

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for
the Luster Coate Metalizing Corporation
Site under Article 27, Title 14 of the
Environmental Conservation Law
by Lotus Green Development, LLC

BROWNFIELD SITE
CLEANUP AGREEMENT
AMENDMENT

Index #B8-0651-03-12
Site #C828113

WHEREAS, the New York State Department of Environmental Conservation (the "Department") and 700 West Metro Park Associates, ("Existing Applicant"), entered into a Brownfield Site Cleanup Agreement Index #B8-0651-03-12 (the "Agreement"), which Agreement was signed by the Commissioner of the Department on June 12, 2006 relative to property located at 32 East Buffalo Street in the Town of Riga, Village of Churchville, County of Monroe having County of Monroe Tax Identification Number 143.10-1-37 ("the Site"); and

WHEREAS, Lotus Green Development, LLC ("Applicant") by a certified application dated December 12, 2007 has applied for a change in party replacing the Existing Applicant, 700 West Metro Park Associates, with the Requestor, Lotus Green Development, LLC; and

WHEREAS, upon consideration of the factors enumerated in ECL 27-1407(8) and (9), the Department made a determination, based upon the information contained in the application and the certifications made by the Applicant that the Applicant is eligible to participate in the Brownfield Cleanup Program as a Volunteer as defined in ECL 27-1405(1)(b); and

WHEREAS, the Existing Applicant and the Applicant agree to be bound by the terms of this Amendment and consent and agree not to contest the authority or jurisdiction of the Department to enter into or enforce this Amendment, and agree not to contest the validity of this Amendment;

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Brownfield Site Cleanup Agreement Index #B8-0651-03-12 is hereby amended by replacing the Existing Applicant, 700 West Metro Park Associates, with the Applicant, Lotus Green Development, LLC, a domestic limited liability company, having offices at 700 West Metro Park, Rochester, New York 14623, as a Volunteer. The Applicant shall assume after the effective date of this Amendment all duties and obligations under the Agreement as a Volunteer.

II. This Amendment shall control to the extent of a conflict between the provisions hereof and those of the Agreement. Except as provided in the preceding sentence or elsewhere in this Amendment, the Agreement and the documents related thereto, shall continue in full force and effect. Any amendment or other modification of this Amendment must be in writing.

III. The effective date of this Amendment shall be the date on which it is signed by the Commissioner or the Commissioner's designee.

DATED:

AUG 01 2008

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

By: 

Dale A. Desnoyers, Director
Division of Environmental Remediation

CONSENT BY EXISTING APPLICANT

Existing Applicant hereby consents to the issuing and entering of this Amendment and agrees to be bound by this Amendment.

700 West Metro Park Associates

By: [Signature]
Title: Managing Partner
Managing Partner
Date: 4-29-08

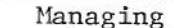
STATE OF NEW YORK)
) ss:
COUNTY OF Monroe)

On the 29th day of April, in the year 2008, before me, the undersigned, personally appeared S Ram Shrivastava personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) 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 signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature], Notary
Signature and Office of individual
taking acknowledgment



Applicant hereby consents to the issuing and entering of this Amendment and agrees to be bound by this Amendment.

By: 
Title: Managing Partner
Date: 4-29-08

STATE OF NEW YORK)
) ss:
COUNTY OF Monroe)

On the 29th day of April, in the year 2008, before me, the undersigned, personally appeared S. Ram. Shrivastava, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) 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 signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Danella L. Bemp, Notary
Signature and Office of individual
taking acknowledgment

PAMELA L. BUMP
Notary Public, State of New York
Mohave County, #01BU4963858
Commission Expires 3/19/2010