

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for the
Queens West (Hunters Point) Waterfront
Development Project, **Parcel 8**
Queens County, under Article 27,
Title 14 of the Environmental Conservation Law
by Volunteers

AMENDED
BROWNFIELD
CLEANUP AGREEMENT

Index # W2-1059-10-03
Site # C241087

Avalon Riverview II, LLC,
Avalon Riverview North, LLC and
Queens West Development Corporation

WHEREAS, Avalon Riverview II, LLC and Avalon Riverview III, LLC, each a Delaware limited liability company, with offices located at 535 Fifth Avenue, New York, are currently Volunteers in the Brownfield Cleanup Program relative to Site No. C241087 under Brownfield Cleanup Agreement, Index # W2-1059-05-03, dated June 28, 2005 (the "BCA" or the "Agreement"); and

WHEREAS, Avalon Riverview III, LLC has undergone a name change and is now known as Avalon Riverview North, LLC; and

WHEREAS, a certified application was submitted to the Department in October 2009 requesting that Queens West Development Corporation ("Requestor"), a domestic business corporation and the current site owner, be added as a Volunteer to the BCA; and

WHEREAS, upon consideration of the factors enumerated in ECL 27-1407(8) and (9), the Department made a determination, based upon consideration of the application to add the Requestor, that such Requestor is eligible to participate in the BCP as a Volunteer as defined in ECL 27-1405(1)(b).

NOW, THEREFORE, in consideration of and in exchange for the mutual covenants and promises, the parties agree to the following:

1. Queens West Development Corporation is added as a Volunteer to the BCA; and
2. Avalon Riverview North, LLC, as a Volunteer, is substituted for Avalon Riverview III, LLC; and

3. The Agreement and this Amendment to the Agreement shall constitute the entire Agreement between the parties with all the terms and conditions of the Agreement, except as provided herein, remaining in full force and effect; and

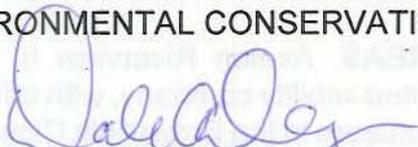
4. The effective date of the Amended Brownfield Cleanup Agreement shall be the date it is executed by the Commissioner or the Commissioner's designee.

DATED:

ALEXANDER B. GRANNIS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

APR 06 2010

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

