

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for
1132-1146 Seneca Street Under Article 27,
Title 14 of the Environmental Conservation Law
by Flexo Transparent, Inc., and RSB Enterprises, LLC

BROWNFIELDED SITE
CLEANUP AGREEMENT
AMENDMENT
Index #B9-0787-08-06
Site # C915228

WHEREAS, the New York State Department of Environmental Conservation (“the Department”) and Flexo Transparent, Inc. (“Existing Applicant”) entered into a Brownfield Site Cleanup Agreement Index #B9-0787-08-06 (“the Agreement”) which Agreement was signed by the Commissioner of the Department on December 8, 2008, relative to property located at 1132 and 1146 Seneca Street in the City of Buffalo, County of Erie having the respective Erie County Tax Identification Numbers, Parcel 83423, Section 123, Block 29-1, Lot 11 and Parcel 83422, Section 123, Block 29-1, Lot 10 (“the Site”); and

WHEREAS, the Existing Applicant, by a certified application dated November 2, 2009, has applied for a change in party adding its wholly owned company, RSB Enterprises, LLC, (“New Applicant”); and

WHEREAS, upon consideration of the facts 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 Existing Applicant that the New 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 New Applicant agree to be bound by the terms of the 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 #B9-0787-08-06 is hereby amended by adding New Applicant RSB Enterprises, LLC, a domestic limited liability company having offices at 28 Wasson Street, Buffalo, New York, 14240, as a Volunteer. The New 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 the Amendment shall be the date on which it is signed by the Commissioner or the Commissioner's designee.

DATED: _____, New York
MAR 11 2010
_____, 2010

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

By: _____


Dale A. Desnoyers, Director
Division of Environmental Remediation

