

New York State Department Of Environmental Conservation
Division of Environmental Enforcement
202 Mamaroneck Avenue - Room 304
White Plains, N.Y. 10601-5381
Telephone: (914) 761-3575

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Thomas C. Jorling
Commissioner

August 3, 1992

U.S. POSTAL EXPRESS/RRR

Philip H. Gitlen, Esq.
Whiteman Osterman & Hanna
One Commerce Plaza
Albany, New York 12260

Re: Baldwin Place Shopping Center
Site # 3-60-032

Dear Mr. Gitlen:

Enclosed is a fully executed Order on Consent providing for a Remedial Investigation/Feasibility Study at the Baldwin Place Shopping Center Site. The Order was signed by Acting Deputy Commissioner Michael J. O'Toole, Jr. on July 27, 1992.

Pursuant to § XXV., the effective date of this Order is the date on which you receive a fully executed copy. Thus, the date of receipt should be used to calculate the timing of all submissions and activities pursuant to this Order on Consent unless otherwise specifically stated.

Thank you for your courtesy and cooperation in this project. The Department anticipates working harmoniously with Big V Supermarkets, Inc. to implement the Remedial Investigation /Feasibility Study.

Very truly yours,

Rosalie K. Rusinko

Rosalie K. Rusinko
Senior Attorney

✓ cc: Hari Agrawal, Region 3

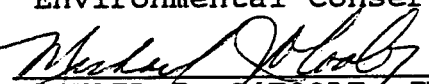
XXXII. Respondents, their officers, directors, agents, servants, employees, successors and assigns shall be bound by this Order.

XXXIII. The terms hereof shall constitute the complete and entire Order between Respondents and the Department concerning the Site. No terms, conditions, understandings or agreements purporting to modify or vary the terms hereof shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestions or comments by the Department regarding reports, proposals, plans, specifications, schedules or any other submittals shall be construed as relieving Respondents of their obligations to obtain such formal approvals as may be required by this Order.

DATED: Albany, New York
July 27, 1992

THOMAS C. JORLING
Commissioner
New York State Department of
Environmental Conservation

By:


MICHAEL J. O'TOOLE, JR.
Acting Deputy Commissioner
New York State Department of
Environmental Conservation

TO: Philip H. Gitlen, Esq.
Whiteman Osterman & Hanna
One Commerce Plaza
Albany, NY 12260

CONSENT BY RESPONDENT

BIG V SUPERMARKETS, INC.

Big V Supermarkets, Inc. hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: Cornelius J. J. Madera
Cornelius J. J. Madera, Jr.
Title: Senior Vice President
Date: 7/13/92

STATE OF NEW YORK)
COUNTY OF ORANGE) s.s.:

On this 13th day of July, 1992,
before me personally came Cornelius J. J. Madera, to me
known, who being duly sworn, did depose and say that he
resides in Tuxedo Park, NY; that he is the
Senior Vice President of Big V Supermarkets, Inc., the
corporation described herein and which executed the foregoing
instrument; that he knew the seal of the corporation; that the
seal affixed to this instrument was such corporate seal; that
it was so affixed by the order of the Board of Directors of
Big V Supermarkets, Inc., and that he signed his name hereto
by like order.

James J. Tedesco
Notary Public

JAMES J. TEDESCO
NOTARY PUBLIC IN THE STATE OF NY
NO. 4632594
QUALIFIED IN ORANGE COUNTY
MY COMMISSION EXPIRES 5.31.94

CONSENT BY RESPONDENT

SOMERS DEVELOPMENT CORPORATION

Somers Development Corporation hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: Cornelius J. J. Madera, Jr.
Title: Senior Vice President
Date: 7/13/92

STATE OF NEW YORK)
) s.s.:
COUNTY OF ORANGE)

On this 13th day of July, 1992,
before me personally came Cornelius J. J. Madera, to me
known, who being duly sworn, did depose and say that he
resides in Tuxedo Park, NY; that he is the
Senior Vice President of Somers Development Corporation,
the corporation described herein and which executed the
foregoing instrument; that he knew the seal of the
corporation; that the seal affixed to this instrument was such
corporate seal; that it was so affixed by the order of the
Board of Directors of Big V Supermarkets, Inc., and that he
signed his name hereto by like order.

James J. Tedesco
Notary Public

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NOTARY PUBLIC IN THE STATE OF NY
NO. 4632594
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MY COMMISSION EXPIRES 5.31.94