

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM
ECL § 27-1301 *et seq.*

In the Matter a Remedial Program for

**ORDER ON CONSENT AND
ADMINISTRATIVE SETTLEMENT**
Index No. R8-20200903-106
First Modification

DEC Site Name: 3148 Van Etten Road
DEC Site No.: 851061
Site Address: 3148 Van Etten Road
Corning, NY 14830

Hereinafter referred to as
"Van Etten Road Property"

by: **Corning Incorporated**

Hereinafter referred to as "Respondent"

WHEREAS, the New York State Department of Environmental Conservation (the "Department") and Corning Incorporated are parties to an Order on Consent (Index No. R8-20200903-106) for the Real Property (the "Order"). The Order was executed on April 26, 2022.

WHEREAS, following a boundary survey of the real property included in the Order, it was determined that site characterization activities to be completed pursuant to the Order were located outside the site boundary.

WHEREAS, it is necessary to expand the Real Property subject to this Order to implement the Van Etten Road Property Characterization Work Plan to include the eastern portion (east of Van Etten Road) of tax parcel 300.00-01-044.200.

NOW, THEREFORE, in consideration of an in exchange for the mutual covenants and promises, the parties agree as follows:

1. The caption of the Order is replaced with:
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In the Matter a Remedial Program for

**ORDER ON CONSENT AND
ADMINISTRATIVE SETTLEMENT**
Index No. R8-20200903-106

DEC Site Name: 3148 Van Etten Road
DEC Site No.: 851061
Site Address: Portions of 3110 and 3148
Van Etten Road
Corning, NY 14830

Hereinafter referred to as
"Van Etten Road Property"

by: **Corning Incorporated**

Hereinafter referred to as "Respondent"

2. Paragraph 1 of the Order is replaced with:

The real property subject to this Order, which has been assigned number 851061, consists of the surveyed property boundaries of tax parcel 300.00-01-044.100 and the surveyed property boundary of the eastern portion (east of Van Etten Road) of tax parcel 300.00-01-044.200 (collectively, the "Real Property"). A depiction of the approximate boundary of the Real Property is attached as Exhibit "A". The Parties to this Order acknowledge that Respondent does not own or have control over the Real Property. Absent written agreement by the Respondent, the Department will not expand the Real Property subject to this Order. Nor will the Department join the Real Property subject to this Order with any other property proposed for listing or listed in the Registry of Inactive Hazardous Waste Disposal Sites, while this Order is effective.

3. Within thirty (30) days of the effective date of this modification, Respondent shall submit for Department approval a revised schedule to replace the schedule set forth in the approved Van Etten Road Property Characterization Work Plan.
4. Within thirty (30) days of the effective date of this modification, Respondent shall submit to the Department an updated Records Search Report pursuant to Exhibit "C" of the Order. Respondent is not required to disclose attorney-client communications or materials prepared pursuant to privilege.
5. Within thirty (30) days of the effective date of this modification, Respondent shall submit to the Department an updated Citizen Participation Plan.
6. Exhibit "A" of the Order is replaced with the attached Exhibit "A".
7. Except as provided in this First Modification, the Order and the documents related thereto shall continue in full force and effect. Any amendment or other modifications of this document must be in writing and subscribed by the party to be bound.
8. The effective date of this First Modification shall be the date on which it signed by the Commissioner or the Commissioner's designee.

[intentionally left blank; signature pages follow]

DATED: 11/28/2022

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

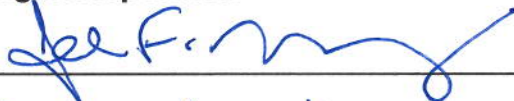
By: *Andrew Guglielmi*

Andrew Guglielmi, Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

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

Corning Incorporated

By: 

Title: DIRECTOR, GLOBAL ENVIRONMENT + SUSTAINABILITY

Date: NOVEMBER 17, 2022

STATE OF NEW YORK)
) ss:
COUNTY OF)

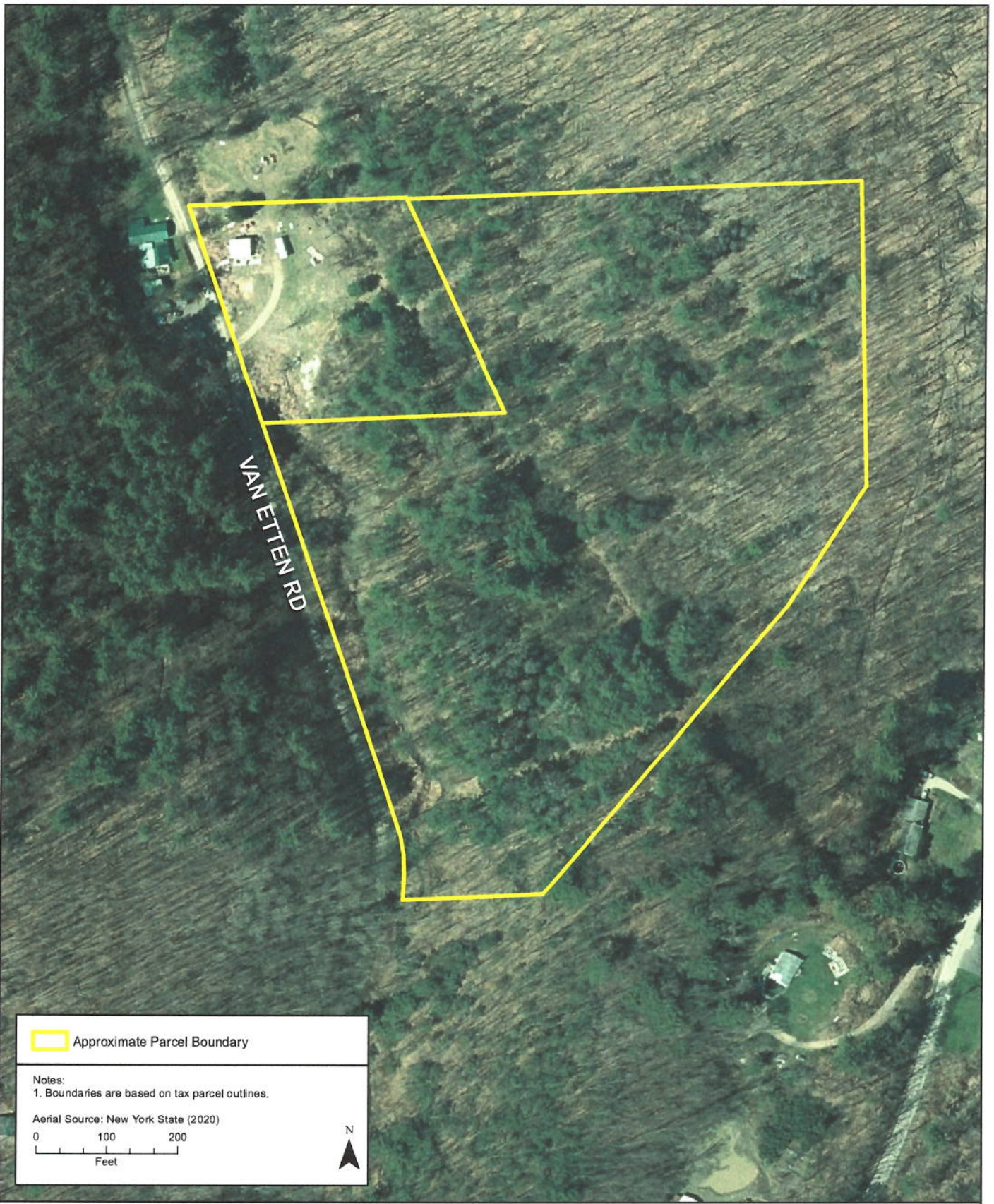
On the 17th day of NOVEMBER in the year 2022, before me, the undersigned, personally appeared JOHN F. NOVOTNY (full name) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the 17th day of NOVEMBER in the year 2022, before me, the undersigned, personally appeared JOHN F. NOVOTNY (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at HP-ME-03-01 CORNING NY 14831 (full mailing address) and that he/she/they is (are) the DIRECTOR, GLOBAL ENVIRONMENT + SUSTAINABILITY (president or other officer or director or attorney in fact duly appointed) of the CORNING INCORPORATED (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Elizabeth K. Vine 01VI6008001
Notary Public, State of New York
Qualified in Steuben County
Commission expires 6-1-2026

 11/17/22
Notary Public, State of New York



 Approximate Parcel Boundary

Notes:

1. Boundaries are based on tax parcel outlines.

Aerial Source: New York State (2020)

0 100 200
Feet



integral
engineering p.c.

31 West 34th Street, Suite 7196
New York, NY 10018
www.integral-corp.com

Real Property Exhibit A