

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

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In the Matter a Remedial Program for

**AMENDMENT TO ORDER ON CONSENT  
AND ADMINISTRATIVE SETTLEMENT  
Index No. R2-20220214-36**

**DEC Site Name: 673 Livonia Avenue**

DEC Site No.: 224352

Site Address: 673 Livonia Avenue, Brooklyn, NY

Hereinafter referred to as "Site"

by: ElderServe Health, Inc.  
RESPONDENT

Hereinafter referred to as "Respondent"

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1. The New York State Department of Environmental Conservation ("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. Respondent consented to the issuance of Order on Consent and Administrative Settlement, Index No. DEC Index No. R2-20220214-36 with an effective date of March 17, 2022, by the Department (the "Order") and, by the terms of such Order, Respondent committed to appropriately characterize the contamination at the Site and implement any necessary interim remedial measures and associated site management.
4. Respondent submitted an Interim Remedial Measure Work Plan ("IRM WP") dated April 2022, which was approved by the Department on April 19, 2022, and included the installation of a hybrid Soil Vapor Extraction and Sub-Slab Depressurization System (SVE/SSDS) and modification of the site cover system.
5. Respondent submitted a Remedy Modification Request ("RMR") letter to the Department dated May 3, 2023, requesting modifications to the approved IRMWP which, inter alia,

eliminated the planned modifications to the existing cover system during IRM implementation due in part to the planned redevelopment of the site into a Program of All-Inclusive Care for the Elderly (PACE) Center being placed on indefinite hold.

6. The Department approved the RMR on May 11, 2023.
7. To date, a final remedy has not been implemented on the Site.
8. Respondent consents to the issuance of this Modification without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, agreement, regulation, permit, order (including without limitation the March 17, 2022 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 any site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from any site constitutes a significant threat to the public health or environment.
9. 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 Amendment, 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 Modification and agrees not to contest the validity of this Modification or its terms or the validity of data submitted to the Department by Respondent pursuant to this Modification.
10. All capitalized terms in this Modification shall have the same meaning as defined in the Order, unless specified otherwise in this Modification.
11. New text added in this Modification shall be in underlined *italics*.

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

I. The Order shall be modified as indicated herein on the date this Modification is signed by the Commissioner of the Department or their designee.

II. Whereas, Subparagraph II. of the Order is modified to read as follows:

Site Characterization Work Plan shall be submitted to the Department by the Respondent within thirty (30) days after the effective date of this Order. *Respondent may terminate this Order upon the Department's approval of a complete Site Characterization.*

III. Whereas, Paragraph V. of the Order is revised to read as follows:

Certificate of Completion/No Further Action/Satisfactory Completion Upon the Department's issuance of a Certificate of Completion as provided at 6 NYCRR 375-1.9 and 375-2.9, Respondent shall obtain the benefits conferred by such provisions, subject to the terms and conditions described therein. However, if, after the completion of any required investigations and/or interim remedial actions, the Department determines that the Site will not

be listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State, the Department will not issue a Certificate of Completion but will issue a No Further Action/Satisfactory Completion Letter to Respondent reflecting the Department's determination that, other than implementation of a Site Management Plan if required, no further remedial action at the Site is presently necessary. The Letter's form and substance shall be materially similar to the attached Exhibit C. The provisions of this paragraph shall not apply if Respondent elects to terminate the Order as set forth in paragraph II.

IV. Whereas, Subparagraph VI. of the Order is revised to add new subparagraph D.:

D. If Respondent elects to terminate the Order as set forth in paragraph II., a final Department approved Construction Completion Report ("CCR") and Operation, Maintenance, and Monitoring Plan ("OM&M Plan"), rather than a Final Engineering Report and full Site Management Plan, shall constitute the required documentation for remedial measures implemented to date.

V. Whereas, Subparagraph VI. of the Order is revised to add new subparagraph E.:

E. Respondent is required to submit a 60-day Change of Use Notice prior to any property transfer, pursuant to 6 NYCRR § 375-1.11(d).

DATED: September 15, 2025

AMANDA LEFTON  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By: *Andrew Guglielmi*

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Andrew Guglielmi, Director  
Division of Environmental Remediation

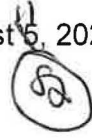
CONSENT BY RESPONDENT

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.

ElderServe Health, Inc.

By: Susan Aldrich 

Title: Executive Vice President

Date: August 11, 2025 

STATE OF NEW YORK )  
COUNTY OF Westchester ) ss:

On the 11<sup>th</sup> day of August in the year 2025, before me, the undersigned, personally appeared Susan Aldrich (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.

JENNY CHEE YEE LING  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02LI6179085  
Qualified In Westchester County  
My Commission Expires December 24, 2026

  
Notary Public, State of New York