

*1 copy - 200-467*  
*1 M - File*

New York State Department of Environmental Conservation



317 Washington St.  
Fifth Floor, State Office Bldg.  
Watertown, NY 13601  
Phone: (315) 785-2238



Henry G. Williams  
Commissioner

August 5, 1985

CERTIFIED

Charles Crandall III Esq.  
410 North Main St.  
P.O. Box 548  
Herkimer, NY 13350

RE: Rose Valley Landfill

Dear Mr. Crandall:

Enclosed herewith is a fully executed copy of the Consent Order in the above referenced matter. Pursuant to Paragraph I please forward a certified check for \$5,000 to:

Regional Attorney  
NYS DEC  
Region 6  
317 Washington Street  
Watertown, NY 13601

If you have any questions, please contact me.

Sincerely,

*Joseph Forti*  
*SJF /ao*

Carol Young  
Regional Attorney  
Region 6

CY/as

Enclosure

cc ✓ John Kenna  
Joseph Forti

Conservation  
SEE

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

---

In the Matter of the  
Alleged Violations of Article 27  
of the Environmental Conservation  
Law and 6 NYCRR, Part 360 by

ORDER  
ON  
CONSENT

GERALD CROUCH, d/b/a  
ROSE VALLEY LANDFILL  
TOWN OF RUSSIA, COUNTY OF HERKIMER,

INDEX #

Respondent.

---

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is responsible for the enforcement of Article 27, Title 13 of the Environmental Conservation Law (the "ECL").

2. Gerald Crouch (the "Respondent") is the owner and operator of the Rose Valley Landfill (the "Site"), located in the Town of Russia, County of Herkimer, State of New York.

3. On November 2, 1983, Respondent signed a Consent Order that provided for closure of his unpermitted facility by December 31, 1985.

4. Paragraph V of that Order requires that Respondent operate the landfill prior to final closure in conformance with 6 NYCRR Part 360.

5. Inspections conducted by the Department on May 18, 1984, June 19, 1984, August 10, 1984, October 18, 1984, November 27, 1984, and April 9, 1985 revealed the following violations:

(a) Leachate was entering surface water in violation

of 6 NYCRR Parts 750-758 and 6 NYCRR 360.8(a)(3).

(b) There was no daily cover or daily cover was inadequate in violation of 6 NYCRR 360.8(b)(1)(vii)(c).

(c) Intermediate and final cover had not been applied in violation of 6 NYCRR 360.8(b)(1)(vii)(d) and (e).

(e) Slopes greater than 1 on 3 exist, vegetative cover is missing or inadequate and soil erosion or other drainage problems exist in violation of 6 NYCRR 360.8(b)(viii)(ix) and (x).

(f) Operation control at the landfill is inadequate in that waste is not being sufficiently confined or controlled; refuse is insufficiently compacted; refuse is spread in layers thicker than two feet; the working face height is greater than ten feet; and equipment on the site is not adequate for proper operation, all in violation of 6 NYCRR 360.8(a)(13); 360.8(a)(16).

6. Respondent, having waived his 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 the terms and conditions hereof.

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

I. A civil penalty in the sum of Ten Thousand Dollars (\$10,000.00) is assessed against Respondent in satisfaction of violations alleged in Paragraph 5 above, provided, however, that Five Thousand Dollars (\$5,000.00) of that

amount shall be suspended upon the condition that Respondent operates the Site in accordance with the following requirements:

(a) The daily operation of the Site is in accordance with 6 NYCRR Part 360.

(b) The slopes of the dump face shall be graded, with soil available on-Site, to achieve a slope of 1 verticle to 3 horizontal without increasing the lateral area of the waste prior to September 1, 1985. (See Site map attached as Appendix A).

(c) The Site be closed in accordance with the plan and schedule submitted to the Department by Respondents in February, 1984, provided, however, that the time period by which Respondent is required to apply final cover to the area described in Paragraph I(b) above be extended until September 1, 1985.

II. Payments required pursuant to Paragraph I shall be made by certified check to Regional Attorney, New York State Department of Environmental Conservation, Region 6, 317 Washington Street, Watertown, New York 13607 by no later than 15 days after the effective date of this Order.

DATED: Watertown, New York *August 5*  
1985

Kenny G. Williams

J E Brown

CONSENT

Respondent, Gerald Crouch hereby waives his right to a hearing herein as provided by law, and consents to the issuance and entry of this Order, and agrees to be bound by the provisions, terms and conditions hereof.

Gerald Crouch  
Gerald Crouch

State of New York    )  
                              ) s.s.:  
County of                )

On this 25 day of July, 1985,  
before me personally came Gerald Crouch, to me known, and  
known to me to be the person described in and who executed  
the foregoing instrument, and acknowledged to me that he  
executed the same.

Cynthia J. Slocum  
Notary Public

CYNTHIA SLOCUM  
Notary Public, State of New York  
Registered in New York County  
My Commission expires March 30, 1987



*John Kenna*

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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CONSENT

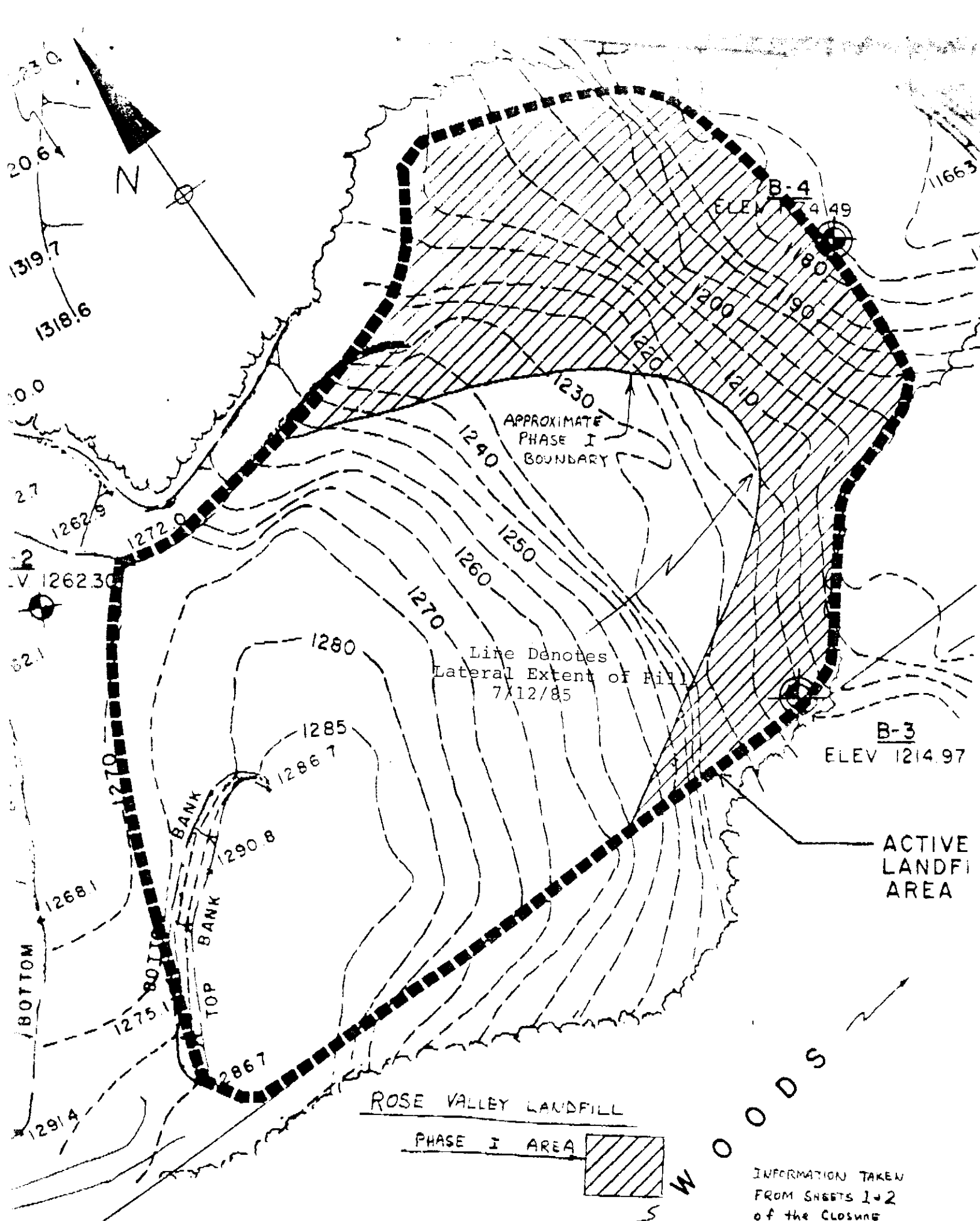
Respondent, Gerald Crouch hereby waives his right to a hearing herein as provided by law, and consents to the issuance and entry of this Order, and agrees to be bound by the provisions, terms and conditions hereof.

Gerald Crouch  
Gerald Crouch

State of New York    )  
                              ) s.s.:  
County of                )

On this 25 day of July, 1985,  
before me personally came Gerald Crouch, to me known, and  
known to me to be the person described in and who executed  
the foregoing instrument, and acknowledged to me that he  
executed the same.

Stephen J. Locum  
Notary Public  
Notary Public for the State of New York  
My Commission Expires 12/31/87



~~CONFIDENTIAL~~  
~~SECRET~~  
New York State Department of Environmental Conservation  
50 Wolf Road, Albany, New York 12233-0001



Henry G. Williams  
Commissioner

July 17, 1985

Charles E. Crandall, III  
Attorney at Law  
410 N. Main Street  
P.O. Box 548  
Herkimer, New York 13350

Re: Rose Valley Landfill

Dear Mr. Crandall:

Enclosed is the Order on Consent which we agreed to on July 12, 1985. If it meets with your approval, please have it executed by Mr. Crouch and return it to me before July 26, 1985 at:

New York State Department of  
Environmental Conservation  
Room 105  
Albany, New York 12233  
(518) 457-3296

I will return a copy to you after it has been signed by the Commissioner.

If you have any questions, please call me.

Sincerely,

*Joseph Forti*

Joseph Forti  
Attorney

JF/jp  
Enclosure

RECEIVED  
JUL 22 1985  
NYS Dept. Environmental Conservation  
REGION 6  
REGIONAL ENGINEER

cc John Kenny

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the  
Alleged Violations of Article 27  
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2. Gerald Crouch (the "Respondent") is the owner and operator of the Rose Valley Landfill (the "Site"), located in the Town of Russia, County of Herkimer, State of New York.

3. On November 3, 1983, Respondent signed a Consent Order that provided for closure of his unpermitted facility by December 31, 1985.

4. Paragraph V of that Order requires that Respondent operate the landfill prior to final closure in conformance with 6 NYCRR Part 360.

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6. Respondent, having waived his 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 the terms and conditions hereof.

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

I. A civil penalty in the sum of Ten Thousand Dollars (\$10,000.00) is assessed against Respondent in satisfaction of violations alleged in Paragraph 5 above, provided, however, that Five Thousand Dollars (\$5,000.00) of that



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II. Payments required pursuant to Paragraph I shall be made by certified check to Regional Attorney, New York State Department of Environmental Conservation, Region 6, 317 Washington Street, Watertown, New York 13607 by no later than 15 days after the effective date of this Order.



CONSENT

Respondent, Gerald Crouch hereby waives his right to appearing herein as provided by law, and consents to the issuance and entry of this Order, and agrees to be bound by the provisions, terms and conditions hereof.

\_\_\_\_\_  
Gerald Crouch

State of New York    )  
                              ) s.s.:  
County of                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1985,  
before me personally came Gerald Crouch, to me known, and  
known to me to be the person described in and who executed  
the foregoing instrument, and acknowledged to me that he  
executed the same.

\_\_\_\_\_  
Notary Public

~~CONFIDENTIAL~~

New York State Department of Environmental Conservation

317 Washington St.  
Fifth Floor, State Office Bldg.  
Watertown, NY 13601  
Phone: (315) 785-2238



Henry G. Williams  
Commissioner

May 23, 1985

CERTIFIED

Mr. Gerald Crouch  
Box 160  
Newport, NY 13416

RE: Rose Valley Landfill

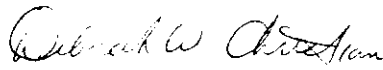
Dear Sir:

On several occasions, Department representatives have documented violations of the Environmental Conservation Law and the rules and regulations promulgated thereunder at the Rose Valley Landfill. These violations also constitute violations of the Consent Order you entered into with the Department on November 3, 1983.

The Department is therefore initiating an administrative action against you, seeking full compliance with the statute, rules and regulations and the Consent Order pending final closure of the landfill, as well as a civil penalty. The particulars are detailed in the enclosed Notice of Hearing and Complaint.

If you have any questions, please call me at 315-785-2238.

Sincerely,

  
Carol Young  
Regional Attorney  
Region 6

CY/as

Enclosure

cc: John Kenna

**RECEIVED**  
MAY 23 1985  
NYS Dept. of Environmental Conservation  
REGION 6  
REGIONAL ENGINEER

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violations of Article 27 of the Environmental Conservation Law and 6 NYCRR Part 360 By:

GERALD CROUCH  
dba Rose Valley Landfill  
Russia (T)  
Herkimer (Co.)

NOTICE OF HEARING  
R-6-0473-85-5

Respondent.

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NOTICE

PLEASE TAKE NOTICE THAT pursuant to Article 3 of the State Administrative Procedure Act of the State of New York, a public hearing will be convened at the following time and place:

July 10, 1985  
1:00 p.m.  
Utica State Office Building  
5th Floor  
207 Genesee Street  
Utica, New York 13501

and any adjourned dates to consider certain violations of ECL Article 27 and 6 NYCRR Part 360 which you are charged with having committed; namely, operating a solid waste management facility not in compliance with 6 NYCRR Part 360 and in violation of the terms of a Consent Order.

PLEASE BE ADVISED THAT pursuant to 6 NYCRR Part 622.5(a), within 20 days of receipt of the complaint, you shall serve the Department your answer to this complaint; that you may appear at the hearing in person or by representative; with or without counsel; that all witnesses will testify under oath, and a record of the proceeding will be made; that you may produce witnesses and evidence in your own behalf; that you may request issuance of subpoenas to compel attendance of witnesses and production of records relating to the matter under investigation; that you may cross-examine witnesses and examine evidence produced against you.

PLEASE BE FURTHER ADVISED THAT whether or not you appear, the hearing will convene at the stated time and place and, should you be found in violation of the Environmental Conservation Law of the State of New York, an Order may be issued and entered against you and penalties may be assessed against you.

PLEASE BE FURTHER ADVISED THAT if you wish to settle your liability on the above matters, you must contact the undersigned no later than 10 days prior to the scheduled hearing.

DATED: *May 23, 1985*

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
Henry G. Williams, Commissioner

By *Carol Young*  
Carol Young, Of Counsel  
317 Washington Street  
Watertown, New York 13601  
(315)785-2238

TO: Mr. Gerald Crouch  
dba Rose Valley Landfill  
Box 160  
Newport, New York 13416

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violations of Article 27 of the Environmental Conservation Law and 6 NYCRR Part 360 By:

GERALD CROUCH  
dba Rose Valley Landfill  
Russia (T)  
Herkimer (Co.)

COMPLAINT

R-6-0473-85-5

Respondent.

---

The Department of Environmental Conservation of the State of New York ("Department"), complaining against the Respondent in the above entitled proceeding, alleges:

JURISDICTION

1. The Department is responsible for the enforcement of Article 27, Title 7 of the ECL and all rules and regulations promulgated pursuant thereto.
2. Upon information and belief, Respondent is the owner and operator of a solid waste management facility in the Town of Russia, County of Herkimer, State of New York and does business under the name of Rose Valley Landfill.

AS A CAUSE OF ACTION

3. On November 3, 1983, Respondent signed a Consent Order that provided for closure of his unpermitted facility by December 31, 1985. A copy of that Order is attached hereto and made a part hereof.
4. Paragraph V of that Order requires that Respondent operate the landfill prior to final closure in conformance with 6 NYCRR Part 360.
5. Inspections conducted by the Department on May 18, 1984, June 19, 1984, August 10, 1984, October 18, 1984, and October 24, 1984, and May 5, 1985 revealed the following violations:

(a) Leachate was entering surface water in violation of 6 NYCRR Parts 750-758 and 6 NYCRR 360.8(a)(3).

(b) There was no daily cover or daily cover was inadequate in violation of 6 NYCRR 360.8(b)(1)(vii)(c).

(c) Intermediate and final cover had not been applied in violation of 6 NYCRR 360.8(b)(1)(vii)(d) and (e).

(d) Open burning of refuse was being conducted without a permit in violation of 6 NYCRR Part 215 and 6 NYCRR 360.8(a)(15).

(e) Slopes greater than 1 on 3 exist, vegetative cover is missing or inadequate and soil erosion or other drainage problems exist in violation of 6 NYCRR 360.8(b)(viii)(ix) and (x).

(f) Operation control at the landfill is inadequate in that waste is not being sufficiently confined or controlled; refuse is insufficiently compacted; refuse is spread in layers thicker than two feet; the working face height is greater than ten feet; and equipment on the site is not adequate for proper operation, all in violation of 6 NYCRR 360.8(a)(13); 360.8(a)(16).

6. Respondent has thus violated the terms of its Consent Order by its failure to operate in conformance with 6 NYCRR Part 360 until final closure.

RELIEF REQUESTED

WHEREFORE, the Commissioner of Environmental Conservation is hereby requested to:

I. Issue an Order finding Respondent in violation of the cited regulations and the terms of the Consent Order entered into by the Respondent.



II. Order Respondent to close its landfill in accordance with Article 27, 6 NYCRR Part 360 and the terms of its Consent Order.

III. Order Respondent to immediately comply with ECL Article 27, 6 NYCRR Part 360 and the terms of its Consent Order.

IV. Assess a civil penalty against respondent in the amount of \$2,500 for each of the six enumerated violations as set forth in subparagraphs (a)-(f) of paragraph 5 of this complaint for a total of \$15,000 plus \$1,000 for each day of continuing violation as provided in ECL §71-2703(1).

V. Order Respondent to take whatever additional action as may be just and proper under the circumstances.

DATED: *May 23, 1985*

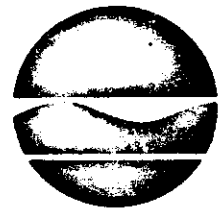
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
Henry G. Williams, Commissioner

By *Carol Young*  
Carol Young, Of Counsel  
317 Washington Street  
Watertown, New York 13601  
(315)785-2238

TO: Mr. Gerald Crouch  
dba Rose Valley Landfill  
Box 160  
Newport, New York 13416

New York State Department of Environmental Conservation

317 Washington Street  
Watertown, New York 13601  
315-782-0100, Ext. 513



Robert F. Flacke  
Commissioner

June 30, 1982

Mr. Phillip D. O'Donnell  
Attorney At Law  
121 Mary Street  
Herkimer, New York 13350

Dear Mr. O'Donnell:

Enclosed find a copy of the consent order for the Rose Valley land-fill as per your request to Mr. Phaneuf dated June 23, 1982.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. Guiendon", is written over the typed name.

Robert J. Guiendon, P.E.  
Associate Sanitary Engineer  
Region 6

RJG:kw  
Enclosure

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violation of 6 NYCRR Part 360 by: -----X

Gerald Crouch  
Rose Valley Road  
Newport, New York 13416      RESPONDENT

CONSENT ORDER  
File No.

WHEREAS: -----X

1. The Environmental Conservation Law ("ECL") authorizes the Department of Environmental Conservation ("Department") to promulgate regulations concerning the operation of solid waste management facilities. (Sec. 27-0703)

2. Pursuant to this authority, the Department has promulgated 6 NYCRR Part 360 which requires that:

(a) leachate must not be allowed to drain or discharge into surface waters; and shall not contravene groundwater quality standards established by the Department (Sec. 360.8a3)

(b) daily cover shall be placed on all solid waste prior to the end of each operating day. (Sec. 360.8blviic)

(c) no person shall operate a solid waste management facility except in accordance with a valid operation permit issued to such person by the Department (Sec. 360.2b)

3. Respondent is the operator of a solid waste management facility in the Town of Newport, Herkimer County, New York ("facility").

4. On a recent survey, a representative of the Department examined the facility and noted the following violations of Part 360:

(a) leachate was flowing from the site into surface waters

(b) leachate was contravening groundwater quality standards established by the Department.

(c) daily, intermediate and final cover of soil was inadequate.

(d) respondent has not submitted an acceptable permit application in compliance with Part 360 requirements.

5. Respondent hereby waives its right to a hearing as provided by law and agrees to be bound by the terms of this Order.

NOW THEREFORE, having considered this matter and being duly advised, it is ORDERED:

I. Both before and after the date of this Order, non-compliance with the above regulations constitutes a continuing violation of the regulation and the ECL; provided, however, that no action for penalties or any other remedial work for such violation other than the present proceeding, shall be instituted by the Department so long as Respondent complies with the terms of this Order and completes the following program of corrective actions.

A. Upgrade the site to a state of complete compliance with Part 360 by August 31, 1982 in the following manner:

1. By December 31, 1981 - submit engineering plans to upgrade the landfill site to Part 360 standards. Such plans shall include capping the previously filled areas as per final cover requirements (Sec. 360.1(c)13) and implementing a seeding program. Such plans shall also include measures for collection and treatment of leachate. The plans shall be prepared by a professional engineer licensed in the State of New York.

2. After the Department approved the plans, commence and complete construction as follows:

- (a) By May 1, 1982 - commence construction of the approved leachate collection and treatment system.
- (b) By June 1, 1982 - cap landfill site according to plans.
- (c) By July 1, 1982 - complete construction and achieve satisfactory operation of site in accordance with plans submitted in (1) above.

3. Thereafter operate the facility in compliance with Part 360.

4. Take water quality samples quarterly from the site monitoring wells. The samples must be analyzed for parameters established by the Department, and the results promptly reported to the Department.

II. To ensure compliance with this Order, the ECL, and rules and regulations thereunder, authorized representatives of the Department shall be permitted access to Respondent's premises in order to make inspections, to see that Respondent is in compliance.

III. The Department will take no further action in this matter so long as Respondent fully complies with the requirements of this Order.

IV. If Respondent cannot comply with the aforementioned schedule because of an act of God, war, strike, riot, or other catastrophe as to which negligence or willful misconduct on the part of Respondent was not the proximate cause, he shall apply in writing to the Commissioner, withing 15 days of such catastrophe for an extension or modification of such schedule.

V. No change in this Order shall be effective except as set forth in a written order of the Commissioner: (a) upon written application by Respondent and with specific justification for the relief sought, or (b) upon the Commissioner's own findings after an opportunity to be heard has been given to the Respondent, or (c) pursuant to the summary abatement provisions of the ECL.

VI. This Order shall be deemed to bind Respondent, his agents, servants, employees, successors, grantees, and assigns.

DATED, WATERTOWN, NEW YORK <sup>2</sup>  
*February 19*, 1981

ROBERT F. FLACKE, COMMISSIONER  
New York State Department of  
Environmental Conservation

BY

*John E. Wilson*  
John E. Wilson, Regional Director  
Region 6

TO: Gerald Crouch  
Rose Valley Road  
Newport, New York 13416

BY

DATE

*Gerald Crouch*  
*2-8-82*

CORPORATE ACKNOWLEDGEMENT

STATE OF *New York* )  
COUNTY OF *Herkimer* ) SS.:

On this *8th* day of *February*, 1981<sup>*2*</sup>, before me personally came  
*Gerald Cronin* to me known, who being by me duly sworn, did  
depose and say that he is the  
of *owner-operator*  
the corporation described in and which executed the foregoing instrument; and  
that he signed his name as authorized by said corporation.

*W. Marie Dedrick*  
NOTARY PUBLIC

W. MARIE DEDRICK  
NOTARY PUBLIC STATE OF NEW YORK  
REGISTERED IN HERKIMER COUNTY  
MY COMMISSION EXPIRES MARCH 30, 19 *82*

-----X  
In the Matter of the Alleged Violation of 6 NYCRR Part 360 by:

Gerald Crouch  
Rose Valley Road  
Newport, New York 13416

RESPONDENT

CONSENT ORDER  
File No.

-----X  
WHEREAS:

1. The Environmental Conservation Law ("ECL") authorizes the Department of Environmental Conservation ("Department") to promulgate regulations concerning the operation of solid waste management facilities. (Sec. 27-0703)

2. Pursuant to this authority, the Department has promulgated 6 NYCRR Part 360 which requires that:

(a) leachate must not be allowed to drain or discharge into surface waters; and shall not contravene groundwater quality standards established by the Department (Sec. 360.8a3)

(b) daily cover shall be placed on all solid waste prior to the end of each operating day. (Sec. 360.8b1viic)

(c) no person shall operate a solid waste management facility except in accordance with a valid operation permit issued to such person by the Department (Sec. 360.2b)

3. Respondent is the operator of a solid waste management facility in the Town of Newport, Herkimer County, New York ("facility").

4. On a recent survey, a representative of the Department examined the facility and noted the following violations of Part 360:

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(d) respondent has not submitted an acceptable permit application in compliance with Part 360 requirements.

5. Respondent hereby waives its right to a hearing as provided by law and agrees to be bound by the terms of this Order.

NOW THEREFORE, having considered this matter and being duly advised, it is ORDERED:

I. Both before and after the date of this Order, non-compliance with the above regulations constitutes a continuing violation of the regulation and the ECL; provided, however, that no action for penalties or any other remedial work for such violation other than the present proceeding, shall be instituted by the Department so long as Respondent complies with the terms of this Order and completes the following program of corrective actions.

A. Upgrade the site to a state of complete compliance with Part 360 by August 31, 1982 in the following manner:

1. By December 31, 1981 - submit engineering plans to upgrade the landfill site to Part 360 standards. Such plans shall include capping the previously filled areas as per final cover requirements (Sec. 360.1(c)13) and implementing a seeding program. Such plans shall also include measures for collection and treatment of leachate. The plans shall be prepared by a professional engineer licensed in the State of New York.

2. After the Department approved the plans, commence and complete construction as follows:

- (a) By May 1, 1982 - commence construction of the approved leachate collection and treatment system.

- (b) By June 1, 1982 - cap landfill site according to plans.

- (c) By July 1, 1982 - complete construction and achieve satisfactory operation of site in accordance with plans submitted in (1) above.

3. Thereafter operate the facility in compliance with Part 360.

4. Take water quality samples quarterly from the site monitoring wells. The samples must be analyzed for parameters established by the Department, and the results promptly reported to the Department.



II. To ensure compliance with this Order, the ECL, and rules and regulations thereunder, authorized representatives of the Department shall be permitted access to Respondent's premises in order to make inspections, to see that Respondent is in compliance.

III. The Department will take no further action in this matter so long as Respondent fully complies with the requirements of this Order.

IV. If Respondent cannot comply with the aforementioned schedule because of an act of God, war, strike, riot, or other catastrophe as to which negligence or willful misconduct on the part of Respondent was not the proximate cause, he shall apply in writing to the Commissioner, withing 15 days of such catastrophe for an extension or modification of such schedule.

V. No change in this Order shall be effective except as set forth in a written order of the Commissioner: (a) upon written application by Respondent and with specific justification for the relief sought, or (b) upon the Commissioner's own findings after an opportunity to be heard has been given to the Respondent, or (c) pursuant to the summary abatement provisions of the ECL.

VI. This Order shall be deemed to bind Respondent, his agents, servants, employees, successors, grantees, and assigns.

DATED, WATERTOWN, NEW YORK <sup>2</sup>  
*February 15*, 1981

ROBERT F. FLACKE, COMMISSIONER  
New York State Department of  
Environmental Conservation

BY *John E. Wilson*  
John E. Wilson, Regional Director  
Region 6

TO: Gerald Crouch  
Rose Valley Road  
Newport, New York 13416

BY *Gerald Crouch*

DATE *2-8-82*

CORPORATE ACKNOWLEDGEMENT

STATE OF *New York* )  
COUNTY OF *Herkimer* ) SS.:

On this *8th* day of *February*, 198*2*, before me personally came *Gerald Crouch* to me known, who being by me duly sworn, did depose and say that he is the of *owner - operator* the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.

*W. Marie Dedrick*  
NOTARY PUBLIC  
W. MARIE DERRICK  
NOTARY PUBLIC STATE OF NEW YORK  
REGISTERED IN HERKIMER COUNTY  
MY COMMISSION EXPIRES MARCH 30, 19*82*