

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

STIPULATION PURSUANT TO SECTION 17-0303 OF THE ENVIRONMENTAL
CONSERVATION LAW AND SECTION 176 OF THE NAVIGATION LAW BY:

_____, Respondent Spill No. _____

1. The Department of Environmental Conservation is the agency responsible for the cleanup and removal of discharges of petroleum pursuant to Article 12 of the Navigation Law and Article 17 of the Environmental Conservation Law.
2. Respondent has agreed to clean up and remove a discharge of petroleum which occurred on _____ at _____ (the "Site") by taking the steps and according to the conditions set forth in the Corrective Action Plan attached to this Stipulation.
3. Respondent and its employees, servants, agents, lessees, sublessees, successors, and assigns hereby waive any right to pursue reimbursement of monies expended by Respondent prior to the Termination Date as against the State of New York or the New York Environmental Protection and Spill Compensation Fund (the "Spill Fund"), and agree to indemnify and hold harmless the Spill Fund from any and all legal or equitable claims, suits, causes of action, or demands whatsoever with respect to the Site that any of same has or may have as a result of Respondent's entering into or fulfilling the terms of this Stipulation with respect to the Site.
4. This Stipulation does not affect the Department's right to pursue any claims that the Department may have against Respondent, including but not limited to, claims for alleged violations of the Navigation law or the Environmental Conservation law. This Stipulation does not affect any defenses that Respondent may have to any such claims.
5. Respondent, without admitting liability, consents to the issuance of this Stipulation, waives the right to notice and hearing with respect to the issuance and entry of this Stipulation as provided by law, and agrees to be bound by the terms of this Stipulation, including any attachments thereto.
6. This Stipulation is equivalent to an order pursuant to ECL §17-0303 and a directive pursuant to NL §176 and is enforceable as such.
7. The Corrective Action Plan may be modified in writing as may be agreed between the parties. The Corrective Action Plan may be modified by the Department in the same manner as a Department permit. In the event of a conflict between the terms of this Stipulation and any Corrective Action Plan submitted pursuant to this Stipulation, the terms of this Stipulation shall control over the terms of the Corrective Action Plan(s).
8. The effective date of this Stipulation is the date it is signed by the Department. This

Stipulation shall terminate when the Department issues a written determination that no further remedial activities are required with respect to the petroleum discharge at the Site (the "Termination Date").

Date

Respondent's Signature*

Respondent's Title (if corporation)

Date

Regional Director or Regional Spill Engineer, Region __

*NOTE:: If stipulation is with a corporation, the respondent must be an official, authorized corporate representative.