

EXHIBIT H

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4009 | F: (718) 482-4962
www.dec.ny.gov

December 13, 2023

VIA INTERAGENCY AND CERTIFIED MAIL

Hon. Elizabeth Phillips
Administrative Law Judge
New York State Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233

Mark Buller
20 Rewe Street, Ltd.
885 Conklin Street
Farmingdale, New York 11735

**Re: Matter of 20 Rewe Street, Ltd.
NYSDEC File No. R2-20210416-52**

Dear Judge Phillips:

Department Staff commenced a proceeding in the above matter by service of a motion for order without hearing on July 1, 2022, which included three causes of action. Your honor delivered a ruling on that motion on November 9, 2023, which granted the motion on Department Staff's first cause of action and denied Department Staff's motion on its second and third causes of action.

This letter serves to formally withdraw Department Staff's third cause of action in this matter (that Respondent violated 6 NYCRR 375-1.11(d)(1) when it failed to provide the department notice of a change in use before engaging in activities likely to disrupt or expose contamination).

As discussed during a conference on December 1, 2023, Department Staff will pursue its second cause of action (that Respondent violated 6 NYCRR 375-1.11(b)(2)(ii) when it conducted activities at the site that could foreseeably expose the public and the environment to a significant increased threat of harm) through an administrative hearing and will make discovery requests accordingly.



Department of
Environmental
Conservation

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jonathan Agosta".

Jonathan Agosta, Esq.
Assistant Attorney
NYSDEC Region 2
47-40 21st Street
Long Island City, New York 11101-5407
Jonathan.Agosta@dec.ny.gov
(718) 482-4940