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April 26, 2010

Via FedEx

Ms. Kelly A. Lewandowski, P.E.
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Former Gifford Oil Terminal Site
Site No. C130197

Dear Ms. Lewandowski:

This firm represents Quebec Development LLC (“Quebec”), the “Requestor” for the referenced brownfield site (the “Site”). Quebec submitted its application for admission to the Brownfield Cleanup Program (“BCP”) on or about January 16, 2009 (the “Initial Application”). By letter dated December 1, 2009, the Department denied the Initial Application.

On February 18, 2010, the New York State Court of Appeals decided *Lighthouse Pointe Property Assoc. v. NYS DEC*. In light of that decision, by letter dated March 10, 2010, Quebec sought reconsideration by the Department of its denial of the Initial Application. In response to Quebec’s request for reconsideration, the Department’s Office of General Counsel advised Quebec to submit another application (the “Second Application”) to the BCP.

Accordingly, enclosed is one paper copy with original signatures and one electronic copy of Quebec’s Second Application to the BCP. Another paper copy of the Second Application is being sent under cover of a copy of this letter to Walter J. Parish, P.E., the BCP coordinator for Region 1.

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Please note that, but for updating non-substantive elements, the Second Application is identical to the Initial Application. Therefore, we are of the opinion the Second Application is not subject to the initial public comment period required under the BCP for new applications, and respectfully remind the Department that said requirement was satisfied with respect to the Initial Application.

The Site is a former oil terminal contaminated with, among other things, petroleum. It is vacant and, in its current condition, not only a blight to the community but also a potential threat to the environment. Quebec is proposing a Track 1 cleanup objective (unrestricted use), and the intended re-use is residential. A pre-application meeting was held on November 19, 2008, prior to submitting the Initial Application.

Please feel free to contact our office should you have any questions or comments.

Very truly yours,

PHILLIPS NIZER LLP

By: 
Jon Schuyler Brooks

cc: Walter J. Parish, P.E. (w/ enc)
Benjamin Conlon, Esq. (w/o enc)
Michael Lesser, Esq. (w/o enc)