

New York State Department of Environmental Conservation

Division of Environmental Remediation

625 Broadway, 12th Floor, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: www.dec.state.ny.us



Joe Martens
Commissioner

August 18, 2011

Borinquen Court Associates, L.P.
Attn: John-Scott R. Johnson
2345 Broadway
New York, New York 10024

East One Thirty Eighth Housing
Development Fund Company, Inc.
Attn: John-Scott R. Johnson
2345 Broadway
New York, New York 10024



Re: Borinquen Court (Site)
Site No.: C203056
Property County: Bronx
Amendment #1

Dear Applicants:

This letter is forwarded to your attention in response to the application submitted to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") signed on July 14, 2011. The application requested that the above referenced BCA be amended to add an additional party, namely: Borinquen Court Associates, L.P., with an address of 2345 Broadway, New York, NY 10024.

The above request is hereby granted and incorporated into, and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please have authorized representatives counter sign this letter to acknowledge acceptance of this amendment, and send a copy back to the Department at:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

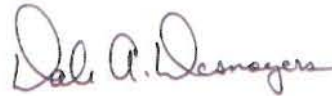
Please keep a copy of the countersigned letter as proof of the BCA Amendment.



Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

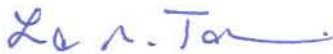
Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



Dale A. Desnoyers
Director
Division of Environmental Remediation

The following Applicants, in signing this letter, do hereby acknowledge and accept the amendment to the BCA as set forth above.



Borinquen Court Associates, L.P.

8/24/2011

Date



East One Thirty Eighth Housing
Development Fund Company, Inc.

9/7/11

Date

cc: Ben Conlon
Lou Oliva
Robert Schick
Robert Cozzy
Jane O'Connell
Mandy Yau
Laura Zeppetelli
Elissa Armater
Kelly Lewandowski
John-Scott R. Johnson (jjohnson@wsfssh.org)
Larry Schnapf (larry@schnapflaw.com)
Ernie Rossano (ernie.rossano@erm.com)