

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

In the Matter of a Remedial Program for

**ORDER ON CONSENT
FIRST MODIFICATION
Index No. R8-20180112-6**

DEC Site Name: 24 Seneca Avenue
DEC Site No.: 828132
Site Address: 24 Seneca Avenue
Rochester, NY 14621

Hereinafter referred to as "Site"

by: **Stanley Black & Decker, Inc.**

Hereinafter referred to as "Respondent"

WHEREAS, the New York State Department of Environmental Conservation (the "Department") and Stanley Black & Decker, Inc. ("Respondent") are parties to an Order on Consent (Index No. R8-20180112-6) for the Site (the "Order"). The Order was executed on September 24, 2020.

WHEREAS, Respondent has represented to the Department that the reductive dechlorinated pilot scale study is not feasible based on the results of the pre-remedial design investigation and desires to propose an amendment to the Order;

WHEREAS, Respondent will submit a pre-remedial design investigation report for Department approval as well as a remedy evaluation and recommended alternative;

WHEREAS, the Department intends to amend the Record of Decision after considering the pre-remedial design investigation report as well as the remedy evaluation and recommended alternative;

WHEREAS, Respondent consents not to contest the authority or jurisdiction of the Department to enter into or enforce the Order or this First Modification of the Order;

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

1. Paragraph II of the Order is hereby amended to read as follows:

"By January 14, 2022, Respondent shall submit for Department approval a pre-remedial design investigation ("PDI") report pursuant to the work plan attached hereto as Exhibit "B". Respondent shall include with the PDI report a remedy evaluation and recommended alternative. Respondent will not be implementing the pilot study

described in the work plan.”

2. Paragraph V.D of the Order is hereby amended to read as follows:

“N/A.”

3. Paragraph V.E of the Order is hereby amended to read as follows:

“Respondent shall have thirty (30) days from the date of the Department’s issuance of an amended ROD to notify the Department in writing whether it will implement the amended ROD. If Respondent elects to implement the amended ROD, Respondent shall submit a RD/RA work plan within sixty (60) days of its written election to implement the amended ROD. If Respondent elects not to implement the amended ROD, then this Order shall terminate in accordance with Paragraph XIV.A.1 of Appendix A. Failure to make an election or failure to comply with the election is a violation of this Order.”

4. Except as elsewhere 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.
5. The effective date of this First Modification shall be the date on which it signed by the Commissioner or the Commissioner’s designee.

DATED: 12/7/2021

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: *Susan Edwards*

Susan Edwards, Assistant Director
Acting Division 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.

Stanley Black & Decker, Inc.

By: Kathryn Hinckley

Title: Senior Director, ESG Affairs

Date: 11/22/21

STATE OF CONNECTICUT)

) ss:
COUNTY OF Hartford

On the 22 day of November in the year 2021, before me, the undersigned, personally appeared Kathryn Hinckley (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:

On the 22 day of November in the year 2021, before me, the undersigned, personally appeared Kathryn Hinckley (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 700 Stanley Drive New Britain CT (full mailing address) and that he/she/they is (are) the Senior Director ESG Affairs (president or other officer or director or attorney in fact duly appointed) of the Stanley Black and Decker (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.

Notary Public

Rachel Potter
exp. 11/30/23

