

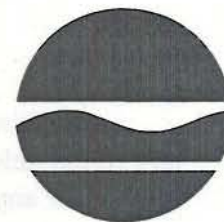
# New York State Department of Environmental Conservation

## Division of Environmental Remediation

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Alexander B. Grannis  
Commissioner

AUG 17 2010

Donald Rattner  
549 46th Avenue LLC  
94 Joralemon Street, 3  
Brooklyn, New York 11201

John Krevey  
Anable Beach, Inc.  
375 South End Avenue, 6s  
New York, New York 10280

Re: BCA Amendment  
BCA Site Name: Paragon Paint and Varnish Corp  
BCA Site No.: C241108  
BCA No.: W2-1119-08-03  
Amendment #1

Dear Applicants:

This letter is forwarded to your attention in response to the application to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") submitted on your behalf by James J. Periconi, Esq. (Periconi, LLC), dated July 9, 2010; wherein it was requested, on behalf of the BCP Applicant 549 46<sup>th</sup> Avenue, LLC, an Amendment of the above referenced BCA from the New York State Department of Environmental Conservation (the "Department").

In reliance upon, and in furtherance of the application and previous discussions, if any, of this matter between the Department's staff and the BCP applicant's representatives to date, the BCA Amendment requested is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. Specifically, Anable Beach, Inc. is added as an additional party under the BCA, with an address of 375 South End Ave, 6s, New York, New York 10280.

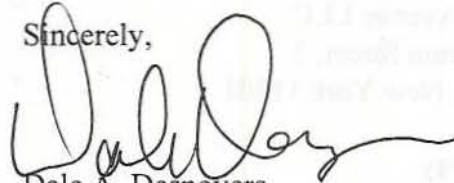
This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please keep this 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

cc: Ben Conlon  
Mike Lesser  
Lou Oliva  
Robert Cozzy  
Jane O'Connell  
Laura Zeppetelli  
Elissa Armater  
Kelly Lewandowski  
James Periconi ([jpericoni@periconi.com](mailto:jpericoni@periconi.com))  
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