

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Investigation/Feasibility
Study for an Inactive Hazardous Waste
Disposal Site, Under Article 27, Title 13
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by
by

ORDER
ON
CONSENT
INDEX # A4-0363-9802

Site # 4-47-005

General Electric Company,

Respondent

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Titles 9 and 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled *Industrial Hazardous Waste Management and Inactive Hazardous Waste Disposal Sites*, respectively. This Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Titles 9 and 13 and ECL 3-0301.
2. From 1942 to 1988, General Electric Company ("Respondent") owned and operated a manufacturing facility at 1 Campbell Road in the Town of Rotterdam, New York (the "Site"). In 1988, the Site was sold to Insulating Materials, Inc.; the current owner and operator is Von Roll Isola USA, Inc. ("VRI"). The Site is subject to regulation as an interim status hazardous waste treatment storage and disposal facility pursuant to ECL Article 27, Title 9. There have been various spills and releases of hazardous wastes and substances and other materials associated with manufacturing operations at the Site.
3. The Department has determined that the Site is an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2, and presents a significant threat to the public health or environment. The Site has been listed in the *Registry of Inactive Hazardous Waste Disposal Sites in New York State* as the G.E. Riverview Plant, Site Number 4-47-005. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.

4. A. Pursuant to ECL 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the department, at such site, and (ii) to implement such program within reasonable time limits specified in the order."

B. Pursuant to ECL 71-2727.3.b, whenever the Commissioner "determines that there is or has been a release of hazardous waste or constituents into the environment from a facility which has or has had interim status...the commissioner may issue an order requiring corrective action or such other response measures as he deems necessary to protect human health or the environment."

C. Any person under order pursuant to ECL 27-1313.3.a has a duty imposed by ECL Article 27 to carry out the remedial program committed to under order. ECL 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

D. The Department also has the power, *inter alia*, to provide for the prevention and abatement of all water, land, and air pollution. ECL 3-0301.1.i.

5. Respondent and VRI submitted a report to the Department entitled *Summary Report Riverview Facility, Schenectady, New York* dated July 13, 1998 ("Summary Report") that assimilated the information from the numerous environmental studies, investigations, assessments and remedial activities previously undertaken by Respondent, VRI and Insulating Materials, Inc. The *Summary Report* also discussed the sources, nature and extent of contamination at the Site including the 32 Solid Waste Management Units ("SWMUs") and 3 Areas of Concern ("AOCs") identified in a Resource, Conservation and Recovery Act Facility Assessment ("RCRA RFA") and identified data gaps in existing information that could be filled in through further focused investigation.

6. The Department and Respondent agree that the goals of this Order are for Respondent to (i) develop and implement a Remedial Investigation/Feasibility Study ("RI/FS") for the Site which will address both the inactive hazardous waste disposal site and those SWMUs and AOCs that require further investigation; and (ii) reimburse the State's administrative costs.

7. Respondent, for purposes of settling the matters addressed herein, having waived Respondent's right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms without any admission of the factual or legal findings. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not

to contest the validity of this Order or its terms.

8. VRI is a signatory to this Order solely for the purpose of effectuating arrangements regarding Respondent's and the Department's access to the Site.

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

I. RI/FS Work Plan Contents and Submittals

A. Within 30 days after the effective date of this Order, Respondent shall submit to the Department a detailed work plan describing the methods and procedures to be implemented in performing an RI/FS for the Site ("RI/FS Work Plan").

B. (1) The RI/FS Work Plan shall include, but not be limited to, the following:

a. A chronological description of the anticipated RI/FS activities together with a schedule for the performance of these activities.

b. A Sampling and Analysis Plan that shall include:

(i) A quality assurance project plan that describes the quality assurance and quality control protocols necessary to achieve the initial data quality objectives. This plan shall designate a data validation expert and must describe such individual's qualifications and experience.

(ii) A field sampling plan that defines sampling and data gathering methods in a manner consistent with the *Field Methods Compendium*, OSWER Directive 9285.2-11 (draft June 1993), as supplemented by the Department.

c. A health and safety plan to protect persons at and in the vicinity of the Site during the performance of the RI/FS which shall be prepared in accordance with 29 CFR 1910 and all other applicable standards by a certified health and safety professional. Respondent shall add supplemental items to this plan necessary to ensure the health and safety of all persons at or in the vicinity of the Site during the performance of any work pursuant to this Order.

d. A citizen participation plan that is, at a minimum, consistent with the Department's publication *Citizen Participation in New York's Hazardous Waste Site Remediation Program: A Guidebook*, dated June, 1998, and any subsequent revisions thereto, and 6 NYCRR Part 375.

(2) The RI/FS Work Plan shall incorporate all elements of an RI/FS as

set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") [42 USC 9601 *et seq.*], as amended, the National Contingency Plan ("NCP") of March 8, 1990 [40 CFR Part 300], the USEPA guidance document entitled *Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA*, dated October 1988, and any subsequent revisions to that guidance document in effect at the time the RI/FS Work Plan is submitted, and appropriate USEPA and Departmental technical and administrative guidance documents.

II. Performance and Reporting of Remedial Investigation

A. Respondent shall commence the Remedial Investigation in accordance with the schedule contained in the Department-approved RI/FS Work Plan.

B. Respondent shall perform the Remedial Investigation in accordance with the Department-approved RI/FS Work Plan.

C. During the performance of all field activities undertaken pursuant to this Order, Respondent shall have on-Site a representative who is qualified to supervise the work done.

D. Within the time frame set forth in the Department-approved RI/FS Work Plan, Respondent shall prepare a Remedial Investigation Report that shall:

(1) include all data generated and all other information obtained during the Remedial Investigation:

(2) provide all of the assessments and evaluations set forth in CERCLA, the NCP, and the guidance documents identified in Subparagraph I.B.2;

(3) identify any additional data that must be collected; and

(4) include a certification by the individual or firm with primary responsibility for the day to day performance of the Remedial Investigation that all activities that comprised the Remedial Investigation were performed in full accordance with the Department-approved RI/FS Work Plan.

III. Feasibility Study

A. In accordance with the schedule contained in the Department-approved RI/FS Work Plan, Respondent shall submit a complete Feasibility Study evaluating on-Site and off-Site remedial actions to eliminate, to the maximum extent practicable, all health and environmental hazards and potential hazards at the Site. The Feasibility Study shall be prepared by and have the signature and seal of a professional engineer who shall

certify that the Feasibility Study was prepared in accordance with this Order.

B. Respondent shall perform and prepare the Feasibility Study in accordance with the Department-approved RI/FS Work Plan and in a manner consistent with CERCLA, the NCP, and the guidance documents identified in Subparagraph I.B.2.

C. After the Department's approval of the Feasibility Study, Respondent shall cooperate with and assist the Department in soliciting public comment on the RI/FS and on the proposed remedial action plan, in accordance with CERCLA, the NCP, the guidance documents identified in Subparagraph I.B.2, and with any Department policy and guidance documents in effect at the time the public comment period is initiated. After the close of the public comment period, the Department shall select a final remedial alternative for the site in a Record of Decision ("ROD").

IV. Interim Remedial Measures

A. 1. Respondent may propose one or more Interim Remedial Measures ("IRMs") for the Site.

2. In proposing each IRM, Respondent shall submit to the Department a work plan that includes a chronological description of the anticipated IRM activities together with a schedule for performance of those activities (an "IRM Work Plan" for the Site).

3. Upon the Department's determination that the proposal is an appropriate IRM, and upon the Department's approval of such work plan, the IRM Work Plan shall be incorporated into and become an enforceable part of this Order, and Respondent shall submit to the Department for its review and (as appropriate) approval, in accordance with the schedule contained in the Department-approved IRM Work Plan, detailed documents and specifications prepared, signed, and sealed by a professional engineer to implement the Department-approved IRM. Such documents shall include a health and safety plan, contingency plan, and (if the Department requires such) a citizen participation plan that incorporates appropriate activities outlined in the Department's publication *Citizen Participation in New York's Hazardous Waste Site Remediation Program: A Guidebook*, dated June 1998, and any subsequent revisions thereto, and 6 NYCRR Part 375. Respondent shall then carry out such IRM in accordance with the requirements of the approved IRM Work Plan, detailed documents and specifications, and this Order. Respondent shall notify the Department of any significant difficulties that may be encountered in implementing the Department-approved work plan, detailed documents, or specifications, and shall not modify any obligation unless first approved by the Department.

4. During implementation of all construction activities identified in

the Department-approved IRM Work Plan, Respondent shall have on-Site a representative who is qualified to supervise the work done.

5. Within the schedule contained in the Department-approved IRM Work Plan, Respondent shall submit to the Department a final engineering report prepared by a professional engineer that includes a certification by that individual that all activities that comprised the Department-approved IRM were completed in accordance with the Department-approved IRM Work Plan and this Order.

a. If the performance of the Department-approved IRM encompassed construction activities, the final engineering report shall also include a detailed post-remedial operation and maintenance plan ("IRM O&M Plan"); "as-built" drawings; a final engineering report (each including all changes made to the Remedial Design during construction); and a certification by a professional engineer that the IRM was implemented and all construction activities were completed in accordance with the Department-approved detailed documents and specifications for the IRM and all such activities were personally witnessed by him or her or by a person under his or her direct supervision. The IRM O&M Plan, "as built" drawings, final engineering report and certification must be prepared, signed, and sealed by a professional engineer.

b. Upon the Department's approval of the IRM O&M Plan, Respondent shall implement the IRM O&M Plan in accordance with the requirements of the Department-approved IRM O&M Plan.

6. After receipt of the final engineering report and certification, the Department shall notify Respondent in writing whether the Department is satisfied that the IRM was completed in compliance with the Department-approved IRM Work Plan and design.

V. Progress Reports

Respondent shall submit to the parties identified in Subparagraph XIII.A in the numbers specified therein copies of written monthly progress reports that:

A. describe the actions which have been taken toward achieving compliance with this Order during the previous month;

B. include all results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent;

C. identify all work plans, reports, and other deliverables required by this

Order that were completed and submitted during the previous month;

D. describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site;

E. include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays;

F. include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and

G. describe all activities undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondent shall submit these progress reports to the Department by the 10th day of every month following the effective date of this Order.

Respondent also shall allow the Department to attend, and shall provide the Department at least 7 days advance notice of, any of the following: prebid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.

VI. Review of Submittals

A. 1. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal, except for the submittals discussed in Subparagraph I.B.1.c. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

2. a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within 30 days after receiving written notice that Respondent's submittal has been disapproved, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

b. After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the Department

disapproves the revised submittal, the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary.

VII. Penalties

The failure of Respondent to comply with any term of this Order shall be a violation of this Order and the ECL. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of war, riot, or any other condition or event entirely beyond the control of Respondent or its agent or agents carrying out Respondent's obligations under this Order. Respondent shall, within 5 days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such 5 day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order pursuant to this paragraph.

VIII. Entry upon Site

VRI hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of VRI by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order.

IX. Payment of State Costs

A. Unless Respondent submits written objections as provided in Subparagraph IX.B., within 45 days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for the State's expenses including, but not limited to, direct labor, fringe benefits, indirect costs, travel, analytical costs, and contractor costs incurred by the State of New York for work related to the Site to the effective date of this Order, as well as for reviewing and revising submittals made pursuant to this Order, overseeing activities conducted pursuant to this Order, collecting and analyzing samples, and administrative costs associated with this Order. Such payment shall be made by certified

check payable to the Department of Environmental Conservation and shall be sent to:

Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7010.

Personal service costs shall be documented by reports of Direct Personal Service, which shall identify the employee name, title, biweekly salary, and time spent (in hours) on the project during the billing period, as identified by an assigned time and activity code. Approved agency fringe benefit and indirect cost rates shall be applied. Non-personal service costs shall be summarized by category of expense (*e.g.*, supplies, materials, travel, contractual) and shall be documented by expenditure reports.

B. In the event Respondent believes that any costs included in the itemized invoice referenced in Subparagraph X.A. are either the result of clerical errors or are unrelated to the Department's activities related to the Site, Respondent shall have 30 days from the receipt of such invoice to submit written objections to the invoice. If Respondent submits such written objections, it shall have the opportunity to meet with the Director of the Division of Hazardous Waste Remediation within 60 days of the date the objections were submitted to discuss the costs to which it objects. The Director shall have the authority to relieve Respondent of the obligation to pay any such disputed costs. Respondent shall pay the full amount of the invoice, less any amounts the Director has determined Respondent should be relieved of, within 30 days of the date of the Director's determination.

X. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's civil, criminal, or administrative rights or authorities.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

XI. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and/or any of Respondent's directors,

officers, employees, servants, agents, successors, and assigns.

XII. Public Notice

Within 30 days after the effective date of this Order, Respondent shall cause a Notice to be filed with the Schenectady County Clerk to give all parties who may acquire any interest in the Site notice of this Order.

XIII. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

1. Communication from Respondent or VRI shall be sent to:

William Daigle, P.E.
Division of Environmental Remediation
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

with copies to:

Director, Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square
547 River Street
Troy, New York 12180-2216

Regional Director
Region 4 Headquarters
New York State Department of Environmental Conservation
1150 Westcott Road
Schenectady, New York 12306-2234

Deborah Christian, Esq.
Division of Environmental Enforcement
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-5500

2. Communication to be made from the Department to Respondent shall be sent to:

David J. Engel, Esq.
Legal Operation
GE Plastics
One Plastics Avenue
Pittsfield, Massachusetts 01201

Stephen F. Urschel, CPG
Remedial Projects Manager
GE Plastics
One Plastics Avenue
Pittsfield, Massachusetts 01201

3. Communication to be made from the Department to VRI shall be sent to:

John Privitera, Esq.
McNamee, Lochner, Titus and Williams, P.C.
75 State Street
Albany, New York 12201

Christopher Boehm
Manager, Environmental Compliance
Von Roll Isola USA, Inc.
One West Campbell Road
Schenectady, New York 12306

B. Copies of work plans and reports shall be submitted as follows:

Four copies (one unbound) to Mr. Daigle.

Two copies to the Director, Bureau of Environmental
Exposure Investigation.

One copy to the Regional Director, Region 4.

C. 1. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit to Mr. Daigle a computer readable magnetic media copy of the approved report in American Standard Code for Information Interchange (ASCII) format.

2. Within 30 days after the Department's approval of the RI/FS Work

Plan, Respondent shall submit one microfilm copy of the RI/FS Work Plan to Mr. Daigle.

D. The Department and Respondent reserve the right to designate additional or different addressees for communication upon written notice to the other.

XIV. Miscellaneous

A. All activities and submittals required by this Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous wastes at the Site.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel, and third party data validators acceptable to the Department to perform the technical, engineering, and analytical obligations required by this Order. The experience, capabilities, and qualifications of the firms or individuals selected by Respondent shall be submitted to the Department within 30 days after the effective date of this Order. The Department's approval of these firms or individuals shall be obtained before the start of any activities for which Respondent and such firms or individuals will be responsible. The responsibility for the performance of the professionals retained by Respondent shall rest solely with Respondent.

C. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent, and the Department shall also have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be conducted pursuant to this Order.

E. Respondent shall obtain all permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations necessary to perform Respondent's obligations under this Order. In the event Respondent is unable to obtain necessary permits, easements, rights-of-way, rights-of-entry, approvals or authorizations after documented reasonable efforts, the Department shall, consistent with its legal authority, assist in obtaining, as appropriate, all such authorizations that Respondent was unable to obtain.

F. Respondent and Respondent's officers, directors, agents, servants, employees, successors, and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order. Respondent's officers, directors, employees, servants, and agents shall

be obliged to comply with the relevant provisions of this Order in the performance of their designated duties on behalf of Respondent.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into in order to carry out the obligations identified in this Order upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work in satisfaction of the requirements of this Order.

H. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law. If such individual is a member of a firm, that firm must be authorized to offer professional engineering services in the State of New York in accordance with Article 145 of the New York State Education Law.

I. All references to "days" in this Order are to calendar days unless otherwise specified.

J. The paragraph headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

K. 1. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.

2. If Respondent desires that any provision of this Order be changed, Respondent shall make timely written application, signed by Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to Ms. Christian and to Mr. Daigle.

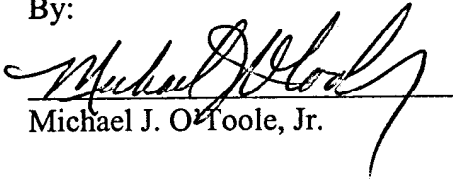
L. Nothing in this Order and no actions or submissions under or by reason of the terms, provisions, and conditions of this Order shall constitute, be construed or operate as an admission, in any action, proceeding or litigation, other than to enforce the terms of this Order, that Respondent has violated any law or regulation or otherwise committed a breach of duty.

M. The effective date of this Order is the date the Commissioner or her designee signs it.

DATED: 6/6, New York
(, 2001)

Erin M. Crotty
COMMISSIONER
New York State Department
of Environmental Conservation

By:


Michael J. O'Toole, Jr.

CONSENT BY RESPONDENT

Respondent General Electric Company hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: _____

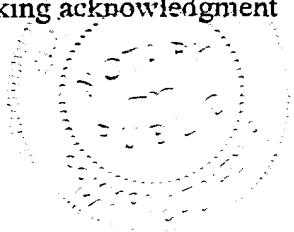
Date: _____

4-13-01

STATE OF MASSACHUSETTS
COUNTY OF BERKSHIRE) s.s.:

On the 13 day of APRIL, in the year 2001, before me, the undersigned, personally appeared PETER Y. SOLMSSEN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of whom the individual acted, executed the instrument.

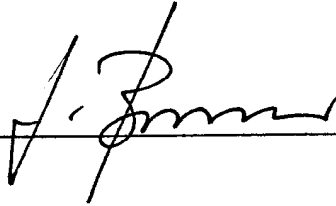
Alaine B. Thorne
NOTARY PUBLIC
Signature and Office of individual
taking acknowledgment



CONSENT BY VON ROLL ISOLA USA, INC.

Von Roll Isola USA, Inc. hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: _____

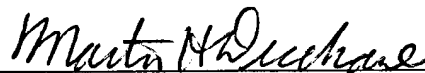


Date: _____

05/21/01

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 21st day of MAY, in the year 2001, before me, the undersigned, personally appeared Jurg Brunner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Signature and Office of individual
taking acknowledgment

MARTIN H. DUCHANE
NOTARY PUBLIC STATE OF NEW YORK
NO 01DUS048104
QUALIFIED IN SCHENECTADY COUNTY
COMMISSION EXPIRES AUGUST 14 2001