

New York State Department of Environmental Conservation

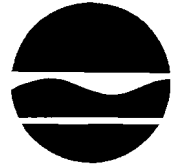
Division of Environmental Remediation

Bureau of Program Management, 12th Floor

625 Broadway, Albany, New York 12233-7012

Phone: (518) 402-9764 • **Fax:** (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

APR 03 2012

Mr. James A. Diamond
DP 16 LLC
c/o Diamond Properties, LLC
333 North Bedford Road, Suite 145
Mount Kisco, NY 10549

Re: Site Name: One Commerce Park
Site No.: 360054
Respondent: DP 16 LLC
Order on Consent Index No.: W3-1132-09-02
Effective Date: June 21, 2009
Bill No.: 2

Dear Mr. Diamond:

Enclosed is a summary of costs incurred by New York State for its remedial activities as outlined in the above referenced Consent Order (the Order). In accordance with Paragraph VI of the Order, the New York State Department of Environmental Conservation is requesting payment in the amount of \$14,123.86 within 45 days from receipt of this letter.

To ensure proper credit, please remit a copy of the cost summary (Exhibit I) with your payment. The check should be made payable to the New York State Department of Environmental Conservation and sent to the address below:

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Program Management
625 Broadway, 12th Floor
Albany, NY 12233-7012
Attn: Donna Weigel, Bureau Director

The summary includes expenditures for the site from October 1, 2009 through December 21, 2011. The costs are documented by the enclosed exhibits. However, if you have any questions on the enclosed information, please contact me at (518) 402-9711, or by electronic mail at lmzeppet@gw.dec.state.ny.us.

Thank you for your attention to this matter.

Sincerely,

Susan Boksky, for

Laura Zeppetelli
Chief
Cost Recovery Section
Bureau of Program Management
Division of Environmental Remediation

STOL 00 114A

Enclosure

cc: B. Conlon (Region 1-6)
A. Tamuno
D. Crosby
K. Eastman

EXHIBIT I
New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Program Management

Invoice No.: DER-360054-W3-2/12

Site Name: One Commerce Park
Site No.: 360054
Order/Agreement No.: W3-1132-09-02
Bill No.: 2

Cost Category	Amounts	Exhibit No.
DEC Direct Personal Services 10/01/2009 to: 12/21/2011	\$5,794.61	
Fringe	\$2,642.86	
Indirect	\$2,282.80	
<i>Personal Services Subtotal</i>	<i>\$10,720.27</i>	II
Contractual	\$0.00	
Other Non-Personal Service	\$0.00	
<i>Non-Personal Service Subtotal</i>	<i>\$0.00</i>	
DEC Total	\$10,720.27	
DOH Total	\$3,403.59	III
DEC & DOH Grand Total	\$14,123.86	

Cost Query of the Leave and Accrual Tracking System

Pay Period	Pay Period Dates	Check Date	Cost Center	Employee	Title Description	Work Location Code	Work Location Description	Billable Hourly Rate	State Fringe	State Indirect	Hours	Cost
CONSENT ORDER/AGREEMENT NUMBER: W3-1132-09-02												
TASK CODE: D891 DESCRIPTION: 360054 ONE COMMERCE PARK												
2009/15	10/15/2009 - 10/28/2009	11/10/2009	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	51.65	45.33	42.06	2.00	103.30
2009/16	10/29/2009 - 11/11/2009	11/25/2009	430221L6 2009	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	60.20	52.83	49.02	2.00	120.40
2009/16	10/29/2009 - 11/11/2009	11/25/2009	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	45.93	42.62	2.00	104.68
2009/17	11/12/2009 - 11/25/2009	12/09/2009	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	97.61	90.58	4.25	222.45
2009/18	11/26/2009 - 12/09/2009	12/23/2009	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	45.93	42.62	2.00	104.68
2009/19	12/10/2009 - 12/23/2009	01/06/2010	430221L6 2009	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	60.40	79.51	73.78	3.00	181.20
2009/19	12/10/2009 - 12/23/2009	01/06/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	275.60	255.74	12.00	628.08
2009/20	12/24/2009 - 01/06/2010	01/20/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	11.48	10.65	0.50	26.17
2009/21	01/07/2010 - 01/20/2010	02/03/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	91.87	85.25	4.00	209.36
2009/22	01/21/2010 - 02/03/2010	02/17/2010	430221L6 2009	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	58.85	51.65	47.93	2.00	117.70
2009/22	01/21/2010 - 02/03/2010	02/17/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	45.93	42.62	2.00	104.68
2009/23	02/04/2010 - 02/17/2010	03/03/2010	430221L6 2009	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	59.04	25.91	24.04	1.00	59.04
2009/23	02/04/2010 - 02/17/2010	03/03/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	57.42	53.28	2.50	130.85
2009/24	02/18/2010 - 03/03/2010	03/17/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	22.97	21.31	1.00	52.34
2009/25	03/04/2010 - 03/17/2010	03/31/2010	430221L6 2009	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	103.35	95.90	4.50	235.53
2009/25	03/04/2010 - 03/17/2010	03/31/2010	430221L6 2009	Whitcher, Rj	Environmental Progt	615127	Central Office - 625 Broadway	29.28	160.60	149.03	12.50	366.00
2009/26	03/18/2010 - 03/31/2010	04/14/2010	430221L6 2010	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	52.34	275.60	255.74	12.00	628.08
2010/1	04/01/2010 - 04/14/2010	04/28/2010	430221L6 2010	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	51.29	43.47	31.27	1.75	89.76
2010/2	04/15/2010 - 04/28/2010	05/12/2010	430221L6 2010	Maiurano, Karen	Engrg Geologist 2	615127	Central Office - 625 Broadway	54.37	46.08	33.15	1.75	95.15
2010/2	04/15/2010 - 04/28/2010	05/12/2010	430221L6 2010	Whitcher, Rj	Environmental Progt	615127	Central Office - 625 Broadway	33.02	143.92	103.53	9.00	297.18
2010/15	10/14/2010 - 10/27/2010	11/10/2010	430221L6 2010	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	65.48	31.71	22.81	1.00	65.48
2010/25	03/03/2011 - 03/16/2011	03/30/2011	430221L6 2010	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	66.57	32.24	23.19	1.00	66.57
2010/25	03/03/2011 - 03/16/2011	03/30/2011	430221L6 2010	Whitcher, Rj	Environmental Progt	615127	Central Office - 625 Broadway	35.24	25.60	18.41	1.50	52.86
2011/1	03/31/2011 - 04/13/2011	04/27/2011	430221L6 2011	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	63.86	30.60	24.63	1.00	63.86
2011/1	03/31/2011 - 04/13/2011	04/27/2011	685135L5 2011	Eastman, Kathryn	Envirn Engineer 1	615127	Central Office - 625 Broadway	47.33	158.73	127.75	7.00	331.31
2011/2	04/14/2011 - 04/27/2011	05/11/2011	430221L6 2011	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	65.12	62.40	50.22	2.00	130.24
2011/2	04/14/2011 - 04/27/2011	05/11/2011	685135L5 2011	Eastman, Kathryn	Envirn Engineer 1	615127	Central Office - 625 Broadway	45.80	153.60	123.62	7.00	320.60
2011/4	05/12/2011 - 05/25/2011	06/08/2011	685135L5 2011	Eastman, Kathryn	Envirn Engineer 1	615127	Central Office - 625 Broadway	47.33	22.68	18.25	1.00	47.33
2011/7	06/23/2011 - 07/06/2011	07/20/2011	430221L6 2011	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	64.49	30.90	24.87	1.00	64.49
2011/8	07/07/2011 - 07/20/2011	08/03/2011	430221L6 2011	Crosby, David	Envirn Engineer 3	615127	Central Office - 625 Broadway	66.21	31.72	25.53	1.00	66.21
2011/8	07/07/2011 - 07/20/2011	08/03/2011	685135L5 2011	Eastman, Kathryn	Envirn Engineer 1	615127	Central Office - 625 Broadway	47.33	317.46	255.51	14.00	662.62
2011/14	09/29/2011 - 10/12/2011	10/26/2011	685135L5 2011	Eastman, Kathryn	Envirn Engineer 1	615127	Central Office - 625 Broadway	47.02	11.26	9.06	0.50	23.51
2011/18	11/24/2011 - 12/07/2011	12/21/2011	685135L5 2011	Eastman, Kathryn	Envirn Engineer 1	615127	Central Office - 625 Broadway	45.80	10.97	8.83	0.50	22.90

Subtotal of Task Charges from: 10/1/2009 to: 12/21/2011 2,642.86 2,282.80 120.25 5,794.61

Subtotal of Agreement Charges from: 10/1/2009 to: 12/21/2011 2,642.86 2,282.80 120.25 5,794.61

Grand Total of Agreement Personal Service Charges: 10,720.27

EXHIBIT III
New York State Department of Health
Cost Recovery
One Commercial Park
360054

<u>Fiscal Year</u>	<u>Personal Service</u>	<u>State Fringe</u>	<u>Indirect*</u>
FY 11/12	\$636.14	\$304.77	\$128.90
FY 10/11	\$595.21	\$288.26	\$131.64
FY 09/10	\$756.82	\$332.09	\$229.76

Personal Service, Fringe, and Indirect Costs:	\$3,403.59
Travel Costs:	\$0.00
Laboratory Costs:	\$0.00

TOTAL COSTS: \$3,403.59

Fringe and Indirect Rates are as follows:

<u>Fiscal Year</u>	<u>State Fringe rate</u>	<u>Indirect rate</u>
FY 11/12	47.91%	13.70%
FY 10/11	48.43%	14.90%
FY 09/10	43.88%	21.10%

* Indirect amount is calculated per DOH policy as follows: (Personal Services +(Personal Services x Fringe rate)) x Indirect rate

February 15, 2012
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New York State Department of Health
CEH Leave and Accrual Tracking Report
Site Cost Recovery Report Ordered by Pay End Date
(360054) ONE COMMERCIAL PARK

For the period October 1, 2009 thru December 21, 2011

<u>Fiscal</u> <u>Year</u>	<u>Pay End Date</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Employee</u>	<u>Title</u>
2009	10/28/2009	2.00	\$42.38	\$84.76	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2009	11/25/2009	5.50	\$42.38	\$233.09	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2009	12/09/2009	1.50	\$42.38	\$63.57	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2009	12/09/2009	.25	\$25.76	\$6.44	Radliff, Patricia J	AGENCY PRGM AIDE
2009	01/20/2010	7.00	\$46.12	\$322.84	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2009	03/17/2010	1.00	\$46.12	\$46.12	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
Total Hours and Cost		17.25		\$756.82		
2010	09/15/2010	.25	\$40.80	\$10.20	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
2010	12/08/2010	9.25	\$38.84	\$359.27	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
2010	12/08/2010	1.00	\$48.50	\$48.50	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2010	12/22/2010	.75	\$25.03	\$18.77	McBride, Cathleen R	KEYBOARD SPEC 2
2010	12/22/2010	.75	\$38.84	\$29.13	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
2010	12/22/2010	1.25	\$48.50	\$60.63	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2010	03/16/2011	1.75	\$39.26	\$68.71	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
Total Hours and Cost		15.00		\$595.21		
2011	04/13/2011	3.25	\$34.12	\$110.89	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
2011	04/13/2011	2.00	\$46.28	\$92.56	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2011	04/27/2011	10.00	\$34.12	\$341.20	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
2011	04/27/2011	1.50	\$46.28	\$69.42	Navratil, Fay S	PUBLIC H SP 3 ENVIRM
2011	07/20/2011	.50	\$44.14	\$22.07	McLelland, Sharon	PUBLIC H SP 2 ENVIRM
Total Hours and Cost		17.25		\$636.14		
Total Entire Period		49.50		\$1,988.17		