

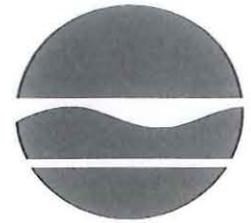
New York State Department of Environmental Conservation

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: www.dec.state.ny.us



Joe Martens
Commissioner

Sent Via Email Only

August 14, 2012

132 Dingens St, LLC
James Panepinto (jpinto@pintoecs.com)
1 Babcock Street
Buffalo, New York 14210

Re: BCA Amendment
BCP Site No.: C915263
BCP Site Name: 132 Dingens St. Site
BCA Index No.: C915263-05-12
Amendment #1

Dear Applicant:

This letter is forwarded to your attention in response to the letter from Sandra A. Nasca of the Knoer Group, PLLC, submitted to amend the Brownfield Cleanup Agreement (“BCA” or “Agreement”) signed on August 2, 2012; and was received by the New York State Department of Environmental Conservation (“DEC”) on August 6, 2012. The application requested that the above referenced BCA be amended to add Robert E. Knoer, Esq. as a contact in Paragraph IV.A.2. as follows:

The Knoer Group, PLLC
Attn: Robert E. Knoer, Esq.
424 Main Street, Suite 1820
Buffalo, New York 14202

In reliance upon, and in furtherance of the amendment application and previous discussions, if any, of this matter between DEC 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. 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 print this Amendment, have it signed, and send the original, with signature(s), back to DEC at:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the BCA Amendment.

Nothing contained herein constitutes a waiver by DEC 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,



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

The following Applicant(s), in signing this letter, do hereby acknowledge and accept the amendment to the BCA as set forth above.

 132 Dingens St, LLC, Date 11/14/12


By: Name (Please Print)

cc: Michael Caruso
Ben Conlon
Jim Charles
David Stever
Martin Doster
Jaspal Walia
Mike Cruden
Laura Zeppetelli
Elissa Armater
Kelly Lewandowski
Robert E. Knoer (rknoer@knoergroup.com)
Dharma Iyer (iegpllc@aol.com)