NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14 C360051

10/9/03

Applicant Information

NAME	One Point Street, Inc.				
ADDRESS	1 Point Street				
CITY/TOWN	Yonkers		ZIP CODE	10701	
PHONE	914-963-5733	FAX	914-963-8627	E-MAIL	
NAME OF APPLICANT'S REPRESENTATIVE	Debra L. Rothberg				
ADDRESS	Suite 1711, 1350 Broadway				
CITY/TOWN	New York		ZIP CODE	10018	
PHONE	212-714-1212	FAX	212-714-0304	E-MAIL	dlr@rothberglaw.com

THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.

■ VOLUNTEER

An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste 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 hazardous waste.

Applicant Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ■ ~~Potential~~/Future Purchaser ☐ Other_____

Current Owner/Operator Information

OWNER'S NAME (if different from applicant)	BICC Cables Corporation				
ADDRESS	1 Point Street				
CITY/TOWN	Yonkers		ZIP CODE	10701	
PHONE	914-963-5733	FAX	914-963-8627	E-MAIL	
OPERATOR'S NAME (if different from applicant)					
ADDRESS					
CITY/TOWN			ZIP CODE		
PHONE		FAX		E-MAIL	

From: "Debra L. Rothberg" <dlr@rothberglaw.com>
To: "Debra Moloughney" <dmmoloug@gw.dec.state.ny.us>
Date: 1/13/05 4:17PM
Subject: RE: BICC Cables BCP Application #C360051

Dear Debra: As per your request, please find the information in support of the above referenced BCP application:

Latitude: 40 degrees 56 minutes 43 seconds North

Longitude: 73 degrees 54 minutes 4 seconds West

Also attached please find the property description which identifies the Site parcels by section, block and lot numbers, and the two tax maps on which those parcels appear.

Please do not hesitate to contact me with any questions. We appreciate your diligence in this matter.

-----Original Message-----
From: Debra Moloughney [mailto:dmmoloug@gw.dec.state.ny.us]
Sent: Thursday, January 13, 2005 11:44 AM
To: Debra L. Rothberg
Cc: Kelly Lewandowski
Subject: BICC Cables BCP Application #C360051

Hello Ms. Rothberg,

I have been reviewing the subject BCP application for completeness and found 2 minor things that are misssing/deficient. Rather than send the applicant a Letter of Incompleteness, I feel this is something that can be taken care of quickly through email or fax.

Please provide the following:
1. A tax map identifying where the site is as well as the section, block and lot numbers;
2. The latitude and longitude coordinates in degree, minute, second format. They are currently in the decimal degree format.

Thank you for your attention in this matter.

Debra Moloughney

****

Debra Moloughney
Agency Program Aide
Site Control Section
Bureau of Technical Support
NYSDEC
Division of Environmental Remediation
625 Broadway, 11th Floor

Site Information

SITE NAME	BICC Cables		
SITE ADDRESS	1 Point Street	CITY/TOWN Yonkers	ZIP CODE 10701
COUNTY	Westchester	SITE SIZE (ACRES)	15.7
LATITUDE	40.95°	LONGITUDE	-73.9°

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ■ YES ☐ NO
   IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) Southern Westchester ■ YES ☐ NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6). IF YES, IDENTIFY AREA (NAME) Yonkers City, Area 000402 ■ YES ☐ NO

Applicant Eligibility Information (Please refer to ECL § 27-1407)

1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? ☐ YES ■ NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? ☐ YES ■ NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? ☐ YES ■ NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? ☐ YES ■ NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? ☐ YES ■ NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION? ☐ YES ■ NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? ☐ YES ■ NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), 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

Site Eligibility Information (Please refer to ECL § 27-1405)

1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? ■ YES ☐ NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? ☐ YES ■ NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? ■ YES ☐ NO
   IF YES, PLEASE PROVIDE: SITE # 360051 CLASS # 2
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? ☐ YES ■ NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? ☐ YES ■ NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? ☐ YES ■ NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:

- PURPOSE AND SCOPE OF THE PROJECT
- ESTIMATED PROJECT SCHEDULE

Site's Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. **ENVIRONMENTAL DATA**
   A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.
   IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):
   ■YES ☐NO
2. **OWNERS**
   A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").
3. **OPERATORS**
   A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Contact List Information

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING:

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)

Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	✓				
Chlorinated Solvents		✓			
Other VOCs	✓	✓			
SVOCs	✓			✓	
Metals	✓	✓		✓	
Pesticides					
PCBs	✓			✓	
Other*					

*Please describe: _____

Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ☐ Residential ■ Commercial ☐ Industrial ■ Other Movie Studio

Future Use: ■ Residential ■ Commercial ☐ Industrial ■ Other Movie Studio

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.

	Yes	No	Unknown
1.Do current historical and/or recent development patterns support the proposed use?	■	☐	☐
2. Is the proposed use consistent with applicable zoning laws/maps?	■	☐	☐

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	■	□	□
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	■	□	□
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	□	■	□
6. Are there any federal or State land use designations relating to this site?	□	■	□
7. Do the population growth patterns and projections support the proposed use?	■	□	□
8. Is the site accessible to existing infrastructure?	■	□	□
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	□	■	□
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	■	□	□
11. Are there floodplains proximate to the site?	■	□	□
12. Are there any institutional controls currently applicable to the site?	□	■	□
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.			
15. Describe on attachment the geography and geology of the site.			
(Note: the 16th criteria relates to comments from the public, which would not be received at the time of application)			

Statement of Certification

(By applicant who is an individual)
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: _____

(By an applicant other than an individual)
I certify that I am Vice President (title) of One Point Street Inc. (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 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: 12/17/04 Signature: Debra L. Rothberg Print Name: Debra L. Rothberg

SUBMITTAL INFORMATION:

Four (4) complete copies, one with original signatures, are required.

- **Three (3)** of the copies, one with original signatures, 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)** copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/index.html

FOR DEPARTMENT USE ONLY

BCP SITE NO:_____ **BCP SITE T&A CODE:**_____ **PROJECT MANAGER:**_____

Page 2.

Project Description

Please see the RI/FS for the Site and the "Proposed Remedial Action Plan, BICC Cables Corporation, Yonkers, New York", Dated November 30, 2004.

Page 3.

Site's Environmental History

1. Environmental Data.

Please see BICC Cables Inactive Hazardous Waste Site (No. 360051), Remedial Investigation/Feasibility Study Report Volumes I and II, Dated December 2003, and Revised September 10, 2004 ("RI/FS"), attached hereto.

2. Owners.

BICC Cables Corporation
1 Point Street
Yonkers, NY 10701

Phelps Dodge Corporation
One North Central Avenue
Phoenix, AZ 85282

Applicant has no relationship with either owner.

3. Operators.

BICC Cables Corporation
1 Point Street
Yonkers, NY 10701

Phelps Dodge Corporation
One North Central Avenue
Phoenix, AZ 85282

Applicant has no relationship with either operator.

Contact List Information

1. County/City Executives and Zoning Board Chairpersons.

Andrew J. Spano
Westchester County Executive
14 Martine Avenue
White Plains, NY 10601

Philip A. Amicone
Mayor, City of Yonkers
40 South Broadway
Yonkers, NY 10701

Joseph Cianciulli
Chairman, City of Yonkers Zoning Board
40 South Broadway
Yonkers, NY 10701

2. Adjacent Residents.

Metro North Railway (MTA)
Excelsior Bag Company
Liberty Bus Lines
City of Yonkers
City of Yonkers Parking Authority

3. Local News Media.

Journal News

4. Public Water Supplier.

City of Yonkers

5. Persons Requesting To Be On Contact List.

None.

6. Administrator Of Nearby School.

None.

7. Location Of Document Repository.

Yonkers Waterfront Library

Page 4.

Land Use Factors.

13. Proximity To Multi-Use Areas.

The Site is bordered on the west by the Hudson River; on the north by the Hudson River and City of Yonkers park and recreation land; on the east by the MTA, City of Yonkers Parking Authority and single family homes and apartment complexes; and on the south by the Liberty Bus Lines maintenance garage and the Excelsior Bag Company. The Site is located in the heart of the City of Yonkers riverfront redevelopment and revitalization area.

14. Potential For Groundwater Contamination.

Please see the RI/FS for the Site.

15. Site Geography.

Please see the RI/FS for the Site.

SCHEDULE A

PARCEL A - (Section 2, Block 2114, Lots 20 - 35)

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, being bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Point Street with the westerly side of Ravine Avenue;

RUNNING THENCE along the westerly side of Ravine Avenue, South 11° 58' 47" West 180.67 feet to the northerly line of land now or formerly of Clyne P. Starke;

THENCE westerly along the northerly line of said land now or formerly of Clyne P. Starke and City of Yonkers, North 72° 43' 13" West 241.76 feet to the easterly side of Glenwood Terrace;

THENCE northerly along the easterly side of Glenwood Terrace along a curve to the right having a radius of 3953.00 feet, a distance of 184.89 feet to the southerly side of Point Street;

THENCE along the southerly side of Point Street, South 72° 43' 13" East 267.60 feet to the point or place of BEGINNING.

PARCEL B - (Section 2, Block 2114, Lot 17)

ALL that certain piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of lands of The New York Central Railroad Company said easterly side of said lands is intersected or would be intersected by the prolongation westerly of the southerly side of Point Street; and

RUNNING THENCE South 72°43'13" East, along the southerly side of, or the prolongation westerly of, the southerly side of Point Street 25.55 feet to the westerly side of Glenwood Terrace;

THENCE southerly along the westerly line of Glenwood Terrace on a curve to the left having a radius of 3,978 feet an arc distance of 184.84 feet to the lands now or formerly of the City of Yonkers;

THENCE North 72°43'36" West, along said lands now or formerly of the City of Yonkers, 25.82 feet to a point in the easterly side of the lands of The New York Central Railroad Company;

THENCE northerly, along the easterly side of lands of The New York Central Railroad Company on a curve to the right having a radius of 4,003 feet an arc distance of 184.77 feet to the point or place of BEGINNING.

PARCEL C - (Section 2, Block 2620, Lots 35 and 40; Section 2, Block 2625, Lots 15, 17, 21 and 23; and Section 2, Block 2630, Lots 1, 2, 3 and 10)

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point of intersection of the westerly side of Polychrome Place formerly Alexander Street with the westerly prolongation of the centerline of Babcock Place;

RUNNING THENCE along the westerly prolongation of the center line of Babcock Place, North 81° 29' 30" West 156.41 feet to the easterly line of land conveyed by Phelps Dodge Industries, Inc. to Samuel Cohen, Sally Cohen, Michael Cohen and Arleen Neustein by deed dated 7/16/76 and recorded in the Westchester County Clerk's Office on 8/3/76 in Deed Liber 7342 cp 797;

RUNNING THENCE along said land conveyed,
North 10° 18' 30" East 590.98 feet;
North 81° 29' 30" West 152.79 feet; and
South 14° 40' 08" West 35.21 feet to the point on the westerly prolongation of the southerly line of Lamartine Avenue;

THENCE westerly along the westerly prolongation of the southerly side of Lamartine Avenue, North 81° 29' 30" West 516.42 feet to the Pierhead and Bulkhead line established by the U. S. War Department on July 11, 1919;

THENCE along said Pierhead and Bulkhead line;
North 13° 02' 36" East 1,838.73 feet to a point on the westerly prolongation of the northerly line of a Grant of land under water granted to the India Rubber and Gutta Percha Insulating Company by the State of New York by Letters Patent dated October 31, 1898 and recorded in the Office of the Secretary of State in Book of Patents No. 50 at page 203;

THENCE along the northerly line of said grant, South 76° 48' 38" East 611.48 feet to the westerly line of the New York Central Railroad (Hudson Division);

THENCE along land of the Railroad the following courses and distances:

In a southerly direction along a curve to the left having a radius of 4066.00 feet a distance of 224.47 feet;

South 18° 50' 15" West 45.65 feet;
South 81° 14' 40" East 12.85 feet;
South 10° 09' 46" West 137.98 feet;
South 10° 49' 13" West 174.04 feet;
South 17° 56' 37" West 167.48 feet;
South 01° 19' 29" West 392.15 feet;
South 09° 08' 17" West 157.55 feet;
South 03° 42' 00" East 140.01 feet; and
South 01° 48' 22" West 73.62 feet to the northeasterly corner of land described in Liber 8922 page 54;

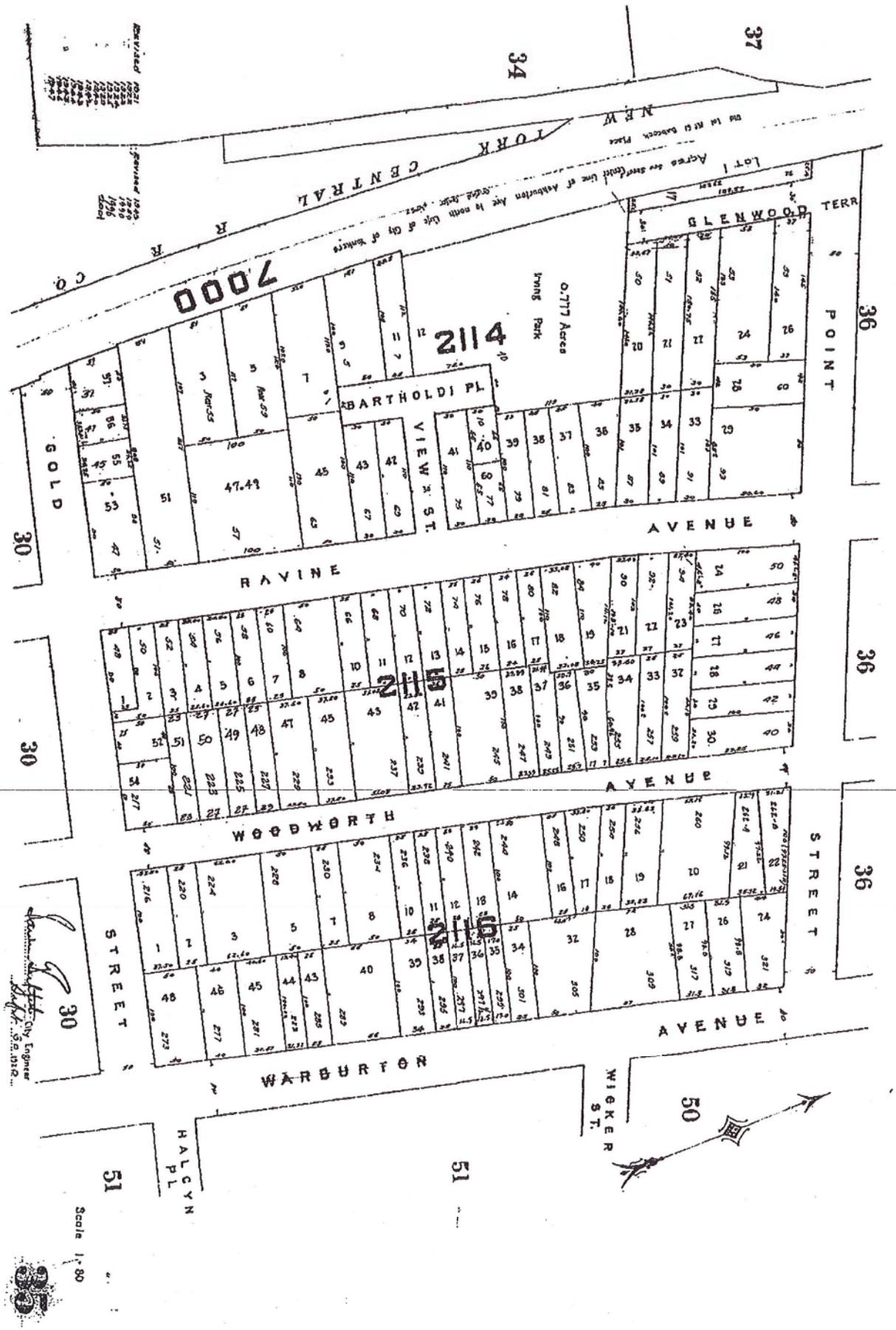
THENCE along said land the following courses and distances:
South 86° 25' 30" West 93.11 feet and
South 10° 26' 00" West 506.56 feet;

THENCE South 10° 36' 00" West, along the westerly line of lands now or formerly of Babcock Place Associates, a distance of 260.23 feet;

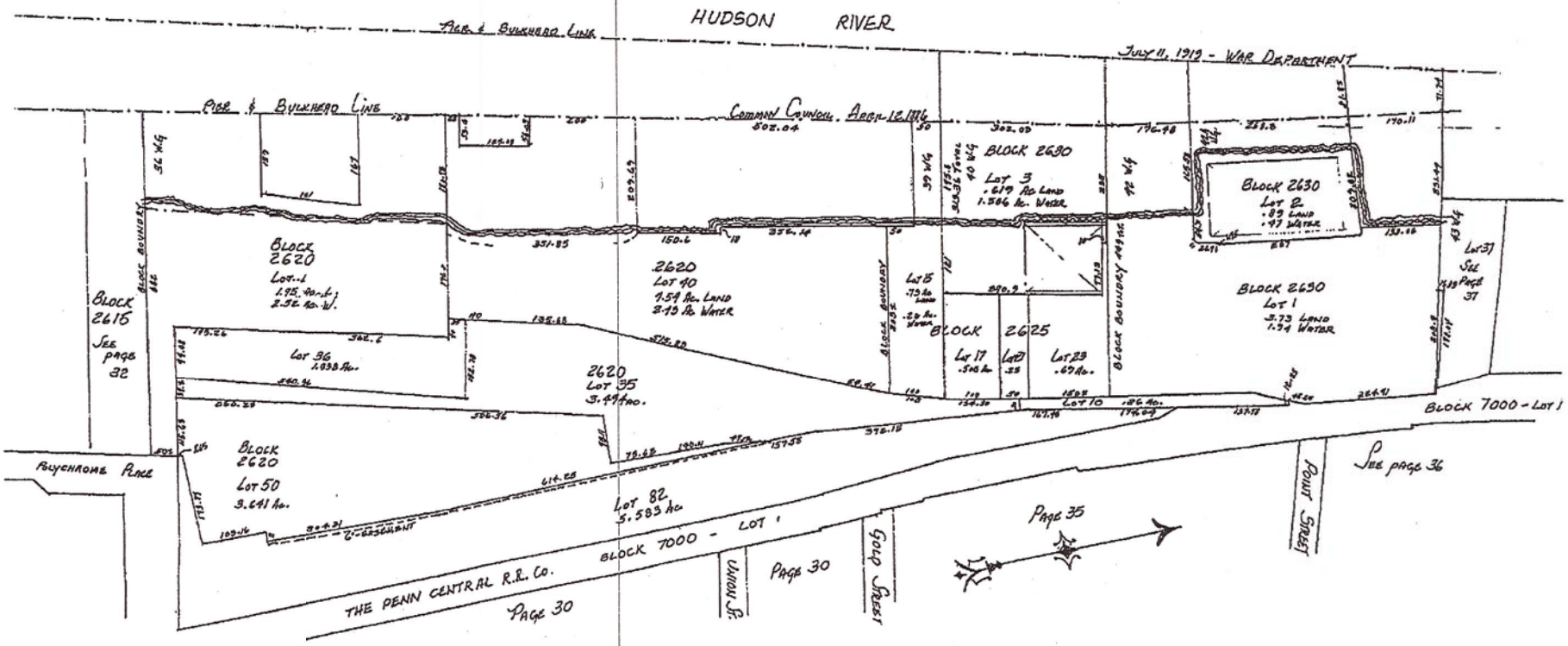
THENCE South 81° 29' 30" East, along the southerly line of lands now or formerly of Babcock Place Associates, a distance of 115.68 feet to the westerly side of Polychrome Place;

THENCE South 8° 30' 30" West, along the westerly side of Polychrome Place, a distance of 50.00 feet to the point and place of BEGINNING.

TOGETHER with the benefits and subject to the burdens of the agreements between Habirshaw Wire Company and New York Central and Hudson River Railroad in Liber 1983 cp 364 and Liber 2022 cp 64 with regard to the erection and maintenance of a footbridge from parcel "C" to Parcel "B" above described.


7000
NEW YORK CENTRAL R R CO
2114
0.777 Acres
Irving Park
BARTHOLDI PL
VIEW ST.
GLENWOOD TERR
POINT
AVENUE
RAVINE
GOLD
2115
WOODWORTH
AVENUE
STREET
2116
WARBURTON
AVENUE
STREET
HALCYN PL
WICKER ST.
30
34
36
37
50
51
City Engineer
Scale 1: 80

Westchester, NY, 2004-2005 - 1800-002-000-02620-000-0040 (Alt:1800-002-000-02620-000-0040), 39A WATER GRANT ST., YONKERS NY 10701-3581, Sheet 1 of 2



Supplement pages 32, 33, 34, 37
December 1991

DL ROTHBERG & ASSOCIATES, P.C.
COUNSELLORS AT LAW
www.rothberglaw.com

December 17, 2004

BY FEDERAL EXPRESS

One Point Street, Inc.
1 Point Street
Yonkers, NY 10702
Attention: Mr. Paul Adler

Re: Sale of BICC Facility, One Point Street, Yonkers, NY

Dear Mr. Adler:

This letter written on behalf of BICC Cables Corporation ("BICC") shall serve to notify One Point Street, Inc. ("One Point Street") as the intended transferee of the above-referenced property (the "Property") pursuant to an understanding between BICC and One Point Street, that the Property is listed on the New York State Inactive Hazardous Waste Disposal Site Registry pursuant to Article 27, Title 13 of the Environmental Conservation Law of the State of New York as Site Number 360051. As such, the Property is currently subject to the terms of an Administrative Order on Consent (Index #D-3-0001-00-03) entered into between BICC and the New York Department of Environmental Conservation ("NYSDEC") (the "Consent Order"), which requires BICC to develop and implement a Remedial Investigation/Feasibility Study for the Property. A copy of the Consent Order is enclosed.

BICC is required by to the terms of the Consent Order to provide this notification of the applicability of the Consent Order to One Point Street. By copy of this letter, BICC advises NYSDEC that BICC has satisfied this obligation pursuant to Paragraph XV.B of the Consent Order.

Please do not hesitate to call the undersigned if you have any questions.

Very truly yours,

Debra L. Rothberg

Enclosure

1350 Broadway• Suite 1711• New York, New York 10018-0899• Telephone: (212) 714-1212• Facsimile: (212) 714-0304• info@rothberglaw.com

cc: G. Anders Carlson, Ph.D. (By Federal Express w/out enclosures)
Dale A. Desnoyers, Esq. (" ")
Rosalie K. Rusinko, Esq. (" ")
Anthony B. Quartararo, Esq. (" ")
Mr. David Wathen (" ")
David R. Hodnett, Esq. (" ")
Dr. Robert Morgan (" ")
Martin Edelman, Esq. (" ")

DL ROTHBERG & ASSOCIATES, P.C.
COUNSELLORS AT LAW
www.rothberglaw.com

December 17, 2004

BY FACSIMILE & FEDERAL EXPRESS

Robert Cozzy, P.E.
New York State Department of Environmental Conservation
Bureau of Eastern Remedial Action
Division of Hazardous Waste Remediation
625 Broadway
Albany, NY 12233

Re: BICC Cables Corporation
Order on Consent Index # D-3-0001-00-03
One Point Street, Yonkers, NY 10702, Site #360051

Dear Mr. Cozzy:

We write on behalf of the Respondent, BICC Cables Corporation ("BICC"), in connection with the above-referenced Order on Consent ("the Consent Order"), and hereby notify the New York State Department of Environmental Conservation ("NYSDEC") that BICC proposes to convey its ownership interest in the above-referenced site (the "Property") to One Point Street, Inc. ("One Point Street"). This notice is provided to NYSDEC pursuant to the requirements of Paragraph XV.B of the Consent Order.

BICC has agreed to transfer ownership to One Point Street, Inc., a Delaware corporation with its principal place of business at 1 Point Street, Yonkers, NY 10701, on or before December 31, 2004.

Pursuant to the understanding of the parties, One Point Street has agreed to assume control of implementing the remedial measures for the Property designated in the Record of Decision to be issued by NYSDEC, which will be done by One Point Street in accordance with the requirements of the New York State Brownfield Cleanup Program ("BCP"). One Point Street will be submitting its application for the BCP today, under separate cover.

As per the enclosed letter, this will also confirm that, as required by the Consent Order, BICC has notified One Point Street of the applicability of the Consent Order and has provided it with a copy of same.

Thank you for your consideration. Please do not hesitate to contact the undersigned if you have any questions.

Very truly yours,

Debra L. Rothberg

cc: G. Anders Carlson, Ph.D. (By Federal Express w/out enclosures)
Dale A. Desnoyers, Esq. (" ")
Rosalie K. Rusinko, Esq. (" ")
Anthony B. Quartararo, Esq. (" ")
Mr. David Wathen (" ")
David R. Hodnett, Esq. (" ")
Dr. Robert Morgan (" ")
Martin Edelman, Esq. (" ")