

Remington Rand

270 Michigan Avenue, Buffalo, New York 14203-2999

February 5, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Guy P. Hoadley, Esq.
Wise & Marsac
11th Floor Buhl Building
Detroit, Michigan 48226

FEB 08 1993
HAZ. WASTE REM.
D.E.C. REG. #8

RE: Unisys Corporation RD/RA Order on Consent
Inactive Hazardous Waste Site Number 808005

Dear Mr. Hoadley:

Enclosed please find a fully executed original of the above-referenced Consent Order, together with copies of the Site Map and Record of Decision which are Appendices to the Order. The Order was signed on behalf of the Department on February 1, 1993.

If you have any questions, please contact me.

Very truly yours,

James M. Hazel
Senior Attorney
Division of Environmental
Enforcement

JMH:H:jab
H91UNSYS

Enclosure

cc: (with copy of Order without Appendices)
A. Carlson - NYSDOH, Albany
M. Mehta - DHWR, Region 8
W. Mugden - USEPA, Region II

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Program 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

ORDER
ON
CONSENT
INDEX #B8-0203-87-09

UNISYS CORPORATION

Respondent.

Site Code #808005

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is entered into pursuant to the Department's authority under ECL Article 27, Title 13 and ECL Section 3-0301.

2. Unisys Corporation ("Respondent") is a corporation incorporated in Delaware and is authorized to and is conducting business in the State of New York. Respondent was formerly Burroughs Corporation and is the successor by merger to Sperry Corporation.

3. Respondent formerly owned a parcel of land consisting of approximately 70 acres situated within the Town of Southport, County of Chemung, New York a portion of which land was

identified by the Department in the Registry of Inactive Hazardous Waste Disposal Sites as "Remington Rand Machine; Division of Sperry Rand" Site Number 808005 (the "RRMDSR Site"). A map of the Site is attached as Appendix "A".

4. Respondent entered into an Order on Consent, Index #B8-203-87-09, with the Department on December 11, 1988 (the "RI/FS Consent Order"). Pursuant to the RI/FS Consent Order, Respondent performed a Remedial Investigation/Feasibility Study for the RRMDSR Site.

5. Following a period of public comment, the Department selected a final remedial alternative for the RRMDSR Site in a Record of Decision ("ROD"). The ROD, attached to this Order as Appendix "B," is incorporated as an enforceable part of this Order.

6. The RRMDSR Site is an "inactive hazardous waste disposal site", as that term is defined at ECL Section 27-1301.2, and presents a significant threat to the public health or environment. The RRMDSR Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 808005. The Department has classified the Site as a Classification "2" pursuant to ECL Section 27-1305.4.b.

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

8. The Department and Respondent agree that the goals of this Order are for Respondent to (i) develop and implement, in accordance with the ROD, an inactive hazardous waste disposal site remedial program ("Remedial Program") for the RRMDSR Site that shall include design and implementation, and operation, maintenance and monitoring of the selected remedial alternative; and (ii) reimburse the Department's administrative costs.

9. Respondent, having waived its right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, without any admission of liability, 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 Order, and agrees not to contest the validity of this Order or its terms in any proceeding brought to enforce this Order.

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

I. Remedial Design Contents

A. Within 75 days after the effective date of this Order, Respondent shall submit to the Department a remedial design to implement the remedial alternative for the Site selected by the Department in the ROD (the "Remedial Design"). The Remedial Design shall be prepared by and have the signature and seal of a professional engineer, who may be an employee of Respondent, who shall certify that the Remedial Design was prepared in accordance with this Order.

B. The Remedial Design shall include the following:

1. A detailed description of the remedial objectives and the means by which each essential element of the selected remedial alternative will be implemented to achieve those objectives, including, but not limited to:

a. the construction and operation of Site controls;

b. the collection, destruction, treatment, and/or disposal of hazardous wastes and substances and their constituents and degradation products, and of any soil or other materials contaminated thereby as identified in and consistent with the ROD;

- c. off-Site treatment and disposal of waste/soil that has been excavated in accordance with the ROD;
- d. physical security and posting of the Site;
- e. health and safety of persons living and/or working at or in the vicinity of the Site;
- f. quality control and quality assurance procedures and protocols to be applied during implementation of the Remedial Design; and
- g. monitoring which integrates health and safety needs which are present on-Site and off-Site during implementation of the Department-selected remedial alternative.

2. "Biddable Quality" documents for the Remedial Design including, but not limited to, documents and specifications prepared, signed, and sealed by a professional engineer, who may be an employee of Respondent. These plans shall satisfy all applicable local, state and federal laws, rules and regulations;

3. A time schedule to implement the Remedial Design;

4. The parameters, conditions, procedures, and protocols to determine the effectiveness of the Remedial Design, including a schedule for periodic sampling of groundwater monitoring wells as specified in the ROD;

5. A description of operation, maintenance, and monitoring activities to be undertaken after the Department has

approved construction of the Remedial Design, including the number of years during which such activities will be performed;

6. A contingency plan to be implemented if any element of the Remedial Design fails to achieve any of its objectives or otherwise fails to protect human health or the environment;

7. A health and safety plan for the protection of persons at and in the vicinity of the Site during construction and after completion of construction. This plan shall be prepared in accordance with 29 C.F.R. 1910 by a certified health and safety professional; and

8. A citizen participation plan which incorporates appropriate activities outlined in the Department's publication, "New York State Inactive Hazardous Waste Citizen Participation Plan," dated August 30, 1988, and any subsequent revisions thereto.

II. Remedial Design Construction and Reporting

A. Within 60 days of the Department's approval of the Remedial Design, Respondent shall commence implementation of the Remedial Design.

B. Respondent shall implement the Remedial Design in accordance with the Department-approved Remedial Design.

C. During implementation of all construction activities identified in the Remedial Design, Respondent shall have on-Site a full-time representative, who may be an employee of Respondent, who is qualified to supervise the work done.

D. Within 60 days after completion of the construction activities identified in the Remedial Design, Respondent shall submit to the Department a detailed post-remedial operation and maintenance plan ("O & M Plan"); "as-built" drawings and a final engineering report (each including all changes made to the Remedial Design during construction); and a certification by a professional engineer, who may be an employee of Respondent, that the Remedial Design was implemented and all construction activities were completed in accordance with the Department-approved Remedial Design. The O & M Plan, "as built" drawings, final engineering report, and certification must be prepared, signed, and sealed by a professional engineer.

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

→ F. After receipt of the "as-built" drawings, final engineering report, and certification, the Department shall notify Respondent in writing whether the Department is satisfied that all construction activities have been completed in compliance with the approved Remedial Design.

→ G. If the Department concludes that any element of the Remedial Program fails to achieve its objectives or otherwise fails to protect human health or the environment, the Department may seek to require that Respondent take whatever action the Department determines necessary to achieve those

objectives or to ensure that the Remedial Program otherwise protects human health and the environment.

III. Progress Reports

Respondent shall submit to the parties identified in subparagraph XII.B. in the numbers specified therein copies of written monthly progress reports that (i) describe the actions which have been taken toward achieving compliance with this Order during the previous month; (ii) 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; (iii) identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month; (iv) 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 RRMDSR Site; (v) include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays; (vi) include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and (vii) 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 tenth day of every month following the effective date of this Order.

IV. 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. The Department shall notify Respondent in writing of its approval or disapproval of the submittal, except for the submittal discussed in subparagraph I.B.(7). 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 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, Respondent shall be in violation of this Order (unless Respondent has invoked the dispute resolution

provisions of subparagraph IV.C. hereof) and 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. The Department may require Respondent to modify and/or amplify and expand a submittal 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 to achieve the objectives of the ROD. Respondent may invoke the dispute resolution provisions of subparagraph IV.C. hereof, if Respondent disputes such determination.

C. 1. If the Department disapproves a revised submittal or makes a determination pursuant to subparagraph IV. B., Respondent shall be in violation of this Order unless, within 10 days of receipt of the Department's notice of disapproval or determination, Respondent requests to meet with the Director of the Division of Hazardous Waste Remediation ("the Director") in order to discuss the Department's objections and Respondent is available to meet immediately thereafter. At this meeting, Respondent shall be given an opportunity to present its responses to the Department's objections or determinations, and the Director shall have the authority to modify and/or withdraw such objections or determinations. Respondent shall revise a disapproved submittal in accordance

with the Department's specific comments, as may be modified, except for those which have been withdrawn by the Director, and shall submit a revised submittal. The period of time within which the submittal must be revised as specified by the Department in its notice of disapproval shall control unless the Department revises the time frame during the meeting referenced above.

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

3. If the revised submittal fails to address the Department's specific comments, as modified, and the Department disapproves the revised Report for this reason or the Department makes a determination pursuant to subparagraph IV. B. which is subject to this subparagraph IV. C. and Respondent does not implement same, the Department and Respondent may pursue whatever legal or equitable remedies may be available to them or either of them, without prejudice to either's right to contest the same.

4. The invocation of the procedures under this subparagraph shall not of itself extend, postpone or affect in any way any of Respondent's obligations under this Order. Nothing in this Order shall be construed to allow any dispute by Respondent regarding the validity of the ROD's provisions.

V. Penalties

A. (1) Respondent's failure to comply with any

obligation under this Order constitutes a violation of this Order and the ECL.

(2) Respondent shall be liable for payment to the Department of the sums set forth below as stipulated penalties for each day or part thereof that the Respondent is in violation of the terms of this Order. All penalties begin to accrue on the first day Respondent is in violation of the terms of this Order and continue to accrue through the final day of correction of any violation. Such sums shall be due and payable within 45 days after receipt of notification from the Department assessing the penalties. If such payment is not received within 45 days after Respondent receives such notification from the Department, interest shall be payable at the annual rate of nine per centum on the overdue amount from the day on which it was due through, and including, date of payment. Penalties shall be paid by certified check or money order, made payable to "New York State Department of Environmental Conservation" and shall be delivered personally or by certified mail, return receipt requested, to the Director, Division of Environmental Enforcement, N.Y.S.D.E.C., 50 Wolf Road, Albany, New York 12233-5500. Payment of the penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order. Stipulated penalties shall be due and payable under subparagraph V.A.(2) pursuant to the following schedule:

<u>Period of Non-Compliance</u>	<u>Penalty Per Day</u>
First through 7th day	\$ 750
8th through 15th day	\$1,000
16th through 30th day	\$ 5,000
31st day and thereafter	\$ 10,000

B. 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 an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence could not have prevented. Respondent shall, within five 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 five-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 subparagraph V. B.

VI. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of Respondent 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. Respondent shall provide the Department with suitable office space at the Site, including access to a telephone, and shall permit the Department full access to all records relating to matters addressed by this Order and job meetings.

VII. Payment of State Costs

A. Within 60 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, overhead, travel, analytical costs, and contractor costs incurred by the State of New York for work performed at the Site to date, as well as for negotiating this Order, reviewing and revising submittals made pursuant to this Order, overseeing activities conducted pursuant to this Order, and collecting and analyzing samples. Such payment shall be made by certified check payable to the Department of Environmental Conservation. Payment shall be sent to the Bureau of Program Management, Division of Hazardous Waste Remediation, N.Y.S.D.E.C., 50 Wolf Road, Albany, NY 12233-7010. Itemization of the costs shall include an accounting of personal services indicating 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. This information shall be documented by quarterly reports of Direct Personal Service.

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 the New York State Office of the State Comptroller's quarterly expenditure reports.

B. If the Department does not receive such payment within 60 days after receipt of such itemized invoice, Respondent shall be in violation of this Order and the ECL unless, within that 60-day period, Respondent requests to meet with the Director of the Division of Hazardous Waste Remediation ("the Director") in order to discuss any specific objection Respondent may have to the invoice and the reason for its objection and Respondent is available to meet immediately thereafter. At this meeting, Respondent shall be given an opportunity to present its position respecting each objection to such invoice, and the Director shall have the authority to modify and/or withdraw such invoice. Respondent shall pay the invoice, as may be revised, within that period of time as the Director may specify. If Respondent fails to make such payment within such time period, Respondent shall be in violation of this order and the ECL. The invocation of the procedures under this subparagraph shall not of itself extend, postpone or affect in any way any of Respondent's obligations under this Order.

VIII. 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 rights including, but not limited to nor exemplified by, the following:

1. the Department's right to bring any action or proceeding against anyone other than Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;

2. the Department's right to enforce this Order against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns if Respondent fails to satisfy any of the terms of this Order;

3. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances or constituents at or from the Site, or areas in the vicinity of the Site attributable to the Site;

→ 4. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to hazardous substances that are present at the Site or that have migrated from the Site;

5. the Department's right to bring any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns; and

6. the Department's right to gather information and enter and inspect property and premises.

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

IX. Respondent Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any rights of Respondent to bring any action or proceeding against anyone other than the Department and the State of New York.

B. Subject to subparagraph IX.D., this Order shall not be regarded as proof or evidence in any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns.

C. Subject to subparagraph IX.D., nothing contained in this Order shall be regarded as proof or evidence in any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns.

D. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting the Department's right to use, in any administrative, civil or criminal proceeding, any data or information, including any data developed or information obtained pursuant to this Order or pursuant to activities conducted under the terms of this Order.

E. 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 in any proceeding brought to enforce this Order. Respondent otherwise reserves all rights to contest the authority or jurisdiction of the Department to issue or enforce this Order and to contest the validity of this Order or its terms.

F. In consideration of Respondent's compliance with the provisions of this Order and as long as Respondent continues in compliance with an approved Remedial Program and this Order, the Department will not bring any action against Respondent to require it to undertake remedial activities that are the subject of this Order in a manner inconsistent with or duplicative of the terms of an approved Remedial Program.

X. 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 Respondent's directors, officers, employees, servants, agents, successors, and assigns.

XI. Public Notice

Within 30 days after the effective date of this Order, Respondent shall file a Declaration of Covenants and

Restrictions with the Clerk of the County wherein the Site is located to give all parties who may acquire any interest in the Site notice of this Order.

XII. 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:

Communication from Respondent shall be sent to:

1. M. D. Mehta
New York State Department of Environmental
Conservation
Region 8 - 6274 E. Avon-Lima Road
Avon, New York 14414
2. Director, Bureau of Environmental Exposure
Investigation
New York State Department of Health
2 University Place
Albany, New York 12203
3. Peter Bush, Regional Director
New York State Department of Environmental
Conservation
Region 8 - 6274 E. Avon-Lima Road
Avon, NY 14414
4. James Hazel, Senior Attorney
Division of Environmental Enforcement
New York State Department of Environmental
Conservation
270 Michigan Avenue
Buffalo, New York 14203-2999

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

1. Four copies (one unbound) to
M. D. Mehta
2. Two copies to the Director, Bureau of
Environmental Exposure Investigation.

3. One copy to Division of Hazardous Waste
Remediation
New York State DEC
50 Wolf Road
Albany, New York 12233-7010

4. One copy to
James Hazel, Esq.

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

Mr. Kevin Earley
Unisys Corporation
Corporate Environmental Affairs
P.O. Box 203
Paoli, PA 19301

with a copy to:

Guy P. Hoadley, Esq.
Wise & Marsac
Buhl Building - 11th Floor
Detroit, MI 48226

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

XIII. Miscellaneous

A. Respondent shall retain professional
consultants, contractors, laboratories, quality
assurance/quality control personnel, and data validators, who
may be employees of Respondent, 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. 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.

B. 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 also shall have the right to take its own samples. Respondent and Department shall make available to each other 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.

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

D. Respondent shall obtain all permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations necessary to perform Respondent's obligations under this Order.

Respondent shall promptly notify the Department in the event of Respondent's inability to obtain such authorizations on a timely basis. In the event Respondent is unable to obtain the necessary authorizations required to perform its obligations under this Order, the Department shall, consistent with its legal authority, assist in obtaining all such authorizations Respondent was unable to obtain or which Respondent could not obtain without terms or conditions which would effectively

prevent implementation of the Remedial Program. If Respondent cannot obtain such authorizations on a timely basis, the time for performance of any obligation dependent upon such authorization shall be appropriately extended. If Respondent cannot obtain such authorization, this Order may be appropriately modified.

E. Respondent, and its successors and assigns, shall be bound by this Order. Respondent, through its officers, directors, agents, servants, employees, successors, and assigns shall be responsible for implementing the terms of 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.

F. Respondent shall provide relevant portions 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 relevant terms of this Order. Respondent or Respondent's contractors shall provide written notice of the relevant provisions 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.

G. 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.

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

I. The section 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.

J. (1) The terms of this Order shall constitute the complete and entire Order between Respondent and the Department concerning the Site. 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:

James Hazel, Esq.
Division of Environmental Enforcement
New York State Department of Environmental
Conservation
270 Michigan Avenue
Buffalo, New York 14202-2999

M. D. Mehta
New York State Department of Environmental
Conservation
6274 E. Avon-Lima Road
Avon, New York 14414

K. The effective date of this Order shall be the
date it is signed by the Commissioner or his designee.

DATED: *Albany*, New York
February 1, 1993

ANN DeBARBIERI
Deputy Commissioner
New York State Department of
Environmental Conservation

Anna DeBarieri

CONSENT BY RESPONDENT

Respondent 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.

UNISYS CORPORATION

By: Ronald C. Anderson

Ronald C. Anderson
(Type Name Of Signer)

Title: Assistant Secretary

Date: January 5, 1993

Pennsylvania
STATE OF ~~NEW YORK~~)
COUNTY OF Montgomery) S.S.:

On this fifth day of January, 1993,
before me personally came Ronald C. Anderson, to
me known, who being duly sworn, did depose and say that he
resides in Blue Bell, Pennsylvania;
that he is the Assistant Secretary of the
Unisys corporation described in and
which executed the foregoing instrument; that he knew the seal
of said corporation that the seal affixed to said instrument was
such seal; that it was so affixed by the order of the Board of
Directors of said corporation and that he signed his name
thereto by like order.

Carol A. Gorman
Notary Public