second Modification. Department staff agrees to extend the deadline to obtain 75% vegetative coverage at the Mine, until May 1, 2018, when Department staff will inspect the Mine to determine whether 75% vegetative coverage of the Mine has been obtained.

Please see the attached Third Modification to the Order ("Third Modification"). Please return this signed and notarized Third Modification to the undersigned by November 17, 2017.

All other terms, conditions and provisions of the Order, except as modified by this Third Modification, shall remain in full force and effect.

Please call me if you have any other questions.

Sincerely,


Dusty Renee Tinsley
Assistant Regional Attorney

Third Modification of Order on Consent
R4-2016-0610-110M3

Whereas:

1. By May 1, 2018, 75% vegetative coverage shall be obtained at the Mine pursuant to Paragraph 1(j) of the September 21, 2016 Order on Consent's Schedule of Compliance.
2. All other terms, conditions and provisions of the September 21, 2016 Order on Consent, except as modified by this Third Modification, shall remain in full force and effect.

CONSENT BY RESPONDENT

Respondent Roger C. Albright hereby consents to the issuance and entry of the foregoing Third Modification, waives its rights to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

Name: Roger C Albright

Signature: *[Handwritten Signature]*

Date: 12/26/17

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

On the 26 day of December in the year 2017 before me, the undersigned, a Notary Public in and for the State, personally appeared Roger Albright, 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 the which the individual acted, executed the instrument.

Amanda Viscusi
Notary Public
Qualified in the County of: Greene
My commission expires: 8/8/19

AMANDA L VISCUSI
NOTARY PUBLIC STATE OF NEW YORK
GREENE COUNTY
LIC. #01VI6245922
COMM. EXP. 8/8/19

CONSENT BY RESPONDENT

Respondent The Estate of Richard F. Albright, Roger C. Albright – Administrator, hereby consents to the issuance and entry of the foregoing Third Modification, waives its rights to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

Name: Roger C Albright

Signature: [Handwritten Signature]

Date: 12 26 / 17

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

On the 26 day of December in the year 2017 before me, the undersigned, a Notary Public in and for the State, personally appeared Roger Albright, 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 the which the individual acted, executed the instrument.

Amanda L Viscusi
Notary Public
Qualified in the County of: Greene
My commission expires: 8/8/19

AMANDA L VISCUSI
NOTARY PUBLIC STATE OF NEW YORK
GREENE COUNTY
LIC. #01VI6245922
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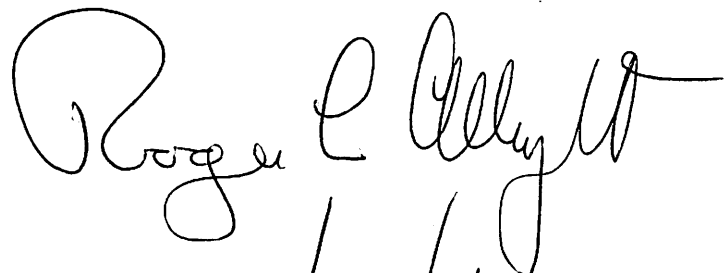
DATED: January 5, ²⁰¹⁸ ~~2017~~
Rotterdam, New York

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director
Region 4


12/26/17



AMANDA L. VISCUSI
NOTARY PUBLIC STATE OF NEW YORK
GREENE COUNTY
LIC. #01VI6245922
COMM. EXP. 8/8/19