

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
STATE SUPERFUND PROGRAM/BROWNFIELD CLEANUP PROGRAM  
ECL §27-1301 *et seq.* and ECL §27-1401 *et seq.*

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In the Matter a Remedial Program for

**AMENDED ORDER ON CONSENT  
AND  
ADMINISTRATIVE SETTLEMENT  
Index No. CO2-2150406-218A**

**Queens Plaza – Off-Site A and B**

DEC Site No.: C241151A

Herein referred to as "Site"

Associated with Queens Plaza Residential Development - SiteB site (BCP Site No.

C241151A)

Located at: 28-10 Jackson Avenue  
Queens County  
Long Island City, NY 11101

by: LIC Operator Co. L.P.  
Hereinafter referred to as "Respondent"

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1. A. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner by such statute.

B. The Department is responsible for brownfield cleanup remedial programs pursuant to Article 27, Title 14 of the ECL and Part 375 of Title 6 NYCRR.

C. The Department is responsible for carrying out the policy of the State of New York to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.

D. This Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13, ECL Article 27, Title 14, and ECL 3-0301, and resolves Respondent's liability to the State as provided at 6 NYCRR 375-1.5(b)(5).

2. The Site is not currently listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

3. The Site was previously identified in an Existing Order Index No. CO2- 20150406-218 (the "Existing Order") and is being reduced in size in this Order by the removal of a Parcel.

4. In accordance with ECL §27-1411(5), the Department is required to "bring an enforcement action against any parties known or suspected to be responsible for contamination at or emanating from" a site in the BCP that has been determined to present a significant threat to public health or the environment. The Department has determined that the Queens Plaza Residential Development - SiteB site presents a significant threat.

5. Respondent consents to the issuance of this Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the Site constitutes a significant threat to the public health or environment.

6. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Order, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

**NOW**, having considered this matter and being duly advised, **IT IS ORDERED THAT:**

I. The Existing Order is hereby amended to change the Site to exclude the property identified in Exhibit A, which is known as Tax Lot 14. All other conditions and all approved workplans relating to the Existing Order remain in effect.

II. The effective date of this Order is the 10th day after it is signed by the Commissioner or the Commissioner's designee.

DATED:

DEC 03 2015

JOSEPH J. MARTENS  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:



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Robert W. Schick, P.E., Director  
Division of Environmental Remediation

CONSENT BY SETTLING RESPONDENT

Settling Respondent hereby consents to the issuing and entering of this Order on Consent and Administrative Settlement, waives Settling Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order on Consent and Administrative Settlement.

LIC Operator Co. L.P.

By: 

Title: Russell Makowsky  
Vice President & Treasurer

Date: \_\_\_\_\_

STATE OF NEW YORK)

County of New York ) ss

On the 11 day of November in the year 2015, before me, the undersigned, personally appeared Russell Makowsky, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and Office of the Individual  
Taking acknowledgement

KERRI A. GARRETT  
Notary Public, State of New York  
No. 01GA6022001  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires March 22, 2019

**EXHIBIT "A"**

Map

