

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

In the Matter of
RealCo, Inc.,

**AMENDED
ORDER ON CONSENT
and
ADMINISTRATIVE
SETTLEMENT**

Respondent.

Index # CO 4-20130731-01

Site #401003

WHEREAS,

1. A. 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.

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 Amended Order is issued pursuant to the Department's authority under, inter alia, ECL Article 27, Title 13 and ECL 3-0301, and resolves Respondent's liability to the State as provided at 6 NYCRR 375-1.5(b)(5).

2. Respondent RealCo, Inc. (hereinafter "Respondent") entered into an Order on Consent with the Department on September 8, 1999, Index No. A9-0393-9907 ("the 1999 Order"), regarding two properties it owns on Willowbrook Avenue in Dunkirk, New York and Spring Street Road in Watervliet, New York (the "Properties").

3. Paragraph I.B of the 1999 Order states that if the amount of money in the Environmental Remediation Trust Fund established for the Properties (the "Trust Fund") is insufficient to finance all remedial, compliance and closure activities required, then the net proceeds generated by any sale of the Properties (less 5% to be retained by Respondent) shall be placed into the Trust Fund for financing of remedial, compliance and closure activities.

4. The Trust Fund no longer contains any substantive assets, and there are still remedial, compliance, and closure activities required at the Properties.

5. Respondent consents to the issuance of this Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; and/or (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Properties.

6. 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 Order, 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 Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

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

I. Amendment of 1999 Order

A. The Trust Fund established to finance the remedial, compliance and closure activities required at the Properties will be closed by the Department, and any remaining assets in the Trust Fund will be transferred to the Department, to be placed in the appropriate account so that the funds recovered can be used to finance necessary remedial, compliance and closure activities at the Properties.

B. Paragraph I.B of the 1999 Order is hereby amended to state that the Respondent RealCo, Inc. shall cause to be paid to the Department, in lieu of the Trust Fund, the net proceeds of the sale of any real or personal assets. The net proceeds would constitute the proceeds of any sale of the Properties (minus closing costs and legal fees incurred) less 5% that can be retained by Respondent.

C. Any such payments shall be made payable to the New York State Department of Environmental Conservation and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

II. Remainder of 1999 Order

The remaining applicable provisions of the 1999 Order continue in full force and effect, including Respondent's obligation to notify the Department in writing, no less than 60 days prior, to any conveyance of the Properties, the identity of the transferee, and the nature and extent of the conveyance.

III. Effective Date

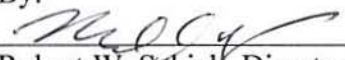
The effective date of this Order is the date it is signed by the Commissioner or the Commissioner's designee.

DATED:

AUG 13 2013

JOSEPH MARTENS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Robert W. Schick, Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

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

RealCo, Inc.

By:

By: 
YONG JIN PARK

Title:

Title: PRESIDENT

Date:

Date: Aug. 5, 2013

FLORIDA
STATE OF ~~NEW YORK~~
COUNTY OF ORANGE

On the 5 day of AUGUST, in the year 2013, before me, the undersigned, personally appeared YUNG SIN PARK, 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.

Signature and Office of individual
taking acknowledgment

