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STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

. . . . . X  
In the Matter of the Violations of Articles :  
19 and 71 of the New York State Environmental :  
Conservation Law ("ECL"), and Parts 201 & 228 :  
of Title 6 of the Official Compilation of :  
Codes, Rules and Regulations of the State of : ORDER ON CONSENT  
New York, by :  
: FILE #R1-4514-91-03  
PARAMAX, INC., a wholly owned subsidiary of :  
UNISYS CORPORATION :  
:  
(Nassau County) Respondent :  
. . . . . X

WHEREAS, Article 19 of the New York State Environmental Conservation Law ("ECL") and the rules and regulations promulgated thereunder, provides for the maintenance and safeguarding of the air resources of this State from pollution; and

WHEREAS, the New York State Department of Environmental Conservation ("DEC" or the "Department") is authorized to enforce the rules and regulations of the State of New York in order to abate and prevent air pollution in the State; and

WHEREAS, the Respondent operates a surface coating line as described in Table 1 of 6 NYCRR Part 228 at the facility located at Marcus Avenue, Great Neck, New York 11020 (the "facility"). The sources that are the subject of this Order were operated by the Unisys Corporation, and are now operated by Paramax, Inc., a wholly owned subsidiary of the Unisys Corporation. The business address of Paramax Inc. is Marcus Avenue, Great Neck, New York 11020; and

WHEREAS, Respondent also operates four (4) spray booths and three (3) drying ovens for which a Certificate to Operate air contamination sources was issued and expired on August 15, 1989; and

WHEREAS, the Department has documented a violation of 6 NYCRR Part 201, in that Respondent caused and/or permitted to be caused, the operation of seven (7) air contamination sources (four (4) spray booths and three (3) drying ovens) without the required Permits to Construct/Certificates to Operate, from October, 1989 to the present; and

WHEREAS, the Department has documented two (2) violations of 6 NYCRR Part 228, in that Respondent caused and/or permitted to be caused, the use of coatings at coating lines which contain a VOC content greater than 2.9 lbs. per gallon (minus water and non-reactive volatiles) from November 7, 1990 to the present; and

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WHEREAS, pursuant to ECL §71-2103, any person who violates any provision of Article 19 or any regulation promulgated pursuant thereto shall be liable for a penalty not to exceed Ten Thousand (\$10,000) Dollars for each violation and an additional sum not to exceed Five Hundred (\$500) Dollars for each day during which said violation continues, and in addition, such person may be enjoined from continuing such violation; and

WHEREAS, applications for Certificates to Operate emission points 00024, 00026, 00027, 00045, 00046 and 00047 were submitted to DEC in November, 1990; however, processing of the applications was suspended because of the violations that are the subject of this Order; and

WHEREAS, the facts set forth above constitute separate and distinct violations by Respondent of Articles 19 of the ECL and 6 NYCRR Parts 201 and 228; and

WHEREAS, emission point No. 00048 is exempt from the requirements of part 228 as a research and development process involving surface coating which produce a product for study rather than eventual sale; and

WHEREAS, Respondent has affirmatively waived its right to a public hearing in this matter in the manner provided by law and having consented to the issuing and entering of this Order, agrees to be bound by the terms and conditions contained therein.

NOW, having considered this matter and being duly advised, it is

ORDERED, that with respect to the aforesaid violations, there is hereby imposed upon Respondent, a penalty in the sum of Twenty Five Thousand (\$25,000) Dollars, of which Twelve Thousand Five Hundred (\$12,500) Dollars shall be made payable to the Department by bank-certified check upon execution of this Order and the remaining Twelve Thousand Five Hundred (\$12,500) Dollars shall be made payable in the form of a Letter of Credit, Bond, or other secured undertaking, said sum to be suspended pending Respondent's full compliance with the terms and conditions of this Order and in Schedule A, the compliance schedule attached hereto and made a part hereof; and it is further

ORDERED, that all Letters of Credit, Bonds, or other secured undertakings pursuant to this Order be submitted to the Department

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upon execution of this Order, and shall not expire for at least six (6) months after the date for full compliance to which they relate; and it is further

ORDERED, that failure to adhere to the terms of this Order shall result in immediate revocation of all Permits and Certificates to Operate systems at Respondent's facility that are the subject of this Order and refusal to issue future Permits and Certificates to Operate that are the subject of this Order; and it is further

ORDERED, that the failure of Respondent to be in full compliance with Parts 201 and 228 of 6 NYCRR by the final deadline provided herein and/or Respondent's failure to strictly comply with the terms and conditions of this Order shall subject the Respondent to further enforcement action for both the violations which were the subject of this Order, as well as any and all subsequent violations; and it is further

ORDERED, that the provisions of this Order shall not bind or prejudice Respondent nor shall this Order be construed as an admission in any civil action. Nothing, however, shall prevent the Department from using this Consent Order and the terms and conditions contained herein, in a proceeding to enforce the terms of this Order or in a proceeding by the Department to revoke or suspend a license or registration or certification of Respondent, or in any other future proceeding brought by or on behalf of the Department; and it is further

ORDERED, that Respondent shall strictly adhere to the attached Schedule of Compliance incorporated herein and made a part hereof as Schedule A; and it is further

ORDERED, that Respondent shall pay to DEC an additional stipulated penalty of Five Hundred (\$500) Dollars for each day Respondent fails to comply with any milestone date other than the final milestone date set forth in the Schedule of Compliance. Payment of stipulated penalties accrued under this provision may be waived by DEC at its discretion provided that Respondent complies with requirements for the missed milestone by the next milestone date, and is currently in compliance with the Schedule of Compliance. In the event Respondent fails to comply with the applicable compliance requirements by the next milestone date as described herein, any stipulated penalties so accrued hereunder shall become immediately payable by the Respondent to DEC. Respondent will be out of compliance with this Order upon failure to timely pay any payable stipulated penalties; and it is further

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ORDERED, that the terms of this Order shall not be construed to prohibit the Commissioner or his duly-authorized representative from exercising any summary abatement powers, granted pursuant to statute or regulations; and it is further

ORDERED, that the Department reserves the right to require that the Respondent undertake any additional measures required to protect human health or the environment and reserves its rights to exercise its authorities under the law to protect human health and the environment or to otherwise require compliance with the law, and that nothing contained in this Order shall be construed as impairing these rights; and it is further

ORDERED, that for the purpose of ensuring compliance with this Order and in accordance with ECL §19-0305(2)(a), duly-authorized representatives of DEC shall be permitted access to the Facility in question and to relevant records to ensure compliance with the terms of this Order; and it is further

ORDERED, that nothing contained herein shall be construed as preventing the Department from collecting regulatory fees, if applicable; and it is further

ORDERED, that in those instances in which Respondent desires that any of the provisions, terms or conditions of this Order be changed, it shall make written application, setting forth the grounds for the relief sought to the Commissioner of Environmental Conservation, c/o Lori J. Riley, Regional Attorney, New York State Department of Environmental Conservation, Building 40, State University of New York, Stony Brook, New York 11790-2356; and it is further

ORDERED, that penalty payments herein required shall be sent by certified mail to the New York State Department of Environmental Conservation, Region One, Building 40, S.U.N.Y., Stony Brook, New York, 11790-2356, Attention: Lori J. Riley, Regional Attorney; and it is further

ORDERED, that this Order on Consent is being entered into for the purposes of settling the instant proceeding only and nothing contained herein shall be construed as to relieve Respondent from its duties and obligations under any laws, rules or regulations, that its operation would cause it to be subject to; and it is further


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ORDERED, that the provisions, terms and conditions of this Order shall be deemed to bind Respondent, its successors and assigns and all persons, firms and corporations acting under or for it including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or any other in New York State.

Dated: Stony Brook, New York  
1993

*March 17,*

THOMAS C. JORLING  
Commissioner of Environmental Conservation

By   
RAY E. COWEN, P.E.  
Regional Director

To: Mark S. Brody, Esq.  
General Counsel  
Unisys Corporation  
Marcus Avenue  
Great Neck, NY 11020

David T. Noble, Esq.  
Environmental Counsel  
Unisys Corporation  
Township Line and Union Meeting Roads  
Suite C1 SW19  
Blue Bell, PA 19424

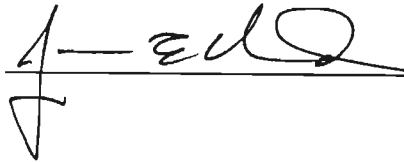
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CONSENT BY RESPONDENT

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof.

PARAMAX INC.

By



STATE OF NEW YORK)

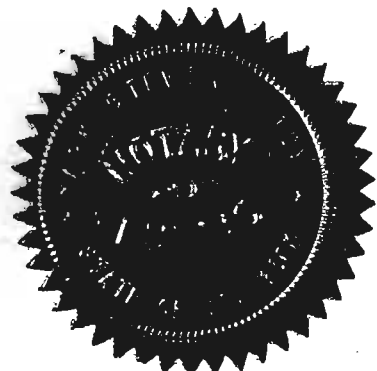
S.S.:

COUNTY OF NASSAU)

On the 24<sup>th</sup> day of February 1993, before me personally came James E. Howard to me known, who being duly sworn, deposed and said that he resides at Wilmington, N.Y. that he is the V.P. & Gen Mgr. System Development of Respondent Corporation and that he signed his name for and on behalf of said corporation, with full authority so to do.



NOTARY PUBLIC



MARK STEVEN BRODY  
Notary Public, State of New York  
No. 4662671  
Qualified in Nassau County  
Commission Expires May 31, 1993

SCHEDULE A

Compliance Schedule  
for

Paramax Inc., a wholly owned subsidiary of the  
UNISYS CORPORATION

Immediately,

Nothing contained in this schedule shall relieve Respondent of the obligation to pay the suspended penalty of Twelve Thousand Five Hundred (\$12,500) Dollars for failure to achieve full compliance with Parts 201 and 228 by the final date provided in this Order.

On or before 30 days  
after the date of the  
execution of this  
Order,

Respondent shall complete and submit to the Department, complete and approvable applications, including five variance applications out of seven applications, for Certificates to Operate air contamination sources.

Applications were submitted by Respondent in November, 1990. However, processing of these applications has been suspended because of the violations that are the subject of this Order.

Approvable within the context of this Order shall mean approvable by the Department with minimal revision. Minimal revision shall mean that Respondent incorporates the revisions required by the Department and re-submits the plan for approval within fifteen (15) days of receipt of the Department's comments.

If applications are submitted timely and revisions, if any, are submitted timely, the Respondent shall be in compliance with the requirement of this Order to submit complete and approvable applications.

Immediately, upon any  
denial of the Part  
201 Certificate(s) to  
Operate,

Respondent shall immediately cease operation of the subject air contamination source(s), for which denial(s) is/are issued, perform closure and cleanup of the site in accordance with a Department-approved plan.

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On or before 240 days  
of the date of  
execution of this  
Order,

Respondent shall be in receipt of the  
Certificates to Operate or shall cease  
Operation and close down its air contami-  
nation sources in accordance with a  
Department-approved plan.