



Department of  
Transportation

ANDREW M. CUOMO  
Governor

MATTHEW J. DRISCOLL  
Commissioner

Cathy Calhoun  
Chief of Staff

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August 17, 2017

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.,  
Mail Code 1900R  
Washington, DC 20460

RE: Civil Penalty Class II Docket No. CWA-02-2016-3403

Dear Headquarters Hearing Clerk:

Pursuant to the June 13, 2017 Prehearing Order, please accept this filing of the Respondent's Prehearing Exchange.

Sincerely,

Alicia McNally  
Assistant Counsel

cc:  
Chris Saporita  
Assistant Regional Counsel  
United States Environmental Protection Agency – Region 2  
290 Broadway  
New York, NY 10007

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

-----

New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
SPDES Permit No. NYRA20A288

Honorable Christine Donelian Coughlin,  
Presiding Officer

Respondent

DOCKET NO. CWA-02-2016-3403

Proceeding pursuant to Section 309 (g)  
Of the Clean Water Act, 33 U.S.C. 1319(g)

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**RESPONDENT'S PREHEARING EXCHANGE**

Respondent, the New York State Department of Transportation ("NYSDOT" or "DOT" or "Department"), herein submits the following prehearing exchange pursuant to the June 13, 2017 Prehearing Order.

I. Response to Paragraph One (1) of the Prehearing Order

1. (A) Respondent's Witnesses

a. Jonathan Bass

Mr. Bass is a Senior Environmental Specialist for the Office of Construction at NYSDOT in the Main Office at 50 Wolf Road, Albany, New York. Prior to this position, Mr. Bass was a Senior Environmental Specialist in the Environmental Science Bureau at NYSDOT for over twenty-two (22) years. Before joining NYSDOT, Mr. Bass worked as an Environmental Project Manager for Jack Eisenbach Engineering, P.C. in Utica, New York from 1991 to 1994 and as an Industrial Hygiene Manager for the Certified Engineering & Testing Company, Inc. in Utica, New York from 1989 to 1990. He obtained a Bachelor of Science in Special Studies (Environmental) from the State University of New York at Fredonia in 1986.

Mr. Bass's testimony will be in regards to his involvement in the matters underlying this proceeding. This shall include his knowledge with respect to the at-issue permit and opinion with respect to the cited violations, his knowledge of the Respondent's policies and practices relevant to the MS4 system, his knowledge with respect to the staff time, materials, and Respondent funds

expended on compliance with the Order and at EPA's direction, any and all discussions with EPA regarding the Respondent's compliance with the Order, the Respondent's responsiveness and willingness to cooperate, and any oversight, monitoring and enforcement of the permit during his tenure with the Respondent.

b. Dan Hitt

Mr. Hitt's career at NYSDOT's Main Office in Albany, New York exceeds thirty (30) years. Since early 2015, Mr. Hitt has been the Director of the Office of Environment where he supervises up to 36 professional and technical staff and provides leadership for environmental programs and NYSDOT activities that involve the design, construction, maintenance, and operations of New York State's transportation facilities. From 2009 to 2015, he was the acting Co-Director of the Office of Environment. Mr. Hitt was the Bureau Director for the Environmental Science Bureau from 2008 to 2009, Assistant Deputy Director for Project Development for the Delivery Division of the Major Projects Office in 2008, and an Associate Landscape Architect from 2003 to 2008. He received a Bachelor of Science in Environmental Studies and a Bachelor of Science in Landscape Architecture from the State University of New York College of Environmental Science and Forestry at Syracuse University in Syracuse, New York in 1983.

Mr. Hitt's testimony will cover his knowledge with respect to the at-issue MS4 permit and the Respondent's response to receiving the EPA's Administrative Order. This shall include recounting conversations with the EPA that he had or was present for, and testimony on any correspondence to or from EPA regarding the MS4 permit violations, the permit conditions, the ordered provisions, the EPA's directives and the Department's responses and compliance efforts. Mr. Hitt's testimony will further address his knowledge with respect to all Department's funds, including staff time, that were expended to satisfy the EPA.

c. Scott Kappeller

Mr. Kappeller has worked at NYSDOT in a variety of positions for almost sixteen (16) years. Presently, Mr. Kappeller is an Environmental Specialist 2 in Transportation Maintenance for the NYSDOT located in Region 1, Albany, New York. Prior to this position, he worked as an Environmental Specialist 2 from 2014 to 2016 and an Environmental Specialist 1 from 2013 to 2014 in the Environmental Technical Support Section in the Main Office, Albany, New York. Mr. Kappeller also worked in NYSDOT's Main Office as an Environmental Specialist 1 in the Regional Liaison Unit from 2009 to 2013 and in the Operations Section from 2006 to 2009. Prior to his time in the Main Office, from 2000 to 2006 Mr. Kappeller worked as a Senior Engineering Technician in the Regional

Landscape / Environmental Group and the Major Projects Group for NYSDOT in Poughkeepsie, New York. He received a Bachelor of Science in Environmental Geoscience from the State University of New York at New Paltz in 1999.

Mr. Kappeller was involved in the Department's compliance efforts in response to its receipt of the EPA's Administrative Order. His testimony will be limited to his work and involvement in that responsive process, including testimony of all conversations that he was a party to or was present for with any representative of the EPA, any work he performed in furtherance of the Department's compliance objectives, and any knowledge he has of the Department's policies and procedures relevant to the MS4 system.

d. Carl Kochersberger

Since 2014, Mr. Kochersberger has been an Environmental Specialist 2 in the Office of Transportation Maintenance at NYSDOT's Main Office in Albany, New York. He develops and facilitates environmental training for the NYSDOT Operations staff, provides technical analysis and consultant coordination for salt contamination claims and other environmental contaminants. Mr. Kochersberger was an Environmental Specialist 1 from 2006 to 2014 for the Environmental Science Bureau at NYSDOT. Prior to joining NYSDOT, Mr. Kochersberger was a Project Manager for Ecosystems Strategies, Inc. in Poughkeepsie, New York from 2002 to 2006. He also worked from the Tonawanda Coke Corporation as an Assistant Technical Director from 2001 to 2002. He obtained a Bachelor of Science in Resource Management with a focus in Fish Biology from Cornell University in Ithaca, New York in 2000.

Mr. Kochersberger was involved in the Department's compliance efforts in response to its receipt of the EPA's Administrative Order. His testimony will recount conversations that he was present for with EPA, and will include his knowledge with respect to relevant Department policies and procedures, his involvement regarding maintenance facility protocols, and any work he performed in response to the Administrative Order or EPA directives.

e. Ellen Kubek

Since January 2014, Ms. Kubek has been an Environmental Specialist in the Environmental Science Bureau of the Office of Environment in the Main Office of NYSDOT. Prior to her work at NYSDOT, Ms. Kubek worked as a Stormwater Specialist (Contractor) for the New York State Department of Environmental Conservation in Region 7, Division of Water located in Syracuse, New York for almost nine (9) years. In 2009, she spent several months working at the Onondaga County Department of Water Environment Protection as a Stormwater Management Program Coordinator. Ms. Kubek also worked as a Water Quality Technician for the Erie County and Water Conservation District in East Aurora,

New York from 1997 to 2004. In addition, Ms. Kubek worked at the United States Department of Agriculture Natural Resources Conservation Service in Syracuse, New York as a National Agricultural Pesticide Risk Analysis Specialist for a year from 1997 to 1998. Ms. Kubek graduated *magna cum laude* with a Bachelor of Science degree in Water Resources Management from the State University of New York College of Environmental Science and Forestry in Syracuse, New York.

Ms. Kubek has been intimately involved in the matters leading up to this proceeding and her testimony will cover a wide range of issues including: (1) her knowledge with respect to the provisions of the MS4 permit and the Department's implementation and compliance with those provisions; (2) her expert opinion with regard to the cited violations; (3) her knowledge of MS4 systems in general and the applicability of the MS4 permit provisions to the Department's MS4 system; (4) her knowledge with respect to the audit reports and the information contained therein; (5) her knowledge with respect to the progress reports and the staff time and Department funds expended in compiling those reports and satisfying all EPA's directives; (6) the Department's willingness to comply and requests for clarification on the terms of the permit and the EPA's Administrative Order; (7) her knowledge of oversight, monitoring, and enforcement of the at-issue MS4 permit; and (8) her knowledge of any EPA conversations or correspondence relevant to this proceeding and any documentation of such conversations.

- f. Christy M. Arvizu – EPA employee
- g. Justine Modigliani – EPA employee
- h. Reservation of Rights

Respondent reserves the right to call or not to call any of the potential witnesses listed above. The listing and expected scope of the testimony of each witness is not intended to limit Respondent's right to change or expand the scope and extent of the testimony of each witness. If Respondent determines that additional witnesses need to testify at the court proceeding then Respondent may make a motion to the court, upon notice to the Complainant, to allow for the addition of witnesses to the Respondent's Witness list.

1. (B) Respondent's Exhibits

RX 1. Undated – New York State Department of Transportation Printed Public Education Materials - Rest Area Poster.

RX 2. Undated – New York State Department of Transportation, Region 5, Illicit Discharge Detection and Elimination documentation.

RX 3. Undated – New York State Department of Transportation, Region 9, Illicit Discharge Detection and Elimination documentation.

RX 4. June 2011 – Environmental Handbook for Transportation Operations.

RX 5. October 14, 2011 – New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), Permit No. GP-0-10-002.

RX 6. June 19-21, 2012 – NYSDOT MS4 Inspection Report, Attachment 1, IDDE Photograph Log.

RX 7. January 29, 2013 – Municipal Separate Storm Sewer System (MS4) Compliance Audit, New York State Department of Transportation Region 8, Audit Report.

RX 8. January 30, 2013 – Municipal Separate Storm Sewer System (MS4) Compliance Audit, New York State Department of Transportation Region 9, Audit Report.

RX 9. March 2013 – New York State Department of Transportation Stormwater Management Program Plan (SWMP Plan).

RX 10. June 26, 2013 – MS4 Inspection Report, New York State Department of Transportation, Region 5, Attachment 1.

RX 11. December 17, 2013 – Municipal Separate Storm Sewer System (MS4) Compliance Audit, New York State Department of Transportation Region 5, Audit Report.

RX 12. March 5, 2014 – Administrative Compliance Order with United States Environmental Protection Agency correspondence.

RX 13. March 12, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 14. March 24, 2014 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 15. April 16, 2014 – United States Environmental Protection Agency Municipal Separate Storm Sewer System (MS4) Administrative Order Comments email with attachment.

RX 16. May 13, 2014 – New York State Department of Transportation and United States Environmental Protection Agency Meeting Agenda for MS4 Administrative Order CWA-02-2014-3028, notes by Ellen Kubek, and sign-in sheet.

RX 17. May 15, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 18. June 5, 2014 – Administrative Compliance Order with United States Environmental Protection Agency correspondence.

RX 19. June 12, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 20. June 24, 2014 – State Highway As-built Record Plans (SHARP): New York State Department of Transportation As-Built Record Plans Search Tool, Applications in Stormwater System Tracking Power Point presentation.

RX 21. June 30, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 22. July 1, 2014 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due July 1, 2014.

RX 23. July 17, 2014 – New York State Department of Transportation Force Account Summation.

RX 24. September 2, 2014 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due September 1, 2014.

RX 25. September 2, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 26. September 16, 2014 – United States Environmental Protection Agency correspondence.

RX 27. September 18, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 28. September 22, 2014 at 8:43am – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 29. September 22, 2014 at 10:43am – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 30. September 26, 2014 – Email between United States Environmental Protection Agency (US EPA) and New York State Department of Transportation with US EPA correspondence.

RX 31. October 31, 2014 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due October 31, 2014.

RX 32. November 3, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 33. December 8, 2014 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 34. December 9, 2014 – Email between New York State Department of Transportation and United States Environmental Protection Agency.

RX 35. December 30, 2014 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 36. December 31, 2014 at 9:49am – Email between United States Environmental Protection Agency and New York State Department of Transportation (NYSDOT) with NYSDOT Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due January 1, 2015.

RX 37. December 31, 2014 at 1:24pm – Email and correspondence between New York State Department of Transportation and New York State Department of Environmental Conservation.

RX 38. February 10, 2015 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 39. February 20, 2015 – New York State Department of Transportation and United States Environmental Protection Agency Meeting Agenda for MS4 Administrative Order CWA-02-2014-3028, and notes by Ellen Kubek.

RX 40. April 1, 2015 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due April 1, 2015.

RX 41. April 30, 2015 – Email and New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due April 30, 2015.

RX 42. May 19, 2015 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 43. June 18, 2015 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 44. June 23, 2015 – Email between United States Environmental Protection Agency (US EPA) and New York State Department of Transportation with US EPA correspondence.

RX 45. June 30, 2015 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due June 30, 2015.

RX 46. July 2, 2015 – Email between New York State Department of Transportation and United States Environmental Protection Agency.



RX 47. July 7, 2015 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 48. July 10, 2015 – New York State Department of Transportation, New York State Department of Environmental Conservation, and United States Environmental Protection Agency Meeting Agenda for MS4 Administrative Order CWA-02-2014-3028, and notes by Ellen Kubek.

RX 49. August 14, 2015 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3041, Ordered Provisions due August 14, 2015.

RX 50. August 17, 2015 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 51. August 19, 2015 – Email and correspondence between United States Environmental Protection Agency and New York State Department of Transportation.

RX 52. September 10, 2015 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 53. September 10, 2015 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3041, August 17, 2015.

RX 54. September 18, 2015 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 55. September 18, 2015 – New York State Department of Transportation and United States Environmental Protection Agency Meeting Agenda for MS4 Administrative Order CWA-02-2014-3041, EPA Administrative Compliance Order CWA-02-2014-3028, and notes by Ellen Kubek.

RX 56. September 30, 2015 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 57. September 30, 2015 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3041, Ordered Provisions due September 30, 2015.

RX 58. October 15, 2015 – New York State Department of Transportation, New York State Department of Environmental Conservation, and United States Environmental Protection Agency Meeting Agenda for MS4 Administrative Order CWA-02-2014-3041, and notes by Ellen Kubek.

RX 59. November 10, 2015 – Correspondence from United States Environmental Protection Agency to New York State Department of Transportation.

RX 60. November 24, 2015 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3041, Ordered Provisions due November 30, 2015.

RX 61. December 22, 2015 – Email and correspondence between United States Environmental Protection Agency and New York State Department of Transportation.

RX 62. January 29, 2016 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3041, Ordered Provisions due January 29, 2016.

RX 63. January 29, 2016 – United States Environmental Protection Agency Administrative Compliance Order CWA-02-2014-3041 – Compliance Schedule and Status.

RX 64. June 15, 2016 – United States Environmental Protection Agency correspondence with Administrative Complaint.

RX 65. June 21, 2016 – Email between United States Environmental Protection Agency and New York State Department of Transportation.

RX 66. July 11, 2016 – Correspondence from New York State Department of Transportation to United States Environmental Protection Agency.

RX 67. July 14, 2016 – Respondent's Answer to Administrative Complaint.

RX 68. October 17, 2016 – New York State Department of Transportation email regarding conference call with the United States Environmental Protection Agency.

RX 69. November 2, 2016 – New York State Department of Transportation email regarding conference call with the United States Environmental Protection Agency.

RX 70. December 1, 2016 – Correspondence from New York State Department of Transportation to United States Environmental Protection Agency.

RX 71. February 2, 2017 – Correspondence from New York State Department of Transportation with Respondent's Answer.

RX. 72. Personal Services Detail Report.

Respondent may respectfully request that the Court take judicial notice of appropriate matters in accordance with 40 C.F.R. Section 22.22(f) and in the event that any documents have been inadvertently omitted, Respondent shall move this tribunal to supplement its prehearing exchange.

1. (C) Statement of Time Needed

Respondent believes that it will need approximately two (2) days to present its direct case.

II. Response to Paragraph Three (3) of the Prehearing Order

(A) Documents in support of denials made in Answer.

RX 2. Undated – New York State Department of Transportation, Region 5, Illicit Discharge Detection and Elimination documentation.

RX 3. Undated – New York State Department of Transportation, Region 9, Illicit Discharge Detection and Elimination documentation.

RX 4. June 2011 – Environmental Handbook for Transportation Operations.

RX 20. June 24, 2014 – State Highway As-built Record Plans (SHARP): New York State Department of Transportation As-Built Record Plans Search Tool, Applications in Stormwater System Tracking Power Point presentation.

RX 22. July 1, 2014 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due July 1, 2014.

RX 31. October 31, 2014 – New York State Department of Transportation Progress Report to satisfy Administrative Compliance Order CWA – 02-2014-3028, Ordered Provisions due October 31, 2014.

(B) Documents in support of affirmative defense(s)

RX. 72. New York State Department of Transportation Personal Services Detail Report.

(C) Factual information Respondent considers relevant to the assessment of a penalty and supporting documentation.

Including but not limited to, and upon information and belief, the following facts are relevant to the assessment of the penalty in this matter:

- (1) The EPA expressly told the Department a penalty would not be assessed provided compliance was achieved;
- (2) The EPA continued to lead the Department to believe that no penalty would be assessed for nearly two years.

- (3) The Department was very proactive in its response to its receipt of the Administrative Order and worked closely with the EPA to ensure compliance was achieved in a timely manner;
- (4) The Department expended half a million dollars in response to EPA's requests;
- (5) The Department expended nearly \$100,000 beyond what the terms of the permit required;
- (6) There was no discharge;
- (7) The violations were primarily for inadequate housekeeping procedures;
- (8) The terms of the permit were not clear;
- (9) The terms of the Order were not clear and required the Department to seek clarification on numerous occasions;
- (10) The Department is a non-traditional MS4 and has mainly linear jurisdiction along its right-of-way;
- (11) The Respondent was not knowingly non-compliant;
- (12) The New York State Department of Environmental Conservation (DEC) had regular oversight of the permit and the Department submitted items to them without issue.

With respect to the documentation, the Respondent submits that all of the responsive documents listed as Respondent's Exhibits are relevant to the assessment of the penalty.

- (D) Detailed narrative statement explaining the precise factual and legal basis for position that the proposed penalty should be reduced or eliminated and on what grounds.

After the issuance of EPA's Administrative Order, the Respondent was diligent in its response to begin discussions and achieve compliance with the EPA. The Respondent prioritized compliance with this Order and in satisfying the EPA's expectations, expended half a million dollars, nearly \$100,000 of which was in performance of actions that went beyond compliance with the terms of the at-issue MS4 permit.

At one of the initial meetings that the EPA and the Respondent held on this issue, EPA representatives expressly advised the Respondent staff that there would be no issuance of a penalty provided the Respondent came into compliance. The Respondent was consistently led to believe this was true for nearly two years of collaboratively working on compliance with the Administrative Order.

Notably, although the Respondent was cited for violations of the Clean Water Act, there was no discharge here. Nearly all the violations were regarding inadequate housekeeping procedures.

Moreover, it is relevant to note that the Respondent is a non-traditional MS4 and much of the permit's provisions are not easily applied to an entity with linear jurisdiction, like the Respondent's non-traditional MS4 system. This caused significant confusion for the Respondent in interpreting the permit. This confusion was the cause of most of the cited violations and this confusion continued with the terms of the Order. The Respondent requested clarification of Ordered provisions several times throughout the process.

To that end, it is also relevant to the assessment of that penalty that DEC had regular oversight over some of the items that EPA found Respondent to be in violation (employee training and record keeping, for example, were regularly submitted to DEC for review). Therefore, the Respondent relied on DEC's oversight and monitoring and believed that their actions were compliant. Nevertheless, EPA determined they were not.

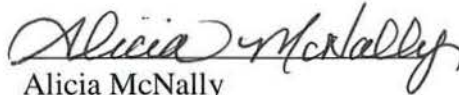
Pursuant to Clean Water Act, Section 309(g)(3):

In determining the amount of any penalty assessed under this subsection, the Administrator or the Secretary, as the case may be, shall take into account the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

It is the Respondent's position that based on the above factual narrative, the interest of justice requires the waiver of the penalty sought by the Complainant.

Dated: August 17, 2017  
Albany, New York

Respectfully submitted,



Alicia McNally  
Assistant Counsel  
Division of Legal Affairs  
New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

-----  
New York State Department of Transportation  
50 Wolf Road  
Albany, NY 12232  
SPDES Permit No. NYRA20A288

PROCEEDING TO ASSESS CLASS II  
CIVIL PENALTY

Respondent

DOCKET NO. CWA-02-2016-3403

Proceeding pursuant to Section 309 (g)  
Of the Clean Water Act, 33 U.S.C. 1319(g)  
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I CERTIFY that on August 17, 2017, I served the foregoing Respondent's Prehearing Exchange, bearing the above referenced docket number, on the person(s) listed below, in the following manner(s):


Original and One Copy via USPS Overnight  
Mail to:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.,  
Mail Code 1900R  
Washington, DC 20460

One Copy via USPS Overnight Mail to:

Chris Saporita  
Assistant Regional Counsel  
United States Environmental Protection  
Agency – Region 2  
290 Broadway  
New York, NY 10007

Dated: August 17, 2017

  
\_\_\_\_\_  
Scott B. Prividera  
Confidential Secretary to the Assistant  
Commissioner and Chief Counsel  
New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232

