

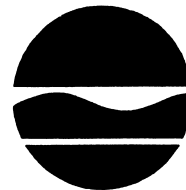
New York State Department of Environmental Conservation

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Denise M. Sheehan
Acting
Commissioner

MEMORANDUM

TO: Nancy W. Lussier, Director, Division of Management and Budget Services

FROM: Dale A. Desnoyers, Director, Division of Environmental Remediation

SUBJECT: Temporary Use and Occupancy of Private Property Agreement Between the New York State Department of Environmental Conservation and Ronald G. Harrington, DEC Facility/Lands: Private Property near the Hudson River, Town of Fort Edward - Washington County

DATE: OCT - 5 2005

Type of Contract:

Temporary Use and Occupancy of Private Property Agreement Signature

General Discussion and Justification:

The Department has decided to obtain air samples to determine the PCB concentrations prior to the beginning of the Hudson River dredging project. The Divisions of Air Resources and Environmental Remediation have identified three sampling locations within the Town of Fort Edward. Two of the locations are on NYS Canal Corporation property. For the third location, the Department has requested and received a signed agreement allowing entry upon private property for the purpose of locating and operating an air sampling device. The device will be turned on approximately every six days and will be located on the identified property for approximately one year from October 2005 to 2006.

Cost:

The only cost for entering into the agreement is reimbursement for electrical usage to run the air sampling device which is estimated to be \$120 for one year which will be paid by the Division of Environmental Remediation's (DER) standby engineering contractor for this site. The contractor will include the cost in their monthly payment request to DER and be reimbursed.

Alternative:

The Department may choose to not enter into the Temporary Use and Occupancy of Private Property Agreement in which case another air sampling location will be needed and will cause delays in obtaining environmental data in a timely manner.

Recommendation:

Approve and sign the Temporary Use and Occupancy of Private Property Agreement.

DEC Organizational Units and/or State Agencies Involved:

Division of Environmental Remediation
Division of Lands and Forests
Division of Air Resources

DEC Attorney and Potential Legal Issues:

Contract Attorney: Scott Abrahamson
Program Attorney: Jim Eckl

bec:

W. Daigle

W. Ports

J. Keating

D. Weigel

T. Wolosen

D. Norvik