

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of a Violation of Article 27, Title 14 of the  
New York State Environmental Conservation Law (“ECL”)

**ORDER ON  
CONSENT**

by

Index No. C224177-10-13

**135 Kent Avenue Management Corp.,**

Respondent

Site No. C224177

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**WHEREAS:**

1. The New York State Department of Environmental Conservation (the “Department”) is responsible for the administration and enforcement of law and regulation related to the Brownfield Cleanup Program, pursuant to Article 27, Title 14, of the New York State Environmental Conservation Law (“ECL”).
2. Respondent, 135 Kent Avenue Management Corp., owned the Brownfield Cleanup Program (“BCP”) Site No. C224177, also known as the Former Cleaners Sales & Equipment Corp. site (the “Site”) and is a participant at the Site. The Site address is 135 Kent Avenue, Brooklyn, NY 11249.
3. On May 10, 2021, the Department received a Monthly Progress Report from Respondent’s environmental consultant (Integral Engineering, P.C.) which indicated failure to protect the vacuum monitoring point PV-3 for required monitoring and maintenance of engineering controls (the Sub-Slab Depressurization System, or SSDS).
4. On January 28, 2021, February 2, 2021, and April 13, 2021, the Department sent notification to the Respondent’s environmental consultant regarding submittal of the Annual Certification under the approved Operation, Maintenance & Monitoring Plan for the SSDS.
5. By failing to protect vacuum monitoring point PV-3 and the failure to timely submit the Annual Certification Report for the SSDS, Respondents violated 6 NYCRR 375-1.11(b) (2) (i) and 6 NYCRR 375-1.11(b) (2) (ii), as promulgated pursuant to Article 27, Title 14 of the ECL, which forbids “any activity” that will prevent or interfere significantly with any proposed, ongoing, or completed remedial program at any BCP site.
6. Pursuant to ECL Section 71-2705(1), a person who violates ECL Article 27, Title 14 is subject to a penalty of up to \$37,500 per day for each violation.

7. Respondent affirmatively waives the right to a public hearing in this matter, consents to the entering of this Order on Consent and agrees to be bound by its terms and conditions.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. Respondent shall be liable for a total civil penalty, jointly and severally, in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** for the violations stated herein.

The civil penalty shall be paid within 30 days of the Department's execution of this Order by electronic payment at <http://www.dec.ny.gov/about/61016.html#On-Line> or by check made payable to the order of the "New York State Department of Environmental Conservation," with the enclosed invoice and Index Number "C224177-10-13" written in the memo section of the check, which shall be sent to the Department of Environmental Conservation, Division of Management and Budget Services, 625 Broadway, 10<sup>th</sup> Floor, Albany, NY 12233-4900.

II. This Order on Consent is effective upon execution by the Director of the Division of Environmental Remediation on behalf of the Commissioner.

III. Respondent shall strictly adhere to the terms and conditions of this Order on Consent. Any violation of this Order shall constitute a violation of the ECL.

IV. This Order on Consent may be changed only by written order of the Commissioner or the Commissioner's designee.

V. This Order on Consent shall be deemed binding on Respondent, any successors and assigns and all persons, firms and corporations acting under or for Respondent, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State.

VI. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order on Consent by Respondent and any successors (including successors in title) and assigns.

VII. If Respondent cannot comply with a deadline or requirement of this Order on Consent, because of an act of God, pandemic, war, strike, riot, catastrophe or other condition which was not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

DATED: 7/15/2022

BASIL SEGGOS, COMMISSIONER  
New York State Department of  
Environmental Conservation

By: *Andrew Guglielmi*  
Andrew Guglielmi  
Director  
Division of Environmental Remediation

**CONSENT BY RESPONDENT**

Respondent hereby consents to the issuing and entering of this Order on Consent without further notice, waives its right to a hearing herein, and agrees to be bound by the terms, conditions and provisions contained in this Order on Consent.

By (Signature):

Jeffry Cohen

Print Name: Jeffry Cohen

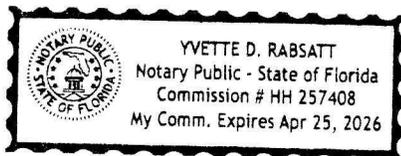
Title: President

Date: 6/13/22

**ACKNOWLEDGMENT**

STATE OF FLORIDA )  
COUNTY OF Palm Beach ) ss:

On this 13<sup>th</sup> day of June, 2022, before me personally came Jeffry Cohen, who being properly identified and who being by me duly sworn did depose and say that s/he is President of 135 Kent Avenue Management Corp., and did execute this Order on Consent on behalf of and as authorized by 135 Kent Avenue Management Corp.



Yvette D. Rabsatt  
Notary Public