

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
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www.dec.ny.gov

CERTIFIED - RETURN RECEIPT REQUESTED
7013 1090 0002 3365 3113

August 7, 2017

Chuck Marshall
Stewart's Shop Corp.
P.O. Box 435
Saratoga Springs, NY 12866

Re: Letter Agreement
Order on Consent
R4-2016-1116-163

Dear Mr. Marshall:

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

This will also acknowledge receipt of \$2,000 the civil penalty pursuant to Paragraph 2.

Sincerely,

Dusty Renee Tinsley/ jv

Dusty Renee Tinsley
Regional Attorney
Region 4

Enclosure

cc: D. Thorsland

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

June 27, 2017

Chuck Marshall
Stewart's Shops Corp.
P.O. Box 435
Saratoga Springs, New York 12866

Re: Order on Consent (R4-2016-1116-163)

Dear Mr. Marshall,

The above referenced Order on Consent (Order) requires that Stewart's Shops Corp. (Respondent) conduct remedial measures to address violations of ECL Article 17 and 6 NYCRR Part 750. The Order specifically requires that Respondent submit to the Department staff and OPRHP staff, within 90 days of the effective date of the Order, a report that meets the requirements of the Historic American Building Survey – Historic American Engineering Record Documentation Level II regarding the building previously located at 307 Main Street, Middleburgh, NY.

By email dated June 26, 2017, Respondent requested additional time to submit the report as through communication with OPRHP staff it has been determined that "a different set of standards" will be issued due to the building having been razed and that you are waiting on a letter from John Bonafide, with OPRHP, will be sending you a letter providing guidance. Based on this information, Department staff believe there is good cause to extend the 90 day deadline to 150 days from the date of the Order. Additionally, Department staff agree to Respondent's counteroffer on the additional civil penalty in the amount of \$2,000 with the remaining \$1,500 of the Order's suspended penalty being further suspended upon completion of the report as required. The Letter Agreement below formalizes these agreements.

Please have the Letter Agreement signed before a notary and return the original copy to me, with the civil penalty payment of \$2,000 made payable to the NYS Department of Environmental Conservation, at the above address no later than July 12, 2017. Please call me at 585-226-5301 if you have any questions.

Sincerely,

Dusty Renee Tinsley
Assistant Regional Attorney

cc: D. Thorsland



Letter Agreement to Order on Consent

R4-2016-1116-163M

- 1) By this agreement, Stewart's Shops Corp. shall, within 150 days of the effective date of the Order on Consent, effective March 6, 2017, submit to DEC staff and OPRHP staff a report that meets the requirements of the Historic American Building Survey – Historic American Engineering Record Documentation Level II as defined in the Secretary of the Interior's Standards for Architectural and Engineering Documentation (https://www.nps.gov/history/local-law/arch_stnds_6.html) regarding the building previously located at 307 Main Street, Middleburgh, NY. The report shall be generated by an individual who meets the Secretary of the Interior's professional qualification standard set forth in Historic Architecture or Architectural History (https://www.nps.gov/history/local-law/gis/html/table_of_contents.html).
- 2) Stewart's Shops Corp. shall pay, from the suspended penalty set forth in the Order on Consent (R4-2016-1116-163) (Order), a civil penalty in the amount of \$2,000 (TWO THOUSAND DOLLARS) assessed against the Respondent for violation of Order which shall be payable to the New York State Department of Environmental Conservation by money order, or certified check at the time this Order is signed, notarized and returned to the Department. ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) of the suspended civil penalty continues to be suspended conditioned on Respondent's compliance with the Order and this Letter Agreement. Payment of the further suspended civil penalty shall be due within 30 days receipt of notice from the Department setting forth the nature of the violations. The civil penalties shall be paid by check made payable to the Department of Environmental Conservation.

Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order and this Letter Agreement.

- 3) The effective date of this Letter Agreement is the date it is signed by the Regional Director.
- 4) All terms, conditions and provisions in the Order, effective March 6, 2017, remain in full force and effect except as changed by this Letter Agreement.

DATED: August 7, 2017
Rotterdam, New York

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director
Region IV

