

New York State Department of Environmental Conservation

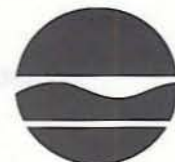
Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

APR 17 2012

RECEIVED

MAY 02 2012

Division of
Environmental Remediation

Kevin Whalen
IBM Corporation
8976 Wellington Road
Manassas, Virginia 20109

Re: Brownfield Cleanup Agreement Amendment
IBM Gun Club, Burn Pit
Site ID No.: C704044
Index No.: B7-0661-04-05
Amendment No. 1

Dear Applicant:

This letter is forwarded to your attention in response to the January 31, 2012 request submitted to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") signed on August 22, 2005. The request asked that the above referenced BCA be amended to redefine the portion of property known as the "Burn Pit Area" as shown and described as Parcel B totaling 15.591 +/- acres on the drawing with a metes and bounds description of Parcel B attached to the letter request. The Brownfield Cleanup Program application submitted on March 29, 2004 and the BCA described the site as a portion of Tax Map Parcel No. 126.18-1-20 containing approximately 4 acres located in Broome County with a Latitude of 42 07" 52", and Longitude of 76 00" 15", and not by the metes and bounds surveyor's description of Parcel B in the current application to amend the BCA.

The above request is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

In reliance upon, and in furtherance of the application and previous discussions, if any, of this matter between the Department's staff and the BCP applicant's representatives to date, the request to amend the BCA is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. Specifically, the acreage of the site described in the BCA is hereby changed from the approximately 4 acres included in the BCA to the metes and bounds description and drawing of Parcel B totaling 15.591 +/- acres attached to this Amendment No. 1.

This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please have the authorized representative counter-sign the original letters to acknowledge acceptance of this Amendment, and send an original back to the Department at:

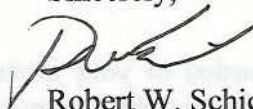
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

Please keep the other original letter as proof of the BCA Amendment.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

If you have any questions in this regard, please contact me. This Amendment will take the place of the previous Amendment dated March 22, 2012. Thank you for your assistance in this matter.

Sincerely,



Robert W. Schick, P.E.
Acting Director
Division of Environmental Remediation

The following Applicant, in signing this letter, do hereby acknowledge and accept the Amendment to the BCA as set forth above.

Edan Dionne
Director

Corporate Environmental Affairs



4/26/2012

By

Date

Name and Title -- Please print

Attachment

cc: M. Caruso
B. Conlon
R. Cozzy
J. Quinn
J. Greco
L. Zeppetelli
K. Lewandowski

