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CHRISTINE LEAS  
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December 5, 2011



VIA EMAIL and FEDEX

Dale A. Desnoyers, Esq.  
Director, Division of Environmental Remediation  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-5500

Re: Application for Change in Party for Greater Waterside BCP Site C231013

Dear Mr. Desnoyers:

Enclosed please find two Amendment Applications for Change in Party, requesting that the Department add as Volunteer Applicants 700 First Realty Company, LLC and 708 First Realty Company, LLC, the current owner entities and grantors of the environmental easements for the Greater Waterside BCP Site C231013. We further request that upon issuance of the COC for the Greater Waterside site, that those new Volunteer Applicants be included as COC recipients.

Please note that the request to add these parties as Applicants was also made early this year via a markup of the February Information Sheet for this site. A copy of this Information Sheet is enclosed for your reference. We have since learned that the Department will only make requested changes to add affiliated entities as site Applicants via the mechanism of an Amendment Application for Change in Party, and therefore, submit the enclosed applications.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Leas".

Christine Leas

Cc: Ronnie Lee, NYSDEC (via email)  
Andrew Hayes, Esq., ERRC (via email)  
Edward Malley, TRC (via email)  
Peter Zimmermann, ELM (via email)



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)  
AMENDMENT APPLICATION FOR CHANGE IN PARTY**

07/2010

<b>Section I. Existing Application Information</b>		
BCP SITE NAME: <b>Greater Waterside</b>		BCP SITE NUMBER: <b>C231013</b>
NAME OF CURRENT APPLICANT(S): <b>East River Realty Company, LLC</b>		
INDEX NUMBER OF EXISTING AGREEMENT (if applicable): <b>A2-0515-0405</b>		
<b>Section II. Requestor Information</b>		
NAME <b>700 First Realty Company, LLC</b>		
ADDRESS <b>c/o East River Realty Company, LLC, 9 West 57th Street, Suite 1610</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10019</b>
PHONE <b>212.715.0262</b>	FAX <b>212.935.8199</b>	E-MAIL <b>ahayes@solo9w57.com</b>
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.		
NAME OF REQUESTOR'S REPRESENTATIVE <b>Andrew Hayes, Vice President and General Counsel</b>		
ADDRESS <b>9 West 57th Street, Suite 1610</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10019</b>
PHONE <b>212.715.0262</b>	FAX <b>212.935.8199</b>	E-MAIL <b>ahayes@solo9w57.com</b>
NAME OF REQUESTOR'S CONSULTANT <b>Environmental Liability Management, LLC</b>		
ADDRESS <b>267 Broadway, fifth floor</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10019</b>
PHONE <b>212.962.4301</b>	FAX <b>212.962.4302</b>	E-MAIL <b>pzimmermann@elmofny.com</b>
NAME OF REQUESTOR'S ATTORNEY <b>Christine Leas, Sive Paget &amp; Riesel, PC</b>		
ADDRESS <b>460 Park Avenue</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10022</b>
PHONE <b>212.421.2150</b>	FAX <b>212.421.1891</b>	E-MAIL <b>cleas@sprlaw.com</b>
THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:		
<input type="checkbox"/> PARTICIPANT	<input checked="" type="checkbox"/> VOLUNTEER	
A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.	
	NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.	

**Section II. Requestor Information (Continued)**

Requestor's Relationship to Property (check one):

- Prior Owner     Current Owner     Potential /Future Purchaser     Other \_\_\_\_\_  
If requestor is not the site owner, requestor will have access to the property throughout the BCP project.     Yes     No  
(Note: proof of site access must be submitted for non-owners)

Describe Requestor's Relationship to Existing Applicant:

Requestor is wholly-owned subsidiary of existing Applicant.

Briefly Describe Basis for Submitting this Amendment Application:

Requestor is wholly-owned subsidiary of existing Applicant, current property owner of the Block 970, Lot 1 portion of the site and grantor of the environmental easement for that portion of the site.

**Section III. Current Site Owner/Operator Information (only include new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for Requestor (Please refer to ECL 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?     Yes     No
2. Is the requestor subject to an existing order relating to contamination at the site?     Yes     No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?     Yes     No
4. Has the requestor been determined to have violated any provision of ECL Article 27?     Yes     No
5. Has the requestor previously been denied entry to the BCP?     Yes     No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?     Yes     No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?     Yes     No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?     Yes     No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?     Yes     No

**Statement of Certification and Signatures: Requestor**

(Individual)

I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Applications and Agreements*. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am VP and General Counsel (title) of 700 First Realty Company, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Applications and Agreements*. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 12/5/11 Signature: Andrew W. Hayes Print Name: Andrew Hayes

**Statement of Certification and Signatures: Existing Applicant**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am VP and General Counsel (title) of East River Realty Company, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, Andrew Hayes, VP and General Counsel, 700 First Realty Company, LLC will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 12/5/11 Signature: Andrew W. Hayes Print Name: Andrew Hayes

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices:  
<http://www.dec.state.ny.us/website/der/index.html>

**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

PROJECT MANAGER: \_\_\_\_\_



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)  
AMENDMENT APPLICATION FOR CHANGE IN PARTY**

07/2010

<b>Section I. Existing Application Information</b>		
BCP SITE NAME: <b>Greater Waterside</b>		BCP SITE NUMBER: <b>C231013</b>
NAME OF CURRENT APPLICANT(S): <b>East River Realty Company, LLC</b>		
INDEX NUMBER OF EXISTING AGREEMENT (if applicable): <b>A2-0515-0405</b>		
<b>Section II. Requestor Information</b>		
NAME <b>708 First Realty Company, LLC</b>		
ADDRESS <b>c/o East River Realty Company, LLC, 9 West 57th Street, Suite 1610</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10019</b>
PHONE <b>212.715.0262</b>	FAX <b>212.935.8199</b>	E-MAIL <b>ahayes@solo9w57.com</b>
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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NAME OF REQUESTOR'S REPRESENTATIVE <b>Andrew Hayes, Vice President and General Counsel</b>		
ADDRESS <b>9 West 57th Street, Suite 1610</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10019</b>
PHONE <b>212.715.0262</b>	FAX <b>212.935.8199</b>	E-MAIL <b>ahayes@solo9w57.com</b>
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ADDRESS <b>267 Broadway, fifth floor</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10019</b>
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ADDRESS <b>460 Park Avenue</b>		
CITY/TOWN <b>New York</b>		ZIP CODE <b>10022</b>
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**Section II. Requestor Information (Continued)**

Requestor's Relationship to Property (check one):  
 Prior Owner     Current Owner     Potential /Future Purchaser     Other \_\_\_\_\_  
 If requestor is not the site owner, requestor will have access to the property throughout the BCP project.     Yes     No  
 (Note: proof of site access must be submitted for non-owners)

Describe Requestor's Relationship to Existing Applicant:  
 Requestor is wholly-owned subsidiary of existing Applicant.

Briefly Describe Basis for Submitting this Amendment Application:  
 Requestor is wholly-owned subsidiary of existing Applicant, current property owner of the Block 970, Lot 2 portion of the site and grantor of the environmental easement for that portion of the site.

**Section III. Current Site Owner/Operator Information (only include new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN ZIP CODE

PHONE FAX E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN ZIP CODE

PHONE FAX E-MAIL

**Section IV. Eligibility Information for Requestor (Please refer to ECL 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the requestor subject to an existing order relating to contamination at the site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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(Individual)

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Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am VP and General Counsel (title) of 708 First Realty Company, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Applications and Agreements*. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 12/5/11 Signature: Andrew W. Hayes Print Name: Andrew Hayes

**Statement of Certification and Signatures: Existing Applicant**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am VP and General Counsel (title) of East River Realty Company, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, Andrew Hayes, VP and General Counsel, 708 First Realty Company, LLC will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 12/5/11 Signature: Andrew W. Hayes Print Name: Andrew Hayes

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices:  
<http://www.dec.state.ny.us/website/der/index.html>

**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

PROJECT MANAGER: \_\_\_\_\_

PLEASE CORRECT RECORDS AS INDICATED BELOW

BCP COC Conference - February 28, 2011

Information which will appear on the COC (except the email):

For DEC Use Only

Site Name: The Greater Waterside Site  
Site #: C231013

For Applicant to confirm:

Applicant name(s) and address(es)

Name	Address	email
TRC ENVIRONMENTAL CORP.	1200 Wall Street West, 2Nd Floor, Lyndhurst, NJ 07071	emalley@trcsolutions.com
EAST RIVER REALTY CO., LLC	9 West 57th Street, Suite 1610, New York, NY 10019	cleas@sprlaw.com

Site Tax Map ID# 970-1 ; 970-2  
Site Size: 7.60 (Acres)

Site owner name(s) and address(es)

700 FIRST REALTY COMPANY, LLC (Block 970, Lot 1)  
~~CONSOLIDATED EDISON CO OF NY, INC. 4 Irving Place New York, NY 10003~~  
 700 FIRST REALTY COMPANY, LLC (Block 970, Lot 2)  
 % of site in en-zone: 40 EAST RIVER REALTY CO., LLC  
 9 WEST 57<sup>th</sup> STREET, SUITE 1610  
 NEW YORK, NY 10019

Information which will not appear on the COC:

Representatives Name(s) and Address(es)

Consultant

Name	Address	email
TRC Environmental Corporation	1200 Wall Street, Lyndhurst, NJ 07071	EMalley@trcsolutions.com

Attorney

Name	Address	email
DANIEL RIESEL, ESQ CHRISTINE LEAS Sive, Paget, and Riesel	460 Park Ave, 10Th Floor, New York, NY 10022 <del>9 West 57th Street, New York, NY 10019</del>	cleas@sprlaw.com

ADD: 700 FIRST REALTY COMPANY, LLC  
 40 EAST RIVER REALTY CO., LLC  
 9 WEST 57<sup>th</sup> STREET, SUITE 1610  
 NEW YORK, NY 10019  
 cleas@sprlaw.com

700 FIRST REALTY COMPANY, LLC  
 40 EAST RIVER REALTY CO., LLC  
 9 WEST 57<sup>th</sup> STREET, SUITE 1610  
 NEW YORK, NY 10019  
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