

New York State Department of Environmental Conservation

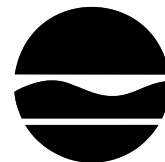
Division of Environmental Remediation, 11th Floor

625 Broadway, Albany, New York 12233-7020

Phone: (518) 402-9553

Fax: (518) 402-9547

Website: www.dec.ny.gov



Joe Martens
Commissioner

April 17, 2012

Forest Avenue Shopping Associates
c/o Philips International Holding Corporation
295 Madison Avenue 2nd Floor
New York, NY 10017

Re: Charlton Cleaners - PRP 90-Day Withdrawal of Offer

Tax Map ID No.: 5-1053-138

Property County: Richmond

Site No.: 243019

Order Index No.: DER-243019-01-12

Dear Sir/Madam:

On January 17, 2012, I sent to you a notice that the New York State Department of Environmental Conservation (Department) considers you or the company you represent to be a Potentially Responsible Party (PRP) for the investigation and remediation of contamination found at the subject site. This letter included an offer for you to enter into an order on consent with the Department for you to undertake the work. Reminder letters were sent to you on February 21, 2012 and March 16, 2012. As explained in the previous three letters, since you have not responded by executing the proposed order on consent, the Department hereby withdraws the offer to enter into the order.

Be advised that the Department shall proceed to implement the remedial program as determined to be necessary. Costs incurred by the Department for this work as well as any past costs and interest will be recoverable by the State from those determined to be responsible parties for site contamination.

Nothing contained herein constitutes a waiver by the Department or the State of any rights held pursuant to applicable state and/or federal laws or a release for any party from any obligations held under those same laws.

Should you have any legal questions please contact Ms. Dena Putnick, counsel for the Department, at (518) 402-9188.

Sincerely,

A handwritten signature in black ink that reads "Kelly A. Lewandowski". The signature is written in a cursive, flowing style.

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

cc: Robert. Cozzy, Bureau Director
James Quinn, Section Chief
Robert Schick, P.E., Acting Division Director DER
Benjamin Conlon, Office of General Counsel
Dena Putnick, Office of General Counsel
Jane O'Connell, RHWRE
Louis Oliva, Regional Attorney
Kevin Sarnowicz, DEC Project Manager
Barbara Wolosen, Site Control Section