

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of a Remedial Program for  
the Garlock Sealing Technologies Klozures  
Site under Article 27, Title 14 of the  
Environmental Conservation Law  
by Garlock Sealing Technologies LLC

BROWNFIELD SITE  
CLEANUP AGREEMENT  
AMENDMENT

Index # B8-0690-05-04  
Site #C859001

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**WHEREAS**, The New York State Department of Environmental Conservation (the "Department") and Garlock Sealing Technologies LLC, ("Applicant"), entered into a Brownfield Site Cleanup Agreement Index #B8- 00690-05-04 (the "Agreement"), which Agreement was signed by the Acting Commissioner of the Department on September 13, 2005 relative to property located at 1666 Division Street in the Town and Village of Palmyra, County of Wayne having Tax Parcel Number 6411-00-839937, a property consisting of approximately 142 acres, with an area of about 40 acres to be included in the Brownfield Cleanup Program ("the Site"); and

**WHEREAS**, Applicant has requested that the Department reduce the size of the Site to a property consisting of approximately 7 acres; and

**WHEREAS**, Applicant agrees to be bound by the terms of this Amendment and consents and agrees not to contest the authority or jurisdiction of the Department to enter into or enforce this Amendment, and agrees not to contest the validity of this Amendment;

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. The third paragraph of the Agreement is hereby amended by deleting the third paragraph and substituting the following:

"**WHEREAS**, by a certified application dated March 31, 2005, Applicant Garlock Sealing Technologies LLC, with an office address of 1666 Division Street, Palmrya, New York 14522, submitted a request to participate in the Brownfield Cleanup Program relative to property located at 1666 Division Street in the Town of Palmyra, County of Wayne; the Department has accepted the application for real property described as a portion of the parcel identified as Wayne County Real Property Tax Services Department Number 64111-00-839937, a property consisting of approximately 40 acres, with an area of about 7 acres to be included in the program (the "Site"). A map of the Site showing its general location is attached as Exhibit "A;"

II. Subparagraph XII.A.1 of the Agreement is hereby amended by replacing the name

Glen R. Bailey, Esq. with James D. Charles, Esq.

III. Subparagraph XII.A.2 of the Agreement is hereby amended by replacing Steve Wilsey's name and address with:

Donald S. Sorbello  
S&W Redevelopment of North America, LLC  
430 East Genesee Street  
Suite 401  
Syracuse, New York 13202.

IV. This Amendment shall control to the extent of a conflict between the provisions hereof and those of the Agreement. Except as provided in the preceding sentence or elsewhere in this Amendment, the Agreement and the documents related thereto, shall continue in full force and effect. Any amendment or other modification of this Amendment must be in writing.

V. The effective date of this Amendment shall be the date on which it is signed by the Commissioner or the Commissioner's designee.

DATED: DEC - 4 2006

DENISE M. SHEEHAN  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

  
Dale A. Desnoyers, Director  
Division of Environmental Remediation

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Amendment and agrees to be bound by this Amendment.

Garlock Sealing Technologies LLC

By: Don Pomeroy

Title: Vice President Finance

Date: November 13, 2006

STATE OF NEW YORK )

COUNTY OF Monroe ) ss:

On the 13th day of November, in the year 2006, before me, the undersigned, personally appeared Don Pomeroy, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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Signature and Office of individual  
taking acknowledgment

Josephine Cozzo  
JOSEPHINE COZZO  
NOTARY PUBLIC, State of N.Y., Monroe Co.  
My Commission Expires April 30, 2007

