

Mary Joy (MJ) DelConte, MS, CEA, REM

Professional Experience

MJ DelConte has been the President of TriTech since March of 1999. In April 2000, TriTech was certified by the New York State Economic Development Corporation as a Woman-Owned Business Enterprise. Prior to ownership of the firm, she worked as an environmental scientist for 13 years in law firms, including Christiano and Brennan, Harter Secrest and Emery, LLP and Nixon Peabody, LLP, providing technical expertise on environmental, health and/or safety (EHS) matters. During her career, she has worked as an environmental scientist, auditor, project manager and trainer identifying and/or addressing:



- **EHS and DOT compliance and ISO 14001 issues, including developing and implementing action plans for major US and/or International facilities**
- **EHS issues prior to, during and subsequent to EPA, FAA, OSHA, DOT and State enforcement action and litigation**
- **Training needs, including developing and administering training programs**
- **Site investigation and remedial action issues and plans, including analyzing and resolving technical issues on State and Federal (Voluntary Cleanup, CERCLA, NPL and Brownfield) cleanup sites**

MJ has also worked for computer software and major US and International manufacturing facilities designing, developing and implementing EHS audit protocols and software, including providing audit training and assessments of EHS audit programs relative to meeting corporate, court ordered and ISO 14000-management system standards. She has commented on and assisted with the preparation of position papers relative to new and revised standards including ASTM and ISO 14000, and regulations proposed by government agencies on behalf of public, private and not for profit entities, and has presented and published relative literature.

MJ's Master Degree included a mercury pollution prevention audit of Strong Memorial Hospital and Eastman Dental Center in Rochester, New York. Subsequently, a mercury pollution prevention plan was developed and adopted by medical and dental facilities in most States in the US. This work has been nationally recognized, having been awarded the 1999 Environmental Quality Award from EPA, the 1999 New York State Governor's Award for Pollution Prevention, and the 1999 New York State Water Environment Association Award for Pollution Prevention. The implementation of this plan is an ongoing effort, and is available as a State and National resource on the NYSDEC's and EPA's website.

<http://www.dec.state.ny.us/website/ppu/p2shlth.html>
<http://www.epa.gov/grtlakes/bnsdocs/merchealth/>

Resulting regulations have included revisions and additions to the New York State Mercury-Added Consumer Products Law and the development of New York State's Standard for Elementary Mercury and Dental Amalgam Wastes at Dental Facilities.

<http://www.dec.state.ny.us/website/dshrm/redrecy/chap145.html>
<http://www.dec.state.ny.us/website/regs/subpart374.html>

TriTech

Environmental, Health, and Safety Inc.

Mary Joy (MJ) DelConte, MS, CEA, REM

Education

University of Rochester
School of Medicine and Dentistry
Department of Environmental Medicine
Master of Science
Environmental and Health Studies, 1996

Syracuse University
School of Arts and Sciences
Bachelor of Science, 1985

Professional Certifications Affiliations and Appointments

- Victor Chamber of Commerce, Board Member, 2007 – 2008
- Kiwanis Club of Rochester, Director, 2007 - Present
- NREP Certified Environmental Auditor (#2108), 1992 - Present
- NREP Registered Environmental Manager (#12318), 2006 - Present
- YMCA (Rochester, New York), Board Member, 2002 - 2003
- OSHA General Industry Outreach, Trainer 2001
- Environmental Health and Safety Auditing Roundtable, 1999
- Monroe County Water Quality Management Advisory Executive Committee, 1996 -2001
- National Ground Water Association, 1996 - 1998
- Monroe County Mercury Pollution Prevention Task Force, 1995 - 1999
- Rochester Safety Council, 1995
- Rochester Women's Network, 2000 - Present
- Genesee Land Trust, 1994 - 1996
- Center for Environmental Information, 1989 - Present
- NYS Department of Labor EHS Trainer, 1999
- OSHA Standards for General Industry 501 Trainer, 1998
- NGWA Risk-Based Corrective Action (RBCA) Trained, 1996
- EPA/NYS Asbestos Project Monitor, 1997 - 1999
- EPA/NYS Asbestos Contractor Supervisor, 1996 - 2003
- EPA/NYS Asbestos Management Planner, 1995 - 2003
- EPA/NYS Asbestos Inspector, 1995 – 2003
- OSHA HAZWOPER, 1995 – Present

Awards:

- 2007 Distinguished Service Award Kiwanis Club of Rochester
- 2004 and 2003 YMCA Chairman's Round Table Member
- 2004, United Who's Who, 2005 Registry Publication
- 2000, 2001, 2002 and 2003 Greater Rochester Metro Chamber of Commerce Business Resource Award for Local Entrepreneurs
- 1999 EPA Environmental Quality Award
- 1999 New York State Governor's Award for Pollution Prevention
- 1999 New York Water Association Award for Pollution Prevention

TriTech

Environmental, Health, and Safety Inc.

Mary Joy (MJ) DelConte, MS, CEA, REM

Specific project experience includes work completed in the following areas:

Environmental Health & Safety (EHS) Experience

-Conducted EHS and DOT compliance, transactional, management system, and liability/due diligence assessments/audits (eg, for facility reacquisition/predivestiture disclosures, disclosures for financing infrastructure upgrades and landfill expansions, and ISO 14001 compliance)

-Lead environmental, health and safety audit teams at major US facilities. Such experience has included auditing the following: solid and hazardous waste management, EPCRA and release reporting, air quality, water pollution control, asbestos, and health and safety at:

New York City Department of Environmental Health and Safety (government); Eastman Kodak (Kings Landing Wastewater Treatment Plant, TSDF/incinerator, refrigeration and water, steam and electric, semi-conductor, camera and film manufacturing operations); AnAerobics, Inc. n/k/a Ecolab/Ecovation (waste water treatment); Suburban Disposal; Upstate Farms/Bison Foods and Chautauqua and Erie Telephone (solid waste disposal operations, food manufacturing, and telecommunication operations); RG&E, PG&E, Orange and Rockland Utilities and the Puerto Rick Electric Power Authority (gas and electric utility operations); Agway, Inc. and Liquid Products (feed mill, agronomy and farm operations); and Piedmont Hawthorne (aviation maintenance and fueling operations), etc.

-Developed action plans to achieve EHS and DOT compliance, including cost forecasting (eg, for budgeting purposes, financial institutions/lenders, settlement of Superfund litigation, and State, CERCLA and NPL hazardous waste site cleanups and brownfields redevelopment)

- Analyzed, researched and resolved a wide variety of EHS and DOT regulatory issues, including hazard/risk analyses, cost-benefit analyses, remedial investigation and feasibility studies, and risk assessments to advance company and government goals and strategies, including pollution prevention

- Reviewed, commented on and prepared studies/reports, including: site investigations, and ecological and health risk assessments/impact statements (eg, for utility siting and desalinization projects, hazardous waste sites, facilities containing asbestos, landfill development/expansions, and biochemical patents for inventors)

-Conducted analysis of data for: projecting discharge concentrations and limits associated with facility water permitting; SARA Title III and PCB reporting, including for landfill expansion projects, and in response to enforcement action

- Developed company and government EHS guidance materials and administered training programs, including audit training

ABB Kent Taylor, Albany Hospital, Blue Plains Wastewater Treatment Plant, Canandaigua Wine, Crucible Magnetic, District Council #4 Painters and Glaziers Union, Eastman Kodak Company, Frontier Telephone, General Signal, HSBC Bank, M&T Bank, Canandaigua National Bank, Orange and Rockland Utilities, Piedmont Hawthorne, Pacific Gas & Electric, Puerto Rico Electric Power Authority, Rochester Gas & Electric, Rochester Institute of Technology, Town of Rotterdam Landfill, Seneca Meadows Landfill, and Vishay Electronic Components, etc.

Mary Joy (MJ) DelConte, MS, CEA, REM

Project Management Experience

- Prepared requests for proposals and scopes of work, conducted pre-bid conferences and site walk-throughs, evaluated consultant bids and qualifications, provided technical support in the contracting process, and oversaw preparation of final documents and government required reports (eg, for asbestos abatement and reinsulation projects, hazardous waste site cleanups, tank removals/installations; and EHS computer software development)
- Ensured cost savings on remedial projects (eg, up to \$1,500,000 on asbestos abatement projects and hazardous waste site cleanups)
- Oversaw consultant investigations, design, construction and remedial activities
- Supervised project teams and served as interface between developers, building owners, buyers, lending institutions, contractors, consultants, potentially responsible parties, and government entities
- Managed administrative matters for Superfund sites, including: budgeting; review, approval and payment of vendor invoices; trust account maintenance; oversight on tax allocation/filings and trust account audits; and participation in the determination of allocation and assessments by providing analyses of technical information to support allocation determinations

Agway, Inc, AVX Corporation, Beech Hills Corporation, Chautauqua & Erie Telephone, Eastman Kodak Company; EJ Footwear; Frontier Phase I & II NPL sites/PRP groups, International Paper, Rochester Institute of Technology, Rosen Site, Taylor Instruments (NYSDEC site), and Tri-Cities Barrel, etc.

Enforcement Response and Litigation Experience

- Assisted clients prior to and during EPA, OSHA, DOT and FAA inspections and investigations
- Provided technical analyses, strategies and responses to: notices of violation; requests for information under CERCLA and EHS citizen suit provisions; complaints, interrogatories, motions, proposed settlement agreements, and consent orders
- Identified expert witnesses and provided technical support in preparation for all phases of litigation (eg, expert witness disclosures, depositions and trial testimony)
- Provided technical support for: achieving EHS and DOT penalty reductions; and the settlement of toxic torts/products liability, citizen suits, Superfund-related litigation, and/or cost recovery actions (eg, achieving a 30% reduction of multimillion dollar water-related penalties originating from citizen suit; ensuring maximum settlements for asbestos, zinc, DES, and VOC exposed plaintiffs; achieving settlement for defense of adverse reactions to pharmaceutical drugs/medications (televised on 20/20), molds and fungi, herbicides, silicone implants, and asbestos toxic tort and products liability litigation)

Agway, Inc., Dow Corning, Dupont, Fisons, n/k/a Medeva Pharmaceuticals, Nakano Foods, Upstate Farms, Bison Foods, General Motors, W.R. Grace, Puerto Electric Power Authority, Piedmont Hawthorne Aviation and EJ Footwear; asbestos plaintiffs (eg, electricians, plumbers, and insulators, etc.)

TriTech

Environmental, Health, and Safety Inc.

Mary Joy (MJ) DelConte, MS, CEA, REM

Computer Applications Experience

- Developed and updated EHS self-assessment checklists and standardized assessment findings (text) for Eastman Kodak Worldwide Assessment Division as part of assisting Kodak with satisfying ISO-14001 self assessment standards; beta tested and sold software, and recommended improvements for inclusion in EHS software releases
- Developed and implemented a database of EHS categories, topics and root causes (text) for past and future analyses of worldwide assessment findings, and incorporation into Eastman Kodak Worldwide Assessment Division, EHS assessment software as part of assisting Kodak with satisfying ISO-14001 self assessment standards
- Completed EHS software needs assessments, and participated in the design and implementation of databases for tracking: multimedia consent order corrective actions; over 100,000 PCB items to meeting federal and consent order requirements; facility documents from EHS and pollution prevention assessments/audits
- Conducted seminars and presentations, and trained U.S./International facilities and consultants on the use of computer-based assessment tools for conducting compliance audits and tracking action plans

Agway, Inc., Amerada Hess, American Electric Power, Certainteed Corporation, Eastman Kodak Company, Eli Lilly, Florida Power and Light, General Electric, Halliburton Services, Orange & Rockland Utilities, NYS Correctional Facilities, Pacific Gas & Electric, Pfizer Inc., Piedmont Hawthorn, PPG Industries, Puerto Electric Power Authority, Quaker Chemical, Rochester Gas & Electric, Tosco Refinery, Thiokol, USAir, Western Farmers Electric, Williams Pipeline Co., and Xerox, etc.

Publications

Developer files to recoup costs on Mendon site; DelConte, MJ (Quoted); Rochester Business Journal (May 23, 2008)

Others' environmental health is good business; TriTech and DelConte, MJ (Feature Article); Rochester Business Journal (November 30, 2007)

New York State Department of Environmental Conservation's "Environmental Compliance and Pollution Prevention Guide For the Health Care Industry"; DelConte, MJ (Key Contributor, June 2004)

State DEC Salutes Strong Hospital; Mercury Pollution Prevention Project recognized as recipient of 1 of 6 Statewide Governor's Awards; DelConte, MJ (Key Contributor); Democrat and Chronicle, Local & State (August 5, 1998)

Health Department To Be Honored By U.S. EPA; DelConte, MJ (Mentioned as Partner in Leadership); The Daily Record (April 20, 1999)

Monroe County Department of Health and Environmental Services, University of Rochester's Department of Dentistry and Eastman Dental Center, and the U.S. Environmental Protection Agency. 1999. DelConte, MJ (Editor and Key Contributor), *Rochester Embayment Watershed Mercury Pollution Prevention Program Grant Final Report*

Mary Joy (MJ) DelConte, MS, CEA, REM

Nixon, Hargrave, Devans & Doyle LLP. December 1998. DelConte, MJ (Editor and Contributor), Chapter 11, *Other Regulatory Schemes*. (Asbestos, Medical Wastes and Pesticides). New York Environmental Law Handbook, Fifth Edition. Government Institutes, Inc.

Hospitals Seek to be Mercury-Free; DelConte, MJ (Quoted); Democrat and Chronicle, Local & State (August 5, 1998)

Monroe County Department of Health and Environmental Services, Strong Memorial Hospital, and the U.S. Environmental Protection Agency. 1998. DelConte, MJ (Editor and Key Contributor). *Reducing Mercury Use in Health Care, A How to Manual*

Monroe County Department of Health and Environmental Services, University of Rochester's Department of Dentistry and Eastman Dental Center, and the U.S. Environmental Protection Agency. 1998. DelConte, MJ (Editor and Key Contributor), *Prevent Mercury Pollution, Use Best Management Practices for Amalgam Handling and Recycling*, Booklet

Monroe County Department of Health and Environmental Services, University of Rochester's Department of Dentistry and Eastman Dental Center, the U.S. Environmental Protection Agency, and Nixon, Hargrave, Devans & Doyle LLP Media Services. 1998. DelConte, MJ (Editor and Key Contributor), *Prevent Mercury Pollution: Use Best Management Practices for Amalgam Handling and Recycling*, Poster

DelConte, MJ. May 1997. *A Mercury Pollution Prevention Study for Medical & Dental Centers Findings Report* (Masters Thesis). Prepared in Conjunction with EPA, Monroe County, Strong Memorial Hospital and Eastman Dental Center

Nixon, Hargrave, Devans & Doyle LLP., Peabody, LLP, Ford, Libby, Johnson, Jim and DelConte, MJ. January 1997. *Using Industry-Specific Best Management Practices to Reduce Pollutant Loads to POTWs With a Minimum of Ongoing Effort*. Presented by Libby Ford at 69th Annual Meeting of the New York Water Environment Association

Nixon, Hargrave, Devans & Doyle, LLP., Peabody, LLP, Ford, Libby, Johnson, Jim and DelConte, MJ. January 1994. *Indirect Requirements for Indirect Dischargers*. Water Environment Federation. Water Environment & Technology, pp. 59 – 63

Presentations

Talking Commercial Real Estate, Radio Program, News 1040 AM WYSL, Avon, NY; MJ DelConte, Guest Speaker (2007- 2008)

National Registry of Environmental Professionals Annual Conference, Nashville, TN; MJ DelConte, Speaker, Soil Vapor Intrusion – A Site Owner and Developer's Point of View, Dealing With OSHA Inspections, and Pollution Prevention – Keys to Success (October 2006)

Various Presentations to Banks, Developers and Commercial Real Estate Brokers, Rochester, NY; MJ DelConte Speaker (2005 – 2008); focus on identification of environmental and asbestos issues, and strategies for issue resolution

Career Day at Bishop Kearney High School, Environmental, Health and Safety Issues, Rochester, NY; MJ DelConte Speaker (May 2005)

TriTech Annual Environmental Seminar, Rochester, NY; MJ DelConte/Tritech Speaker and Coordinator (September 2005); attended by City of Rochester and the NYSDEC Region 8; focus on government funding and processes related to conducting site investigations and cleanup

Mary Joy (MJ) DelConte, MS, CEA, REM

Various Health and Safety Topics; MJ DelConte, New York State Telephone Association Fall and Spring Seminars, Syracuse, NY (1995 – Present)

Agency Inspections, Exposure Monitoring and Contractor Safety; MJ DelConte, TriTech Environmental Health and Safety Fall Seminar, Rochester, NY (September 2001)

Revisions to Environmental Site Assessment Standards (ASTM Standards 1527 and 1528); MJ DelConte and Terry Richman, Esq. (Underberg and Kessler), TriTech Environmental Health and Safety Breakfast Seminar, Rochester, NY (December 1999)

Environmental Health and Safety Compliance and Management System Strategies; DelConte, MJ and Ruggieri, Thomas, TriTech Environmental Health and Safety Fall Seminar, Rochester, NY (October 1999)

Commercial Real Estate Transactions and Meeting the ASTM Standard (E1527-97) for Environmental Site Assessments; Campbell, Steven, DelConte, MJ and Ruggieri, Thomas, C & O Technologies Summer Seminar, Rochester, NY (June 1999)

Dealing With OSHA Inspections, and Employer Liability For On-The-Job Injuries/Assessing Compliance with OSHA; Nixon, Hargrave, Devans & Doyle, LLP., Cook, D. and DelConte, MJ; New York State Telephone Association Fall Seminar, Syracuse, NY (October 1998)

Doyle and Strong Memorial Hospital Encourage Participation in Program to Prevent Mercury Pollution, Press Conference; DelConte, MJ (Participant) (August 1998)

Asbestos in Commercial Buildings, Identifying, Managing and/or Removing the Hazard; DelConte, MJ; New York State Telephone Association Spring Seminar, Syracuse, NY (April 1998)

Educator Worksite Visit Workshop, Rochester, NY; DelConte, MJ (Panel Member); Rochester Area Career Education Collaborative, Eastern Monroe School-Business Partnership and Rochester/Monroe County School-to-Work Partnership, (February 1998)

Asbestos in Commercial Buildings, Identifying, Managing and/or Removing the Hazard; DelConte, MJ, Instructor/Lecturer; Rochester Institute of Technology Masters of Environmental Management Distance Learning Curriculum (January 1998)

Pollution Prevention Partnerships: Keys to Success; DelConte, MJ; An Industry-Academic Conference on Pollution Prevention in Manufacturing, Urban Infrastructure, and Applied University P2 Research: U.S. EPA Region II, New York City, NY (January 1996)

Prepared Regulatory Update Speeches for Water Environment Federation Meetings, Rochester, NY (1992-1995)

Conducted seminars and presentations, and trained U.S. Facilities and consultants on the use of computer-based assessment/audit tools for conducting compliance audits and tracking corrective action; approximately 25 states in U.S. (1991 – 1992)