

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the Alleged Violations of Article 27 of the
New York State Environmental Conservation Law and
Title 6 of the Official Compilation of the Codes, Rules and
Regulations of the State of New York,

- by -

20 Rewe Street, Ltd.,

NYSDEC File No.
R2-20210416-52

Respondent.

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**AFFIRMATION OF GREGORY F. HAUSER IN SUPPORT OF RESPONDENT’S
PETITION TO DELIST PURSUANT TO 6 NYCRR § 375-2.7(f)**

I, Gregory F. Hauser, being duly sworn, do hereby state under penalty of perjury as follows:

1. I am an attorney in good standing admitted to practice in the State of New York. I have represented respondent 20 Rewe Street, Ltd. (“20 Rewe Street”) since 20 Rewe Street appeared in this proceeding and as such have personal knowledge of the facts recited herein as well as the documents in the record herein.

2. I submit this affirmation in support of 20 Rewe Street’s Petition to Delist Pursuant to 6 NYCRR § 375-2.7(f), and to place certain facts and documents before the Tribunal.

3. A true and correct copy of the Tribunal’s Ruling on the Department’s Motion for Order without Hearing (the “Initial Motion”), dated November 9, 2023, is attached hereto as Exhibit A.

4. A true and correct copy of *Exhibit H* to the affidavit of Edward N. Sailer, 20 Rewe Street's environmental consultant, made in opposition to the Initial Motion and dated October 4, 2022 (the "Sailer Opposition"), is attached hereto as Exhibit B.
5. A true and correct copy of the Sailer Opposition is attached hereto as Exhibit C.
6. A true and correct copy of *Exhibit K* to the Sailer Opposition is attached hereto as Exhibit D.
7. A true and correct copy of *Exhibit L* to the Sailer Opposition is attached hereto as Exhibit E.
8. A true and correct copy of the affidavit of Michael Haggerty in support of the Department's Initial Motion, dated March 29, 2022, is attached hereto as Exhibit F.
9. A true and correct copy of *Exhibit M* to the Sailer Opposition is attached hereto as Exhibit G.
10. A true and correct copy of the Department's letter to the Tribunal withdrawing the Department's third cause of action in the Initial Motion, dated December 13, 2023, is attached hereto as Exhibit H.
11. A true and correct copy of the affidavit of Michael Haggerty in support of the penalty sought by the Department in the Initial Motion, dated June 21, 2022, is attached hereto as Exhibit I.
12. A true and correct copy of 20 Rewe Street's Discovery Requests is attached hereto as Exhibit J.
13. A true and correct copy of a January 30, 2024 letter report concerning airborne concentration data at the site at issue in this proceeding, sent from Robert Levandoski, the

president of Fuss & O'Neil Manufacturing Solutions, LLC, to 20 Rewe Street's general counsel, Jim Holiber, is attached hereto as Exhibit K.

14. No prior application has been made for the relief requested in this petition.

I declare under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Dated: May 1, 2024

A handwritten signature in blue ink, appearing to read "Gregory F. Hauser", written in a cursive style.

Gregory F. Hauser

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2024, I caused the foregoing Affirmation to be electronically served via email upon the Administrative Law Judge assigned in this proceeding and upon the DEC's counsel of record herein.

Dated: May 1, 2024

Respectfully submitted,

WUERSCH & GERING LLP



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