

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel

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November 14, 2017

**SENT VIA FIRST CLASS MAIL AND BY
ELECTRONIC MAIL**

Mr. Dale Desnoyers, Esq.
Allen & Desnoyers, LLP
90 State Street
Suite 1009
Albany, NY 12207

**RE: Amendment to Order on Consent and Administrative Settlement
Index No.: CO 4-20160415-79
Site Name: Oak Materials Fluorglas Div., Site No. 442049
Site Name: Oak Materials, a/k/a River Rd., Site No. 442008**

Dear Mr.  Desnoyers:

Attached to complete your files is a copy of the fully executed Amendment to Order on Consent and Administrative Settlement referencing the Oak Materials sites located in Rensselaer County and Honeywell International, Inc.

If you have any questions or concerns relating to this matter, please contact attorney Andrew Guglielmi.

Sincerely,



Maria Mastroianni
Remediation Bureau
Office of General Counsel

ec: C. Bower, Esq., NYSDEC
A. Guglielmi, Esq., NYSDEC



Department of
Environmental
Conservation

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM**

ECL §27-1301 *et seq.*

In the Matter a Remedial Program for

**AMENDMENT TO ORDER ON
CONSENT AND
ADMINISTRATIVE SETTLEMENT
Index No. CO 4-20160415-79**

DEC Site Names/Registry Numbers:

Oak Materials Fluorglas Division - John St Site (No.442049)
Oak Materials Site (a/k/a River Road 1, 2 and 3) (No. 442008)

John Street/3 Lyman Street and
River Road
Hoosick Falls, NY 12090
Rensselaer County

Hereinafter referred to as "Sites"

by: Honeywell International Inc.

Hereinafter referred to as "Respondent"

1. A. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal Sites remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner by such statute.

B. The Department is responsible for carrying out the policy of the State of New York to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.

C. This Amendment to Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13 and ECL 3-0301.

2. Respondent Honeywell International Inc. (Respondent) is a Delaware corporation whose predecessors, Allied-Signal Inc. and AlliedSignal Laminated Systems, owned

and/or operated several industrial facilities in and around the Village of Hoosick Falls and Town of Hoosick that manufactured Teflon or Teflon-related products which used PFOA in the manufacturing process.

3. Respondent entered into Order on Consent and Administrative Settlement Index Number CO 4-20160415-79 with the New York State Department of Environmental Conservation ("NYSDEC") ("Order on Consent") providing for remedial activities at the following properties:

Oak Materials Fluorglas Division Site - John Street
Tax Map/Parcel No.: Section 27.15 Block 13 Lot 1
John Street/3 Lyman Street
Hoosick Falls, NY 12090
Site No.: 442049
Site Size: 0.6 acres

Oak Materials Site (a/k/a River Road 1, 2, and 3)
Tax Map/Parcel No.: Section 37 Block 2 Lots 4, 5 and 6
River Road
Hoosick Falls, NY 12090
DEC Site No.: 442008
Site Size: 11.42 acres

4. The Order on Consent allowed, upon agreement of the parties, Respondent to submit additional Site Characterization Work Plans for other areas or sites in the Village of Hoosick Falls.

5. The parties to the Order on Consent have agreed that Respondent will perform a Site Characterization of groundwater at an additional property, namely, 80 First Street in Hoosick Falls, New York.

6. Respondent consents to the issuance of this Amendment to the Order on Consent ("Amendment") without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the properties; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the properties constitutes a significant threat to the public health or environment.

7. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Amendment, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this

Amendment, and agrees not to contest the validity of this Amendment or its terms or the validity of data submitted to the Department by Respondent pursuant to this Amendment.

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

I. Paragraph I of the Order on Consent is amended to include the following property solely for the purposes of conducting a site characterization of groundwater:

Subject Property Description (A Map of the Site is attached as Exhibit "A")

Former Oak-Mitsui - First Street
Tax Map/Parcel No.: 27.14-7-2; 27.14-7-3; 27.14-8-19
80 First Street
Hoosick Falls, NY 12090
Site No.: 442052
Site Size: approximately 7.4 acres

II. Paragraph II of the Order on Consent is amended provide that Respondent shall submit to the Department an approvable Site Characterization Work Plan for Former Oak-Mitsui - First Street within thirty (30) days after the effective date of this Order.

III. The Department shall have no authority under the Order on Consent to require Respondents to perform any work other than as expressly set forth in the Order on Consent, including Appendix A. Additionally, absent agreement of the parties, nothing in this Amendment requires Respondent to submit work plans, other than the Site Characterization Work Plan, for Former Oak-Mitsui - First Street.

IV. Except as set forth in this Amendment, the Order on Consent is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Order on Consent or Appendix "A" thereto, the terms of this Amendment will prevail.

IV. The effective date of this Amendment to the Order on Consent shall be the day it is signed by the Commissioner or the Commissioner's designee.

DATED: November 13, 2017

BASIL SEGGOS
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

A handwritten signature in black ink, appearing to read "M. Ryan", is written over a horizontal line.

Michael J. Ryan P.E., Assistant Director
Division of Environmental Remediation

CONSENT BY SETTLING RESPONDENT

Settling Respondent hereby consents to the issuing and entering of this Order on Consent and Administrative Settlement, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order on Consent and Administrative Settlement.

Honeywell International Inc.

By (signature):

Print Name:

Title:

Date:

John J. Morris

John J. Morris

Global Remediation Director

11/3/17

ACKNOWLEDGMENT

STATE OF New Jersey ss:

COUNTY OF Passaic

On the 3rd day of November, in the year 2017, before me, the undersigned, personally appeared John J. Morris, personally known to me or proved to me on the basis of satisfactory evidence to 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.

Cheryl L. Toles

Notary Public

Signature and Office of individual taking acknowledgment



EXHIBIT "A"

Sites Location Map

Exhibit A
442052 Former Oak-Mitsui - First Street
Site Boundaries - Based on Tax Parcels

