

New York State Department of Environmental Conservation

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

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Alexander B.
Grannis
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7008 1140 0002 7393 5042

May 7, 2009

Joseph Bianchi, Env. Mgr.
Amphenol Corporation
40-60-Delaware Avenue
Sidney, NY 13838-1395

Re: Modification of Order on Consent
#04-0312-85-06M1

Dear Mr. Bianchi:

Enclosed please find a copy of the fully executed Modification of the Order on Consent referenced above.

Sincerely,

Jill T. Phillips

Assistant Regional Attorney

Enclosure

cc: S. Ports

J. Strang

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Implementation of a Remedial Program
For an Inactive Hazardous Waste Disposal Site under Article 27,
Title 13 of the Environmental Conservation Law of the
State of New York by

**MODIFICATION OF
ORDER ON
CONSENT**

DEC File No.
04-0312-85-06 M1

- By -

Amphenol Corporation

Respondent

West Well Area and
West Parking Lot

WHEREAS:

1. The Department of Environmental Conservation (the "Department" or "DEC") is an executive department of the State of New York with jurisdiction over the environmental policy and laws of this state, pursuant to, inter alia, Environmental Conservation Law ("ECL") Section 3-0301. The Department has jurisdiction in all matters pertaining to the collection, treatment and disposal of solid and hazardous waste pursuant to ECL Article 27 and applicable regulations. The Department also has jurisdiction over the maintenance and enhancement of the purity of the waters of the State pursuant to ECL Article 17 and applicable regulations.
2. Respondent, Amphenol Corporation, owns a manufacturing facility located at 40-60 Delaware Ave., Sidney, New York (the "Facility"). Respondent has a State Pollutant Discharge Elimination System ("SPDES") permit (#NY0003824) for the discharge of stormwater and non-contact cooling water into the

Susquehanna River and its sanitary wastewater is discharged to the Village of Sidney's ("Village") wastewater treatment plant ("WWTP").

3. The Village embarked on an effort to clean all municipal sanitary sewer lines in 2008 (the "Sewer Cleaning Project"). The scope of the Sewer Cleaning Project included the cleaning of the Village's sanitary sewer line that runs underneath the Facility. The Village commenced the portion of the project work at the Facility in May 2008 and completed it in August 2008.

4. In June of 2008, the Village conducted comprehensive sampling of its treated wastewater effluent in connection with a Department-initiated modification of its SPDES permit. Polychlorinated biphenyls ("PCBs") were found to be present in excess of water quality standards.

5. The Facility used PCB-containing lubricants (exclusively Aroclor 1242) for its operations during the 1960s.

6. The Respondent is subject to Order on Consent 04-0312-85-06, effective on November 1, 1989 (the "Order"). The goal of this Modification to the Order is to address the migration and/or threat of migration of PCBs from the portion of the Village's sanitary sewer line that runs underneath the Facility. The PCBs at the Facility were a result of past waste disposal activities of the Bendix Corporation of which Respondent is the successor in interest.

7. In furtherance of the goal of this Modification, the attached Supplementary Remedial Program has been developed to address the clean up and removal of PCBs found at the Village WWTP and in the Village's sanitary sewer line that runs underneath the Facility that are associated with the Sewer Cleaning Project. Accordingly, the Department finds good cause for agreeing to this Modification.

8. Respondent has affirmatively waived their right to a hearing in the manner provided by law, consented to the issuing of this Modification and agreed to be bound by the terms, provisions, and conditions contained herein. This Modification is made strictly for the purposes of the Department and the Respondent and is not intended for use by, or inure to the benefit of, any third party.

NOW, being duly advised and having considered this matter, IT IS
HEREBY ORDERED THAT:

I. Respondent shall comply with the Supplementary Remedial Program that is attached hereto and hereby incorporated and made a part of the terms, provisions, and conditions of this Modification.

II. The effective date of this Modification shall be the date it is signed by the Department.

III. All terms, provisions, and conditions of the Order remain in effect unless expressly modified in this Modification.

IV. All communications, except where otherwise specifically directed, shall be sent to the Regional Water Engineer, New York State Department of Environmental Conservation, Region 4, 1130 North Westcott Road, Schenectady, New York 12306. Communications to the Respondent shall be directed to Joseph Bianchi, Manager EHS & Support Services, 40-60 Delaware Ave., Sidney, New York 13838.

DATED: 5/6, 2009
Rotterdam, New York

Alexander B. Grannis
Commissioner
New York State Department of
Environmental Conservation

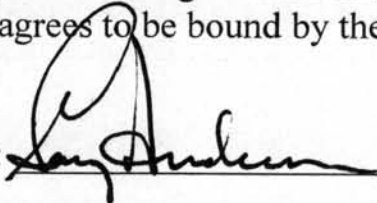
BY:



Eugene J. Kelly
Regional Director
Region 4

CONSENT BY RESPONDENT
Amphenol Corporation

Respondent hereby consents to the issuing and entering of this Modification, waives their right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.

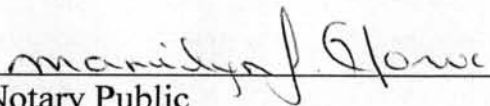
BY: 

TITLE: Vice President

DATE: May 1, 2009

STATE OF New York)
)
COUNTY OF Delaware) ss.:

On the 1 day of May, in the year 2009 before me, the undersigned, personally appeared Mary Anderson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (~~are~~) subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument, the individual(~~s~~), or the person upon behalf of which the individual(~~s~~) acted, executed the instrument.


Notary Public

MARILYN J HOWE
Notary Public - State of New York
NO. 01HO5051720
Qualified in Chenango County
My Commission Expires 11-13-09



Supplementary Remedial Program

A. Work at Village Wastewater Treatment Plant (WWTP)

1. Respondent shall perform weekly influent and effluent monitoring for both filtered and unfiltered PCBs. Respondent shall collect samples using 24 hour composite samplers. This effort began December 22, 2008 and shall continue until there are two (2) consecutive effluent samples showing non detect for the presence of PCBs (with 0.065 ug/l being the level of detection).
2. Within ten (10) days after the effective date of this Modification, the removal of solids from the treatment system shall be accelerated above the current and routine operating removal rate (that is, 20,000 gallons of sludge a week). Preliminary calculations indicate that this rate of solids removal can be doubled using the existing sludge processing equipment (tanks and filter press).
3. During the accelerated solids removal, the flow path in the southern treatment train at the WWTP will be temporarily modified to evaluate if existing solids within the system have the potential for re contaminating influent. This will also (a) provide a means to assess the PCB concentration in the sludge that will result from the current influent PCB concentration and (b) help determine to what extent PCB contaminated solids disposed in the treatment system will adversely impact sludge and effluent quality.
4. Within one hundred fifty (150) days after the effective date of this Modification, Respondent, in consultation with the Village, shall evaluate the success of the work performed at the WWTP and submit the results of the work to the Department, along with recommendations to address any residual PCBs in the effluent (that is, the presence of any detectable PCBs with 0.065 ug/l being the level of detection. The recommendations will be reviewed and approved by the Department and shall include specific actions to be undertaken at the WWTP, along with a work schedule.
5. The Department shall review any additional remedial work to be performed with the Village and the work shall not proceed unless and until Amphenol receives the Village's consent to access the WWTP. Once the Village has given Amphenol consent to proceed with the Department-approved additional remedial work, Amphenol shall be obligated under this Modification to implement the additional remedial work in accordance with a Department-approved schedule. The Department-approved schedule shall become enforceable under this Modification.

B. Work at Amphenol Facility

1. Respondent shall perform mapping and video inspection of the Village's sanitary sewer line that runs under the Amphenol Facility. Respondent shall commence this work within ten (10) days after the effective date of this Modification.

2. Following inspection of the sewer lines, Respondent shall collect three (3) composite samples of the water and three (3) grab samples of sediments (if available) at the three (3) locations identified on the attached map and analyze (unfiltered) for the presence of PCBs.
3. Within ninety (90) days after the effective date of this Modification, Respondent shall submit to the Department the results of the investigative work performed at the Amphenol Facility, along with recommendations to address any residual PCB-impacted solids in the Village's sanitary sewer lines. The recommendations will be reviewed and approved by the Department and shall include specific actions to be undertaken to address any residual PCB-impacted solids in the Village's sanitary sewer lines, along with a work schedule.
4. The Department shall review any additional remedial work to be performed with the Village and the work shall not proceed unless and until Amphenol receives the Village's consent to access its sanitary sewer lines both on and off the site of the Amphenol Facility. Once the Village has given Amphenol consent to proceed with the Department-approved additional remedial work, Amphenol shall be obligated under this Modification to implement the additional remedial work in accordance with a Department-approved schedule. The Department-approved schedule shall become enforceable under this Modification.