

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

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In the Matter of a Remedial Program for

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

Far Rockaway (Inwood) Substation  
Redfern Avenue  
Far Rockaway, NY 11691

and removal of

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

**Index No. CO 1-20180613-127**

- by-

MTA Long Island Rail Road,  
Respondent

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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 Far Rockaway (Inwood Substation, located at Redfern Avenue, Far Rockaway, NY 11691, with an approximate size of 1.9 acres. The other purpose of this Amendment is to remove 70-74 Willis Avenue (LIRR), located at 70-74 Willis Avenue, Mineola, NY 11580, with an approximate size of 0.97 acres from the July 2018 Order.

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.

Far Rockaway (Inwood) Substation  
Redfern Avenue  
Far Rockaway, NY 11691  
Site No: 241210  
Acreage: 1.9 acres

As noted in Paragraph 6 above, 70-74 Willis Avenue (LIRR), located at 70-74 Willis Avenue, Mineola, NY 11580, with an approximate size of 0.97 acres, is no longer subject to the July 2018 Order and is hereby removed from that Order by this Amendment.

II. Work Plans

A. Within 90 days of this Amendment, Respondent shall submit a supplemental remedial investigation/feasibility study (RI/FS) work plan, which will be compliant with DER-10, and will subject to the Department's review and approval.

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](mailto: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](mailto: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: October 29, 2021

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: *Paige Graves*

Title: *Vice President - General Counsel*

Date: *10/28/21*

STATE OF *NEW YORK* )  
 ) ss:  
COUNTY OF *QUEENS* )

On the *28th* day of *October* in the year 20*21*, 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 *28th* day of *October* in the year 20*21*, 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 <sup>work</sup> reside at *93-02 Stephen Blvd., Jamaica, NY 11435* (full mailing address) and that he/she/they is (are) the *Vice President/General Counsel & Secretary* (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. Saltz*  
Notary Public, State of New York

BRIAN K. SALTZ  
Notary Public, State of New York  
Reg. No. 02SA4989178  
Qualified in Suffolk County  
Commission Expires December 2, 20*21*

**Exhibit A  
Map of the site**

