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In the Matter of the
Development and Implementation
of a Remedial Program for an
Inactive Hazardous Waste Disposal
Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by

ORDER ON CONSENT
AMENDMENT # 1
Site No. 2-24-019A
Index No.: W2-1089-06-06

CITY OF NEW YORK,

Respondent.

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WHEREAS

1. A. 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 of the State of New York ("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.

B. The Department is responsible for carrying out the policy of the State of New York 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 1, Title 3 of the ECL.

C. This Amendment # 1 to the Remedial Order on Consent, as Modified, is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13, Title 27, and ECL 3-0301, and resolves Respondent's liability to the State as provided at 6 NYCRR 375-1.5(b)(5).

2. The City of New York ("Respondent" or the "City"), is a municipal corporation organized under the laws of the State of New York and is the fee owner of industrial park located in the County of Kings, State of New York, which is commonly known as the Brooklyn Navy Yard ("BNY").

3. The October 2006 Order obligated Respondent to implement a remedial program for a parcel in the northeastern corner of the BNY located along Kent Avenue, including the barge

basin, known as the thirteen ("13") acre parcel. The October 2006 Order divided the thirteen acre parcel into operable units designated as "Site Number 2-24-019A, Operable Unit 1" and "Site Number 2-24-019A, Operable Unit 2", and included Exhibit "A-2" showing the approximate location of these Operable Units.

4. The September 2011 Modification to the October 2006 Order, *inter alia*, made the operable units separate sites. "Site Number 2-24-019A, Operable Unit 1" became Site Number 2-24-019A (the "Site"). "Site Number 2-14-019A, Operable Unit 2" became Site Number 2-24-019B which is not subject to this amendment.

5. The Site is currently listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State (the "Registry") as Site Number 2-24-019A with a Classification "2" pursuant to ECL 27-1305.

6. Sediment testing conducted in the barge basin during the remedial investigation pursuant to the October 2006 Order did not identify any site-related contamination of concern with respect to Site Number 2-24-019A.

7. In May 1998, the City and The Brooklyn Navy Yard Development Corporation ("BNYDC") entered into Voluntary Cleanup Agreement, Index No. 02-0001-97-08 (the "VCA") for Site Number V00120. In general, the VCA describes Site Number V00120 as including the City-owned portions of the BNY which BNYDC has leased, excluding that portion of the leasehold which is addressed by the October 2006 Order.

8. The City and the Department desire to amend the October 2006 Order, as Modified, with respect to the Site (i) to remove lands underwater from the Site description, (ii) to replace Exhibit "A-2" with Exhibit "A-2.1" which more accurately depicts the approximate Site boundaries and which indicates that actual bounds of the Site will be memorialized in the Site survey, and (iii) to update the communications list.

9. Solely with regard to the matters set forth below, in the October 2006 Order, and the September 2011 Modification to the October 2006 Order, the City hereby waives its right to a hearing herein as provided by law, consent to the issuance and entry of this Order, and agrees to be bound by its terms. The City 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 the data generated by the City pursuant to this Order.

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

I. The area of the barge basin which is lands underwater is not part of Site Number 2-24-019A.

II. With respect to Site Number 2-24-019A, Exhibit "A-2" is replaced with Exhibit "A-

2.1” which is attached to and incorporated into this Amendment # 1.

III. The names on the communications list for Site Number 2-24-019A are revised as follows:

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

Jonathan Greco
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7015
jxgreco@gw.dec.state.ny.us

with copies to:

Krista Anders
Bureau of Environmental Exposure Investigation
New York State Department of Health
Empire State Plaza-Corning Tower, Room 1787
Albany, New York 12237
kma06@health.state.ny.us

Rosalie K. Rusinko, Esq.
New York State Department of Environmental Conservation
Office of General Counsel
100 Hillside Avenue
Suite 1W
White Plains, NY 10603
rkrusink@gw.dec.state.ny.us

2. Communication to be made from the Department to City shall be sent to:

Daniel Greene, Esq.
Assistant Corporation Counsel
Environmental Law Division
New York City Law Department
100 Church Street
New York, NY 10007
DGreene@law.nyc.gov

with copy to:

Michael L. Moore
New York City Law Department
Economic Development Division

100 Church Street
New York, NY 10007
mmoore@law.nyc.gov

IV. The terms hereof shall constitute the complete and entire Amendment # 1 of the October 2006 Order, as Modified. No term, condition, understanding or agreement purporting to modify the terms of the October 2006 Order, as Modified shall be binding unless subscribed to by the parties in accordance with the terms of the October 2006 Order. The effective date of this Amended #1 to the October 2006 Order is the 10th Day after the date the Commissioner or the Commissioner's designee signs this Order.

DATED: JUN 09 2014

JOSEPH J. MARTENS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by this Order.

CITY OF NEW YORK

By: [Signature]

Title: Senior Counsel - New York City Law Dept.

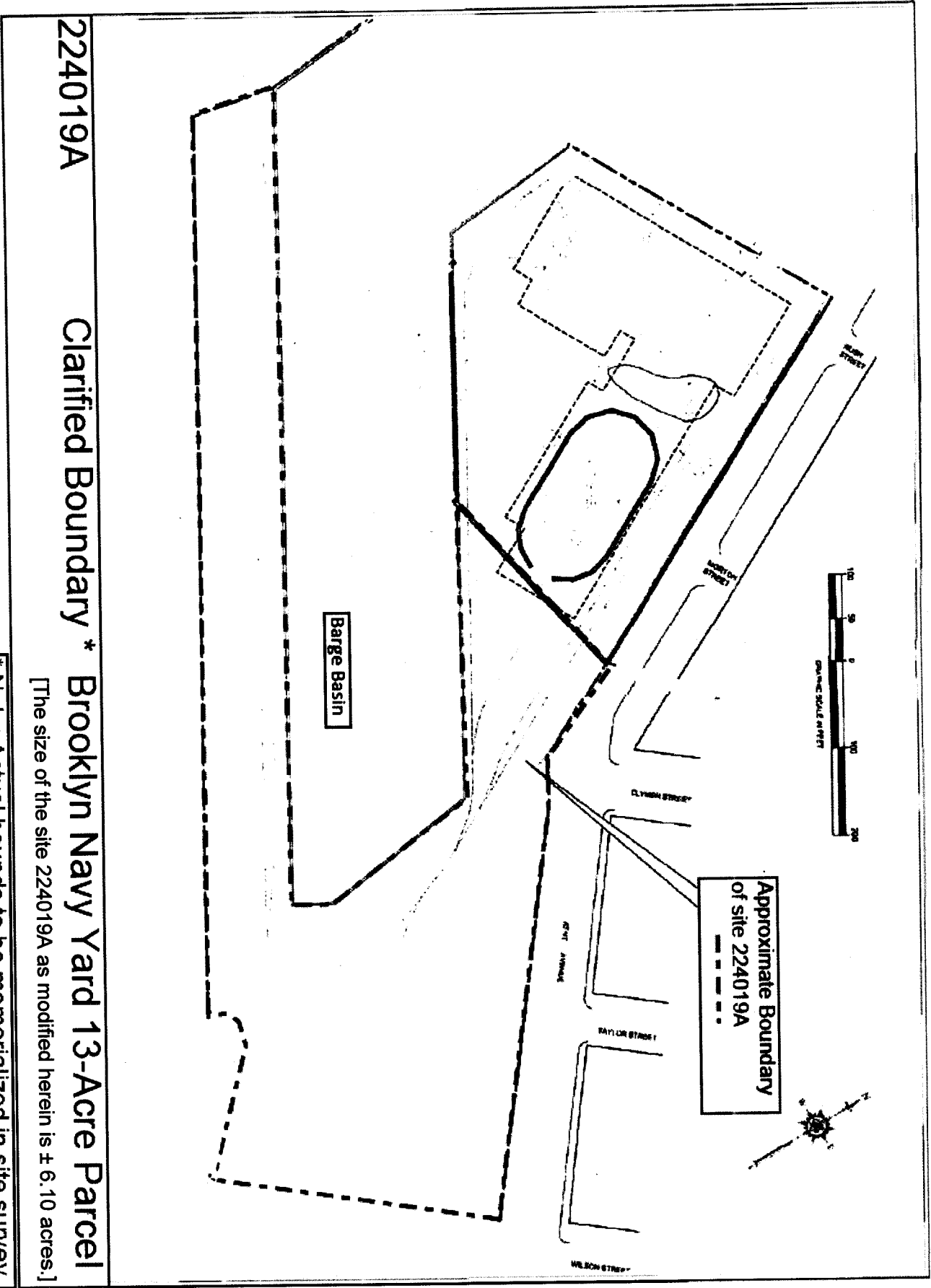
Date: 4/29/14

STATE OF NEW YORK)
) s.s.:
COUNTY OF)

On the 29th day of April, in the year 2014, before me, the undersigned, personally appeared Daniel Greene, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Gail C Saunders
Signature and Office of individual
taking acknowledgment

GAIL C. SAUNDERS
Notary Public, State of New York
No. 02SA5048874
Qualified in New York County
Commission Expires Sept. 5, 2017



224019A

Clarified Boundary * Brooklyn Navy Yard 13-Acre Parcel

[The size of the site 224019A as modified herein is ± 6.10 acres.]

* Note: Actual bounds to be memorialized in site survey

Exhibit "A-2.1"