

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

In the Matter of a Remedial Program for

**AMENDMENT TO ORDER ON
CONSENT AND
ADMINISTRATIVE
SETTLEMENT**

70-74 Willis Avenue
Site No: 130245
Mineola, NY 11580

Index No. CO 1-20180613-127

- by-

MTA Long Island Rail Road,
Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation ("the Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes Rules and Regulations ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner by such statute.
2. The Department is responsible for carrying out the policy of the State of New York ("State") to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 3, Title 3 of the ECL.
3. The Metropolitan Transportation Authority ("the MTA") is a Public Benefit Corporation and was created by Section 1263 of the New York Public Authorities Law ("the MTA Act") and has its offices at 2 Broadway, New York, NY 10004.
4. MTA Long Island Rail Road is a subsidiary of the MTA, and was originally incorporated as the Long Island Rail Road ("the LIRR"), a privately-held railroad company, in 1834. In 1966, the MTA acquired all of the capital stock of the LIRR from its parent corporation, the Pennsylvania Railroad Company. In 1980, the LIRR's Certificate of Incorporation was amended to convert it into a subsidiary public benefit corporation of the MTA organized pursuant to the MTA Act. MTA LIRR has its offices at 93-02 Sutphin Boulevard, Jamaica, NY 11435.

5. The MTA LIRR is subject to a Consent Order, DEC Index No. CO 1-20180613-127, with an effective date of which is July 13, 2018 (together with exhibits, appendices and any subsequent modifications "the July 2018 Order"). The July 2018 Order pertains to certain LIRR electric substations that are in varying stages of investigation and remediation. Respondent and its corporate predecessors owned or operated these electric substations.

6. The Department and the MTA LIRR now desire to make an amendment to Exhibit "A" of the July 2018 Order ("Amendment"). The purpose of this Amendment is to add an additional site to the July 2018 Order, that site being the 70-74 Willis Avenue (LIRR), located at 70-74 Willis Avenue, Mineola, NY 11580, with an approximate size of 0.97 acres.

7. Respondent consents to the issuance of this Amendment without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the Site constitutes a significant threat to the public health or environment.

8. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Order, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

NOW, THEREFORE, having considered this matter and being duly advised, IT IS ORDERED THAT:

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Real Property

The Site subject to this Amendment is described below and depicted in Exhibit A.

70-74 Willis Avenue
Site No: 130245
Mineola, NY 11580
Section 9, Block 417, Lot 512
Acreage: 0.97 acres

II. Initial Work and Work Plan

A. Respondent will commence initial work at the site, in the form of the installation of a cover system and concrete, within thirty (30) days of the effective date of this Amendment.

B. The Respondent shall submit all necessary work plans and reports to complete the investigation and remediation of the site, in accordance with Appendix A of the July 2018 Order.

C. The Department may request, subject to dispute resolution pursuant to Paragraph XV of Appendix A of the July 2018 Order, that Respondent submit additional or supplemental Work Plans for the site to complete the investigation and remediation of the site.

III. Communications

A. All written communications required by this Amendment shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Respondent to the Department shall be sent to:

Tara Rutland
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7015
Tara.Rutland@dec.ny.gov

2. Communication from the Department to Respondent shall be sent to:

Kathy Green
Director – Environmental Planning & Compliance
Corporate Safety Department
Long Island Rail Road
146-01 Archer Avenue, Mail Code 1428
Jamaica, NY 11435
kgreen@lirr.org

B. The Department and Respondent reserve the right to designate additional or different addressees for communication on written notice to the other. Additionally, the Department reserves the right to request that the Respondent provide more than one paper copy of any work plan or report.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in this paragraph or in Paragraph I.

IV. Miscellaneous

A. All of provisions of the July 2018 Order are not affected by this Amendment, and those provisions remain in full force and effect.

B. The effective date of this Order is the 10th day after it is signed by the Commissioner or the Commissioner's designee.

DATED: AUG 11 2020

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Michael J. Ryan, P.E., 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.

MTA/Long Island Rail Road

By

Title: Vice President - General Counsel

Date: July 24, 2020

STATE OF NEW YORK)
) ss.
COUNTY OF SUFFOLK)

On the 24th day of July in the year 2020, before me, the undersigned, personally appeared Paige Graves (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, in New York State.

On the 24th day of July in the year 2020, before me, the undersigned, personally appeared Paige Graves (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 306 West End Road South Orange (full mailing address) and that he/she/they is (are) the Vice President - General Counsel (president or other officer or director or attorney in fact duly appointed) of the The Long Island Rail Road Company (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.

Brian K. Lath
Notary Public, State of New York

Qualified in Suffolk County

02SA4989178

Expires 12/2/21

Exhibit A
Map of the site

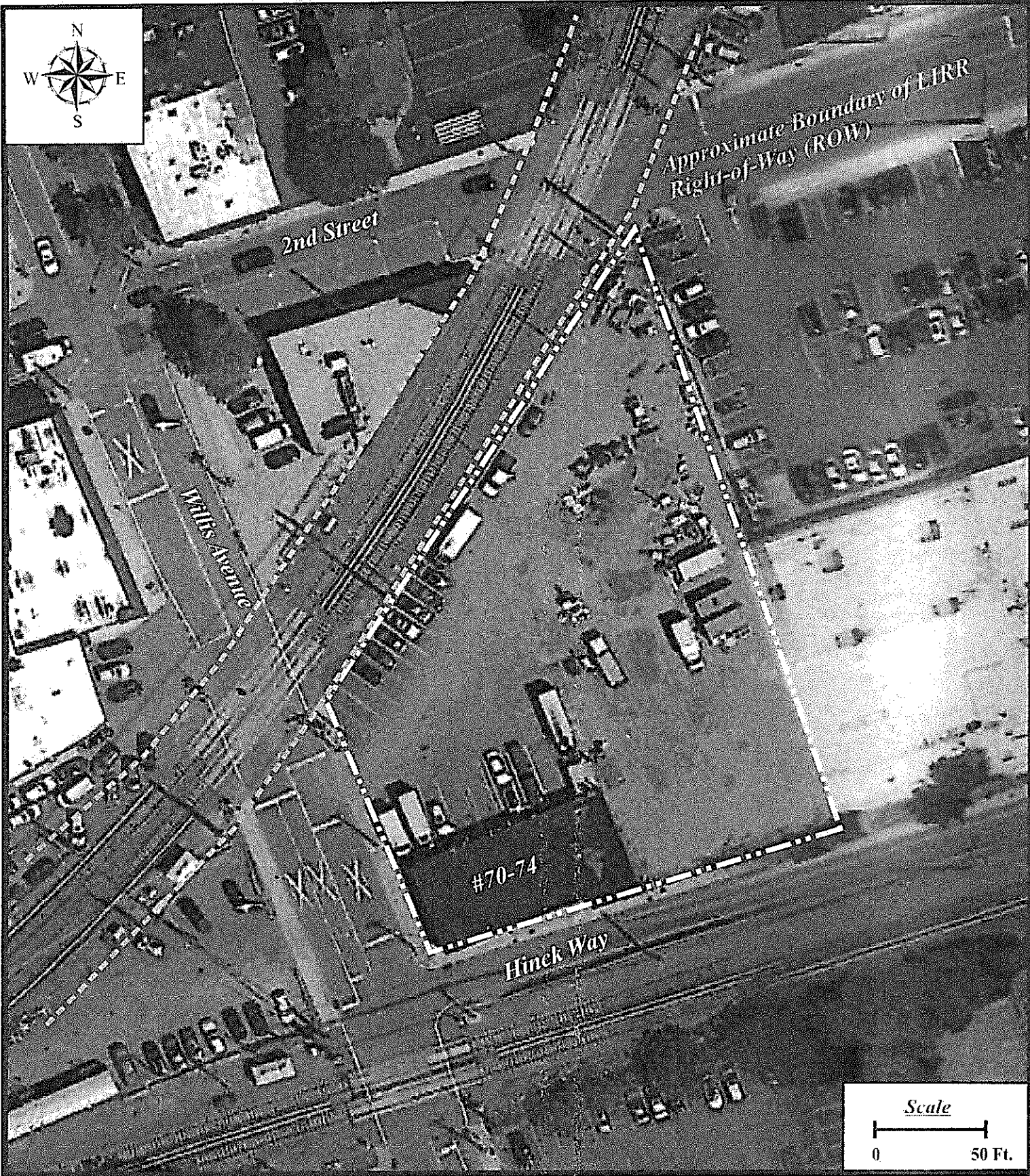


Figure 2 - Aerial Photograph



PREFERRED ENVIRONMENTAL SERVICES

323 Merrick Avenue - North Merrick, New York 11566
Tel: (516) 546-1100 Fax: (516) 213-8156



Approximate Property Line

Site: 70-74 Willis Avenue
Mineola, New York

Date: July 2019